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PURSUANT TO ARTICLE 25, PARAGRAPH 1  
OF THE FRAMEWORK CONVENTION FOR  
THE PROTECTION OF NATIONAL MINORITIES**

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***GOVERNMENT OF THE REPUBLIC OF CROATIA***

***REPORT***

***OF THE REPUBLIC OF CROATIA ON THE IMPLEMENTATION  
OF THE FRAMEWORK CONVENTION FOR THE PROTECTION  
OF NATIONAL MINORITIES***

***Zagreb, January 1999***

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## PART I

### INTRODUCTION

#### I. COUNTRY AND PEOPLE

This report is based on the data collected during the last census conducted in 1991. We stress, however, that the 1991 census does not provide a full and accurate picture of population trends as it does not reflect critical changes that occurred after the beginning of the aggression on Croatia in 1991, the occupation of one quarter of its territory, genocide, ethnic cleansing of all the non-Serbian population, Croats as well as members of national minorities such as Hungarians, Slovaks, Czechs, Ruthenians, Ukrainians, Romanians, Germans, Austrians and others. Non-Serbian inhabitants were either killed or forcibly driven out from their centuries-old habitat. Next, there were two waves of refugees arriving to Croatia; one from the Federal Republic of Yugoslavia and the other from Bosnia and Herzegovina. The population structure was further affected by another great wave of refugees streaming into the country after the outbreak of war in Bosnia and Herzegovina. Apart from ethnic Croats, these refugees included many Moslems, Romanians, Rutheniens, Ukrainians and members of other national minorities. After the occupied territories of Croatia had been liberated, a number of Serbs left the country, but the last several years have witnessed their gradual return. The other ongoing process is the return of the displaced population into the formerly occupied territories of Croatia, as well as the return of a certain number of refugees to Bosnia and Herzegovina. The completion of this process, however, requires (re)construction of houses, industrial facilities, infrastructure, schools, cultural and religious institutions, as well as reparation of damages, caused by pillage and destruction during the aggression. It is therefore expected that the next census will offer a more accurate picture of the structure of the population in Croatia.

#### A. Demographic and ethnic structure of population

##### 1. Population by gender and population by rural/urban areas

	<b>TOTAL</b>		<b>MEN</b>		<b>WOMEN</b>	
	<i>No.</i>	<i>%</i>	<i>No.</i>	<i>%</i>	<i>No.</i>	<i>%</i>
<b>TOTAL CROATIA</b>	4,784,265	100.00	2,318,623	48.46	2,465,642	51.54
<i>Urban areas</i>	2,597,205	54.29	1,244,466	47.92	1,352,739	52.08
<i>Other settlements</i>	2,187,060	45.71	1,074,157	49.11	1,112,903	50.89

*Source: State Bureau of Statistics - the 1991 census*

##### 2. Vital statistics indices

According to the 1995 vital statistics indices, the birth rate (number of newborn children per 1000 inhabitants) was 11.2.

The mortality rate was 11.3 (number of deaths per 1000 inhabitants)

The natural population growth rate was -0.1.

Out of the total number of 50536 deaths in 1995, 24778 were women, 6 of them died as a result of pregnancy, childbirth or post-childbirth complications.

### 3. Population under 15 and over 65 years of age

	<b>Total</b>		<b>0 - 14</b>		<b>65 and over</b>	
	<i>No.</i>		<i>No.</i>	<i>%</i>	<i>No.</i>	<i>%</i>
<b>TOTAL CROATIA</b>	4,784,265		926,179	19.36	556,040	11.62
<b>Men</b>	2,318,623		474,489	20.46	199,239	8.59
<b>Women</b>	2,465,642		451,690	18.32	356,801	14.47

Source: State Bureau of Statistics - the 1991 census

### 4. Life expectancy

According to the data for the 1988-1990 period, the average life expectancy in the Republic of Croatia was 72 years, or more specifically, 75.87 years for women and 68.25 years for men.

### 5. Infant mortality rate in 1995

<b>Gender</b>	<b>Total</b>
<b>TOTAL CROATIA</b>	449
<b>Men</b>	262
<b>Women</b>	187

Source: State Bureau of Statistics

### 6. Population by gender of the household provider

<b>Number of households</b>	
<b>TOTAL CROATIA</b>	1,544,245
<b>Men</b>	1,137,973
<b>Women</b>	406,272

Source: State Bureau of Statistics - the 1991 census

### 7. Population by religious identity and gender

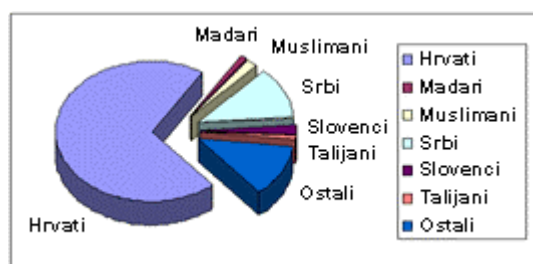
<b>Religion</b>	<b>Total</b>		<b>Men</b>	<b>Women</b>
	<i>No.</i>	<i>%</i>	<i>No.</i>	<i>No.</i>
<b>Roman Catholics</b>	3,666,784	76.64	1,753,016	1,913,768
<b>Eastern-Rite Catholics</b>	12,003	0.25	5,810	6,193
<b>Old-Catholics</b>	937	0.02	464	473
<b>Orthodox Christians</b>	532,141	11.12	261,993	270,148
<b>Islamic</b>	54,814	1.15	30,193	24,621
<b>Jews</b>	633	0.01	241	392

<i>Adventists</i>	3,291	0.07	1,347	1,944
<i>Baptists</i>	1,141	0.02	486	655
<i>Evangelicals</i>	3,469	0.07	1,470	1,999
<i>Jehova's Witnesses</i>	4,551	0.10	1,532	3,019
<i>Christ Pentecostal Church</i>	817	0.02	345	472
<i>Other Protestants</i>	7,374	0.15	3,324	4,050
<i>Other religions and Non-declared</i>	224,981	4.70	115,863	109,118
<i>Atheists</i>	186,161	3.89	99,911	86,250
<i>Unknown</i>	85,168	1.78	42,628	42,540
<b>TOTAL</b>	4,784,265	100.00	2,318,623	2,465,642

Source: State Bureau of Statistics - the 1991 census

## 8. Population by ethnic identity and gender

	<i>Ethnic group</i>	<i>Total No.</i>	<i>%</i>	<i>Men</i>	<i>Women</i>
<b><u>DECLARED</u></b>	<i>Croats</i>	3,736,356	78.10	1,801,380	1,934,976
<b><u>ETHNIC IDENTITY</u></b>	<i>Albanians</i>	12,032	0.25	7,357	4,675
	<i>Austrians</i>	214	0.00	62	152
	<i>Montenegrins</i>	9,724	0.20	5,573	4,151
	<i>Czechs</i>	13,086	0.27	6,186	6,900
	<i>Hungarians</i>	22,355	0.47	10,167	12,188
	<i>Macedonians</i>	6,280	0.13	3,092	3,188
	<i>Moslems</i>	43,469	0.91	23,283	20,186
	<i>Germans</i>	2,635	0.06	913	1,722
	<i>Polish</i>	679	0.01	171	508
	<i>Romanies</i>	6,695	0.14	3,382	3,313
	<i>Roumanians</i>	810	0.02	395	415
	<i>Russians</i>	706	0.01	151	555
	<i>Ruthenians</i>	3,253	0.07	1,592	1,661
	<i>Slovaks</i>	5,606	0.12	2,638	2,968
	<i>Slovenes</i>	22,376	0.47	7,835	14,541
	<i>Serbs</i>	581,663	12.16	292,338	289,325
	<i>Italians</i>	21,303	0.45	10,022	11,281
	<i>Ukrainians</i>	2,494	0.05	1,184	1,310
	<i>Jews</i>	600	0.01	275	325
	<i>Others</i>	4,093	0.09	1,886	2,207
<b><u>NON-DECLARED</u></b>	<i>According to Art.170 of the Constitution*</i>	73,376	1.53	34,056	39,320
	<i>Yugoslavs</i>	106,041	2.22	51,325	54,716
	<i>Regional affiliation</i>	45,493	0.95	22,218	23,275
	<i>Unknown</i>	62,926	1.32	31,142	31,784



1\*Article 170 of the Constitution of the former SFRY and the provisions of the Constitution of the Socialist Republic of Croatia, guaranteed the freedom of expression of nationality, but also allowed citizens to declare Yugoslav nationality.

Source: State Bureau of Statistics - the 1991 census

## 9. Population by mother tongue

Language	Total No	.%	Men	Women
Croatian	3,922,725	81.99	1,894,067	2,028,658
Croatoserbian	466,968	9.89	235,356	231,612
Serbian	207,300	4.33	102,887	104,413
Macedonian	5,462	0.12	2,619	2,843
Slovenian	19,341	0.41	6,035	13,306
Albanian	12,735	0.27	7,693	5,042
Czech	10,378	0.22	4,673	5,705
Hungarian	19,684	0.42	8,608	11,076
Romany	7,657	0.16	3,845	3,812
Ruthenian	2,845	0.06	1,369	1,476
Slovakian	5,265	0.11	2,369	2,896
Italian	26,580	0.56	12,460	14,120
Ukrainian	1,430	0.03	649	781
Other languages	11,480	0.24	4,396	7,084
Unknown	64,415	1.35	31,597	32,818

Source: State Bureau of Statistics - the 1991 census

**NOTE: Croatoserbian language was an artificial creation. In spite of strong pressures put on the people to accept it, the majority stated their mother tongue was Croatian.**

## 10. Territorial distribution of national minorities

According to the 1991 census, persons belonging to national minorities make up 16.9%, or a little over one-sixth of the total population, while Croats account for four-fifths (78.1%) of the total population. When comparing Croatia to the other 5 former Yugoslav republics, only Slovenia has a more ethnically homogeneous population. The point of difference between the two countries is the greater number of different national minorities in Croatia; there are as many as 16 organized national minorities.



A rather more intense mixing of different structures of the population occurred as a result of different movements, primarily due to the advance of Turks across the south-east of Europe, but also due to the movements of population from the Dinaric mountain regions towards the north and north-west of Eastern Europe. In the Austro-Hungarian monarchy, significant new movements of the population took place. For instance, Czechs and Slovaks resettled in Croatia, while Croats moved into traditionally Czech and Slovak lands. The most recent movements occurred in the former Yugoslavia, mostly owing to the better employment opportunities in Croatia and Slovenia.

In certain areas of Croatia, especially in parts of Slavonia, there is a multitude of different national minorities. Small settlements of one national minority often exist in the midst of predominantly Croatian or other national minority population. According to the 1991 (the last) census, for instance, in the wider area of Pakrac there is an Italian settlement (totaling 869 inhabitants), which preserved its ethnic and cultural identity in spite of its more than a century-long existence away from either its ethnic homeland, or the more numerous ethnic Italian community, traditionally living in Istria. In certain other areas, neither Croats nor any other single ethnic group constitute the absolute majority of the local population. For instance, Beli Manastir and the area around it, have a total number of 54,000 inhabitants, with a relative majority of 22,740 Croats, followed by 13,851 Serbs and 8,956 Hungarians. Daruvar and its vicinity have a total of 30,000 inhabitants. Again, the relative majority or 10,459 are Croats, 10,074 are Serbs and 5,572 Czechs. In the town and area of Grubisno Polje lives a total of 14,000 people, out of which a relative majority or 6,015 are Croats, 4,540 are Serbs, 1,953 Czechs and 498 Hungarians. According to the 1991 census, the town and area of Vukovar have a total population of 84,000, out of which a relative majority or 36,910 are Croats, 31,445 Serbs, 2,284 Ruthenians, 793 Ukrainians, 1,383 Slovaks and 1,375 Hungarians. Also in the same area, surrounded by mostly Croatian or Serbian populated settlements, there is a Ruthenian and Ukrainian village of Petrovci. It should be emphasized that, alongside with Croats, members of all non-Serbian national minorities were targeted during the aggression on Croatia.

### 11. Literacy of the population group over the age of 10

	<i>Total No. of inhabitants</i>	<i>Literate</i>	<i>%</i>
<i>REPUBLIC OF CROATIA</i>	4,189,512	4,062,074	96.96
<i>Men</i>	2,013,652	1,990,309	98.84
<i>Women</i>	2,175,860	2,071,765	95.22

*Source: State Bureau of Statistics - the 1991 census*

## B. Socio-economic indicators

### 12. Transformation of economy and privatization

Like the economies of the other, formerly "communist block" countries, the Croatian economy began the process of its transformation to a market economy immediately after the introduction of the multiparty parliamentary democracy. One of the key elements of this process was the transformation of the so-called public or social ownership into private ownership. Although the war and the aggression on Croatia had slowed down the

implementation of this process, the results achieved up until 1996 did not fall behind the results achieved by other countries in transition.

A programme of economic stabilization was implemented simultaneously with the privatization process. As a result of the military aggression, the Croatian economy suffered enormous damages (one third of the industrial and numerous infrastructure facilities were destroyed, tourism revenues dropped sharply, etc.), while at the same time a huge financial burden of care for refugees and displaced persons was imposed on the country (at some moments up to 700.000 refugees and displaced persons). In spite of these facts, the Croatian economy did not suffer a breakdown. Moreover, according to some indicators (inflation rate and foreign exchange reserves, for instance) it ranks among the more successful transitional economies. Below is a summary of basic economic indicators.

### 13. Gross National Product

According to the State Bureau of Statistics, in 1997 the Gross National Product per capita was 26,036 kunas or US \$4,225.

### 14. Foreign debt of the Republic of Croatia (in US \$mil, mean rate of NBH - National Bank of Croatia)

1993.	1994.	1995.	1996.								
XII	XII	XII	I	II	III	IV	V	VI	VII		
2,638.3	3,066.6	3,660.9	3,634.6	3,722.4	3,742.1	3,720.2	3,795.3	3,920.8	4,541.8		

*Source: National Bank of Croatia*

### 15. Inflation rate

The inflation rate calculated at retail prices in 1997 was 3.6%.

### 16. Unemployment rate

In October 1998, the unemployment rate was 18.0%.

## C. Female households, migrant workers and refugees

### 17. Households by gender of the main provider

No. of households	
TOTAL CROATIA	1,544,245
Men	1,137,973
Women	406,272

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*Source: State Bureau of Statistics - the 1991 census*

### 18. Total number of workers by place of employment - migrant workers

	TOTAL	Work in place of Residence	Work outside their place of residence					
			TOTAL	In the same municipality	In other municipality in RH	In the territory of former SFRY	Abroad	Daily migrants
Republic of Croatia	1502379	952998	549381	382561	134298	21087	3266	488118
Men	853133	496638	356495	236119	96502	15360	2751	308009
Women	649246	456360	192886	146442	37796	5727	515	180109

Source: State Bureau of Statistics - the 1991 census

### 19. Refugee population by age and gender groups

<b>REFUGEES</b>					
<b>Age</b>	<b>Men</b>		<b>Women</b>		<b>TOTAL</b>
	<b>No.</b>	<b>%</b>	<b>No.</b>	<b>%</b>	
<b>0 - 9</b>	11,336	50.60	11,068	49.40	22,404
<b>10 - 19</b>	16,552	50.37	16,312	49.63	32,864
<b>20 - 29</b>	8,779	39.22	13,605	60.78	22,384
<b>30 - 39</b>	6,311	32.42	13,155	67.58	19,466
<b>40 - 49</b>	5,970	35.18	11,000	64.82	16,970
<b>50 - 59</b>	7,225	38.44	11,571	61.56	18,796
<b>60 - 69</b>	9,949	44.05	12,637	55.95	22,586
<b>over 70</b>	4,244	31.84	9,084	68.16	13,328
<b>TOTAL</b>	70,366	41.69	98,432	58.31	168,798

Source: Dept. for Analysis of Office for Displaced Persons and Refugees (status of October 29, 1996)

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## II GENERAL POLITICAL STRUCTURE

### A. Brief historical overview and international recognition

**20.** Following the first multiparty elections held on April 22, and May 6, 1990, like other eastern European countries, Croatia began the process of transformation from the communist system to a parliamentary democracy and market economy. Parallel to these processes, and simultaneously with certain other republics of the former SFRY, Croatia initiated a political struggle for equality within the federation. According to the then valid Constitution of SFRY (adopted in 1974) the Croatian republic had all the prerogatives of a state, including the right of self-determination and secession.

**21.** After the introduction of the new, democratically elected government, the Croatian Sabor (Parliament) adopted Croatia's first civil Constitution (as was its prerogative as one of the republics within the SFRY) on December 22, 1990 (Official Gazette 56/90).

**22.** As the presidents of the former Yugoslav republics had failed to negotiate an agreement on future federate or confederate relations, during the talks held in Ohrid on April 19, 1991, it was agreed that a referendum would be called to decide upon whether the SFRY would be preserved as a federation or transformed into a confederation of sovereign states. The referendum held in Croatia in May 1991, revealed that 94% of the people cast their votes in favour of an independent and sovereign Croatia. Consequently, on June 25, 1991, the Sabor of the Republic of Croatia passed a Constitutional Act on Independence and Sovereignty of the Republic of Croatia (Official Gazette 31/91), formally severing its ties with the SFRY (Slovenia also declared its independence and sovereignty on the same day).

**23.** Refusing to accept a legitimate decision by the Croatian people, who opted for independence, and aided by the Federal Yugoslav Army, Serbia commenced a military aggression on Croatia (the avowed aim of protection of the Serbian minority in the Republic of Croatia, as was the case later in Bosnia and Herzegovina, was soon exposed as a pretext for Serbian expansionist ambitions expressed in the "all Serbians in one state" ideology).

**24.** The danger of the potential spreading of the armed conflict and suffering of the civilian population, lead the European Community, or the representatives of its member states, to reach the following decisions during their session held on August 27, 1991 in Brussels, with the aim of preserving peace in this part of Europe: the need to cease all armed conflicts, set up permanent monitoring mission in Croatia and organize a peace conference on former Yugoslavia (the Peace Conference on Former Yugoslavia begun its work on September 3, 1991 in the Hague).

**25.** As the peace talks held under the auspices of the European Community failed, and after a three-month-long period of moratorium, the Constitutional Act on the Independence and Sovereignty of the Republic of Croatia came into effect on October 8, 1991.

**26.** According to the view of the Badinter Commission, the recognition of the independence of the new republics was the sole means of ending all military operations and preventing their escalation in other territories of former Yugoslavia.

**27.** The European Community and its member states granted diplomatic recognition to the independent and sovereign Republic of Croatia on January 15, 1992. This recognition, supported by the Peace Conference on Former Yugoslavia, opened the way for the adoption

of the Vance peace plan for the temporarily occupied territories of Croatia. The process of international recognition ended with Croatia's admission into the United Nations on May 22, 1992. The Republic of Croatia thus became a fully acknowledged subject of international relations and subsequently, as one of the legal successor states of former SFRY, took over its responsibilities in various international treaties, including the International Convention for Abolishment of all Forms of Racial Discrimination (notification on succession took place on October 12 and 22, 1992).

### **B. Type of government and organization of executive, legislative and judicial bodies**

**28.** The Constitution of December 22, 1990 defines the Republic of Croatia as a unitary, indivisible, democratic and social state in which the power is derived from and for the people, and the people exercise their power through the election of representatives and through direct decision-making (the Constitution, Article 1, Paragraphs 1-3).

**29.** The Croatian political system is a democracy with the following fundamental values of constitutional order: freedom, equality, national equality, love of peace, social justice, respect for human rights, inviolability of ownership, conservation of nature and the human environment, the rule of law, and a democratic multiparty system (the Constitution, Article 3).

**30.** As specified by Article 4 of the Constitution, the national government is based on a tripartite division into the legislative, executive and judicial branches.

**31.** To the persons belonging to national minorities, the Constitution of the Republic of Croatia and the Constitutional law on Human Rights and Freedoms and the Rights of Ethnic and National Communities or Minorities in the Republic of Croatia, ensures the rights equal to the rights of the citizens of Croatian ethnicity, as well as all individual and collective human and minority rights. Owing to the change in the structure and the territorial distribution of the population after the liberation of the temporarily occupied territories of Croatia, the Croatian Sabor passed the Constitutional Law on Temporary Suspension of the Constitutional Law on Human Rights and Freedoms and the Rights of Ethnic and National Communities or Minorities ("Official Gazette", no. 68/95), by means of which the exercise of certain provisions of The Constitutional Law on Human Rights and Freedoms and the Rights of Ethnic and National Communities or Minorities ("Official Gazette", no. 34/92), was suspended. It is important to emphasize that the suspension of the said provisions is of a temporary nature, intended to last only until the publication of the first results of the population of the Republic of Croatia census, which will reflect the actual demographic structure of Croatia.

**32.** The temporarily suspended provisions define special possibilities of administrative organization in the areas where the members of one national minority constitute a majority of the population according to the 1991 census results, which subsequently changed.

**33.** Like in other plural democracies, the Croatian political system is organized within the constitutional framework, through activities of various interest groups and political parties.

### **C. Legislative branch**

**34.** Article 70 of the Constitution of the Republic of Croatia defines the Croatian State Sabor (note: the name of the Croatian Parliament) as the people's representative body vested with the legislative power in the Republic of Croatia, consisting of the House of Representatives and the House of Counties.

**35.** The House of Representatives (or Deputies) of the Croatian State Sabor is made up of no less than 100, and no more than 160 representatives, elected on the basis of universal and equal suffrage, directly and by secret ballot, according to the principles of a mixed proportionate majority representation system. In the 1995 elections for the House of Representatives, a total number of 127 representatives were elected; 80 representatives from the state list through the proportionate system, 12 representatives of the Croatian diaspora, also through the proportionate system, 28 representatives from the constituencies and 7 representatives of the national minorities, elected through the majority system of representation.

**36.** By exercising their universal right to vote, the citizens of each county cast a direct and secret ballot to elect 3 representatives for the House of Counties, while the President of the Republic may appoint additional, but no more than 5 representatives, from the ranks of distinguished and deserving citizens (the 1997 House of Counties consisted of 68 representatives. The President appointed 5 representatives, out of which 2 were members of the Serbian national minority.).

**37.** In accordance with Article 97 of the Constitution of the Republic of Croatia, in the event of resignation or permanent disability of the President to perform his duties, the occurrence of which must be confirmed by the Constitutional Court at the proposal of the Government of the Republic of Croatia, the presidential duties and responsibilities temporarily pass to the President of the Croatian Parliament.

**38.** New presidential elections must take place within a period of 60 days, starting from the date the former President ceased to perform his duties.

#### **D. Executive branch**

**39.** In accordance with the Constitution and law, the chief executives are the President and the Government of the Republic of Croatia.

**40. President of the Republic of Croatia** is the head of state elected to a five-year term, based on the general and equal right of citizens to cast a direct and secret ballot.

**41.** In accordance with Article 98 of the Constitution, the President of the Republic of Croatia:

- calls the elections for both Houses of the Croatian State Sabor and convenes their first session;
- calls referenda, in accordance with the provisions of the Constitution;
- appoints and relieves the Prime Minister;
- at the proposal of the Prime Minister, appoints and relieves Deputy-Prime Ministers and other members of the Government;
- grants pardons;
- confers decorations and other awards defined by law;
- is the Commander-in-Chief of the Croatian armed forces (Article 100 of the Constitution).

**42.** The President may be impeached for any violation of the Constitution committed in the performance of his duties, and the proceedings to establish his responsibility are initiated by a two-thirds majority vote of all Deputies in the House of Representatives, subject to confirmation by the Constitutional Court of the Republic of Croatia (the Constitutional Court decides by a two-third majority vote of all the judges and relieves the President of his duty).

**43. The Government of the Republic of Croatia** has a dual political responsibility; to the President of the Republic and to the House of Representatives, according to the principles of the semi-presidential political system. The responsibility of the Government and its members to the President of the Republic, is defined by Article 98 of the Constitution, while Article 113, Paragraph 1 of the Constitution specifies that the House of Representatives may, at the proposal of at least one-tenth of all its Representatives, initiate a vote of confidence to the Prime Minister, individual members of the Government or the Government as a whole.

### **E. Judicial branch**

**44.** In accordance with the principle of the tripartite division of national government, and as provided by the Constitution of the Republic of Croatia, independence and autonomy of the Judiciary, permanency of the judicial office and the immunity of the judges (as well as of the Representatives of both Houses of the Parliament) is guaranteed. Judicial power is vested in the courts which administer justice in conformity with the Constitution and the law of the Republic of Croatia, as well as the international treaties which, in the manner defined by the Constitution, became incorporated into the legal system of the Republic of

#### **Croatia.**

**45.** The Constitution provides for the permanency of judicial office, and a separate body called High Judiciary Council, in accordance with the principle of the tripartite division of government, and modeled after the contemporary democratic European constitutions, appoints and relieves the judges of their duty and initiates the proceedings for their impeachment. When the Law on High Judiciary Council came into effect, the right to appoint and relieve judges and public prosecutors and attorneys was transferred from the Croatian Parliament to the High Judiciary Council.

**46.** The judiciary is made up of:

- Municipal Courts (jurisdiction over one or more towns or municipalities)
- County Courts (jurisdiction over a county)
- Commercial Courts
- Superior Commercial Court of the Republic of Croatia
- The Administrative Court of the Republic of Croatia.
- The Supreme Court of the Republic of Croatia (highest judiciary instance)
- Magistrates Courts
- Superior Magistrates Court

### **F. Constitutional Court**

**47.** According to the Constitution, the Constitutional Court is not a part of the legislative, executive or judicial government, but an autonomous institution whose most important function is to monitor the constitutionality and conformity with law of the legislative, executive and judicial branches of the government. The special status of the Constitutional Court of the Republic of Croatia is further guaranteed by its authority to autonomously initiate, without a prior motion by any other body, the proceedings to determine whether a certain piece of legislation violates the Constitution (which is not the case with the majority of other democratic constitutions). Apart from the power of judiciary review, the Constitutional Court can also repeal legislation, in the event of its non-conformity with the Constitution (the Constitution, Article 126 and the Constitutional Law on the Constitutional Court, Article 15).

**48.** According to Article 125 of the Constitution, the Constitutional Court is vested with the following powers:

- to decide on the conformity of the laws with the Constitution,
- to decide on the conformity of other regulations with the Constitution and law,
- to protect the constitutional human and civil rights and freedoms,
- to resolve jurisdictional disputes between the legislative, executive and judicial branches,
- to decide on the impeachment of the President of the Republic, of the government,
- to supervise the constitutionality of the political party programmes and activities, including the right to ban their work,
- to monitor the constitutionality and conformity with law of elections and national referenda, and resolve electoral disputes which do not fall within the jurisdiction of courts.

\* \* \*



### **III. GENERAL AND LEGAL FRAMEWORK FOR PROTECTION OF HUMAN AND MINORITY RIGHTS**

#### **A. Basic human and civil freedoms and rights**

**49.** The legal system of the Republic of Croatia prohibits all forms of racial, national, religious, linguistic or political discrimination and other discrimination which violates human rights, and guarantees full and specific protection to all national minorities in the Republic of Croatia. Freedom to declare one's national identity, freedom to use one's national language and alphabet, as well as cultural autonomy, are guaranteed to all persons belonging to a national minority.

Full protection against all forms of racial discrimination is provided by the Constitution, the Constitutional Law on Human Rights and Freedoms and the Rights of Ethnic and National Minorities or Communities in the Republic of Croatia, the Criminal Code of the Republic of Croatia, Law on Criminal Proceedings, Law on Local Government and Self-Government, Law on the Election of Representatives to the Croatian Parliament, Law on the Election of Members of the Representative Bodies of Units of Local Self-Government and Administration, Law on the Government of the Republic of Croatia, Law on the State Administration System, Law on Croatian Radio and Television, Law on Public Care for the Children of Preschool Age, Law on Primary Education, Law on Secondary Education, Law on the General Administrative Procedure and other laws.

**50.** A separate section of the Constitution (Articles 14-20) provides for the fundamental human and civil rights and freedoms. Among other, these articles specifically and explicitly provide for:

- equality of all people and citizens before the law and equal rights and freedoms regardless of race, colour of skin, gender, language, religion, political or other beliefs, national or social origin, property, birth, education, social status or other such characteristics (Article 14),
- equality of all persons belonging to national minorities, with full freedom of expression, freedom to express their ethnic origin, freedom to use their national language and alphabet, and cultural autonomy (Article 15),
- the right to appeal against individual legal acts (Article 18),

**51.** The minority rights are more specifically protected by the Constitutional Law on Human Rights and Freedoms and the Rights of Ethnic and National Communities and Minorities. The Law aims to protect the right of minorities to universal development (Article 3) and establishment and furthering of ties with the people of their ethnic homeland (Article 4). Furthermore, it contains a number of provisions which guarantee full respect of the principles of non-discrimination enshrined in various international agreements, protection against any activities which any endanger the existence of any minority or community, the right to protect their identity, culture and religion, public and private use of national language and script, the right to education and equal participation in the conduct of public affairs access to media and the right to declare one's ethnic identity (Article 6). The Constitutional Law also authorizes the units of local self-government to opt for the official use of two or more languages and alphabets, taking into account the size of any national minority or community. Furthermore, in the municipalities where the members of a national minority constitute a majority of the population, the language and the alphabet in the official use, will be the language and the alphabet of the national minority as well as the Croatian language and the Latin alphabet (Articles 7 and 8). Free possession and use of national minority symbols and insignia is protected by Article 9. National minorities have the right to organize media or publishing

industry in their mother language and alphabet, and the Republic of Croatia and the local self-government bodies provide financial aid for such activities (Article 10). National minorities have the right to freely organize cultural and other societies with the aim of protecting and preserving their national and cultural identity (Article 11). The Republic of Croatia protects cultural and historical property and the entire cultural heritage of national minorities (Article 12). The Republic of Croatia also provides education in the language and alphabet of a national minority for all its members (Articles 14 to 17). National minorities are guaranteed a certain number of seats in the Parliament (Article 18) and in the bodies of local self-government (Article 18). In order to implement the provisions of the Constitutional Law related to the national minority rights, the Government of the Republic of Croatia set up the Office for Ethnic and National Communities or Minorities (Article 20).

The Republic of Croatia is finalizing the process of developing its legislative system so as to conform with the Constitution and the principles enshrined in international documents to which Croatia is party. As far as the legislation related to the national minority rights is concerned, there are two important Bills the Parliament is expected to pass; the first Bill concerns the education of the members of national minorities, while the other defines the official use of national minority language and alphabet. In preparation of all legislation related to the national minority rights, the provisions of Framework Convention for the Protection of National Minorities, as well as other international documents ratified by the Republic of Croatia, are always taken into consideration.

### **B. Individual and political freedoms and rights**

**52.** The Constitution provides for the following individual and political rights and freedoms:

- the right to life (Article 21),
- inviolability of freedom and personality, except by decision of a court of law, in conformity with law (Article 22),
- prohibition of maltreatment, forced and compulsory labour, and subjection to medical or scientific experiments without personal consent (Article 23),
- prohibition of arrest and detention without a written court order based on law (Article 24),
- the right of a detained person to be treated in a humane and dignified manner (Article 25),
- the right to have legal aid, of an independent and autonomous nature (Article 27),
- the right of a citizen to be presumed innocent until proved guilty by a final court judgement (Article 28),
- the right of a person suspected or accused of a criminal act to a fair trial in the court of law, in conformity with the principles enshrined in democratic societies (Articles 29-31),
- freedom of movement and a free choice of the place of residence (Article 32),
- the right of foreign nationals to asylum and protection (Article 33),
- the right to a home (Article 34),
- the right to protection of personal and family life (Article 35),
- the right to secrecy of correspondence (Article 36),
- the right to secrecy of personal data (Article 37),
- the right to freedom of expression and information - prohibition of censorship (Article 38),
- prohibition of calling for, or advocating war and inciting ethnic, racial and religious intolerance (Article 39),
- the freedom to declare and manifest religious beliefs (Article 40),
- the equal treatment of religious communities before the law (Article 41),
- the right to freedom of peaceful assembly (Article 42),
- the right to freedom of association (Article 43),
- the right of every citizen to participate in, or conduct public affairs under equal conditions, and to have equal access to public office (Article 44),

- the right to universal and equal franchise for all citizens of eighteen or more years of age (Article 45),
- the right of each citizen to appeal and submit petitions to any and all government or other public bodies and institutions (Article 46),
- the right of conscientious objection to service in the armed forces, for religious or moral reasons (Article 47),

**53.** In accordance with Article 17 of the Constitution of the Republic of Croatia, during the state of war or existence of an immediate threat to the independence and territorial integrity of the Republic, or in the event of a natural disaster, certain constitutional freedoms and rights may be limited by a decision of the Croatian Parliament, based on a two-thirds majority vote of all Representatives or, in the event that the Parliament is prevented from convening, such powers are transferred to the President of the Republic. The extent of such limitations of freedoms and rights must be proportionate to its cause, and may not result in the inequality of citizens in respect to race, colour of skin, gender, language, religion or ethnic and social origin.

**54.** On June 25, 1991, the Croatian Parliament passed the Charter on the Rights of Serbs and Other Nationalities in the Republic of Croatia, which emphasized that "all nationalities in Croatia enjoy legal protection against any and all activities which may endanger their existence, and have the right to respect, self-preservation and cultural autonomy. The Serbs in Croatia, as well as all other nationalities, have the right to proportionate participation in the bodies of national government, the right to economic and social development with the aim of preservation of their identity and protection against any attempt of assimilation, as will be provided for by appropriate legislation, territorial organization and local self-government of the Republic of Croatia, the establishment of parliamentary bodies and committees with a task of solving and furthering the relations among the national and ethnic groups. In order to protect their rights, individual national groups and their members have the right to appeal to the international institutions called upon to protect human rights,"

### **C. Economic, social and cultural rights**

**55.** Apart from the above-mentioned fundamental human and civil freedoms and rights, the Constitution also provides for economic, social and cultural rights.

**56.** The Constitution guarantees the right of ownership and the right of inheritance, and specifies that the property binds the property holder to contribute to public welfare (Article 48). Freedom of enterprise and market are the basis of the economic system of the Republic of Croatia, and the state warrants to all entrepreneurs equal condition on the market (Article 49).

**57.** Among the social rights, the Constitution lists (Articles 54-60) the right to work, freedom of choice of vocations and occupation, equal wages for equal work, paid weekly rest and annual holidays, social security, public welfare in case of disability or unemployment, special protection for invalid or impaired persons, health care, organization in trade unions and industrial action. Articles 61 to 64 of the Constitution provide for the protection of family, maternity, child, youth and physically or mentally disabled children.

**58.** Primary schooling is free and compulsory, secondary education is accessible to all under equal conditions, while higher education depends on the abilities of the persons who seek it. (Article 65).

59. The Constitution guarantees the freedom of scientific, cultural and artistic creation, and protects the ethical and material rights of the author. (Article 68).

60. The citizens have the right to a healthy life healthy environment, and the citizens, as well as all public and business entities and associations, have the obligation to contribute to the protection of public health, nature and human environment. (Article 69).

#### **D. The Convention and domestic law**

61. Article 134 of the Constitution of the Republic of Croatia warrants that: *"International agreements concluded and ratified in accordance with the Constitution and made public, shall be part of the Republic's internal legal order, and shall be above the law in terms of legal effects. Their provisions may be changed or repeated only under conditions and in the manner specified in them or in accordance with the general rules of international law. "*

62. The status of legal regulations adopted by international and supranational institutions is defined by the Judicial Courts Law, which provides for the application of secondary legislation. According to Article 5, Paragraph 3 of the said law, *" courts of law also apply other regulations adopted in conformity with the Constitution, international agreement or the law of the Republic of Croatia".*

63. In accordance with the above, Croatian courts have a legal basis for application of regulations adopted in conformity with international agreements. The Constitution provides for the possibility of direct application of applicable regulations of international law, which has been confirmed by the practice of the Supreme Court.

#### **E. International agreements in the field of human and minority rights to which the Republic of Croatia is a party:**

64. The Republic of Croatia is party to the following international documents:

1. International Covenant on Economic, Social and Political Rights of 1966.
2. International Covenant on Civil and Political Rights of 1966.
3. Optional Protocol to the International Covenant on Civil and Political Rights of 1966.
4. Second Optional Protocol to International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty of 1989.
5. Convention on the Prevention and Punishment of the Crimes of Genocide of 1948.
6. Convention on Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity of 1968.
7. Slavery Convention of 1926
8. Protocol amending the Slavery Convention signed at Geneva on 25 September 1926 of 1953.
9. Supplementary Convention for the Abolition of Slavery, Slave Trade and Institutions and Practices Similar to Slavery of 1956
10. Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others of 1950
11. ILO Convention (No.29) concerning Forced Labour of 1930.
12. Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of 1984.
13. ILO Convention (No. 102) concerning Minimum Standards of Social Protection of 1952.
14. Convention relating to the Status of Refugees of 1950.
15. Protocol relating to the Status of Refugees of 1967.

16. Convention relating to the Status of Stateless Persons of 1954.
17. ILO Convention (no.87) concerning Freedom of Association and Protection of Right to Organization of 1948
18. ILO Convention (no.98) concerning the Application of the Principles of the Right to Organise and to Bargain Collectively of 1949.
19. ILO Convention (No. 122) concerning Employment Policy of 1964
20. ILO Convention (no.135) concerning the Protection and Facilities to be Afforded to Workers Representatives in Undertaking of 1971
21. Convention on the Political Rights of Women of 1952.
22. Convention on the Nationality of Married Woman of 1957.
23. Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriage of 1949.
24. Convention on the Rights of the Child of 1989.
25. Geneva Convention for the Amelioration of the Conditions for the Wounded and Sick Armed Forces on Land of 1949.
26. Geneva Convention for the Amelioration of the Conditions of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea of 1949.
27. Geneva Convention relative to the Treatment of Prisoners of War of 1949.
28. Geneva Convention relative to the Protection of Civilian Persons in Times of War of 1949.
29. Protocol Additional to the Geneva Convention of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts of 1977
30. Protocol Additional to the Geneva Convention of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts of 1977
31. International Convention on the Elimination of All Forms of Racial Discrimination of 1965.
32. International Convention on the Suppression and Punishment of the Crimes of Apartheid of 1973
33. International Convention against Apartheid in Sport of 1985.
34. Convention on the Elimination of All Forms of Discrimination against Women of 1979
35. ILO Convention (no.100) concerning Equal Remuneration for Men and Women Workers for Work of Equal Value of 1951
36. UNESCO Convention against Discrimination in Education.
37. ILO Convention (no.111) concerning discrimination in Respect of Employment and Occupation of 1958.
38. Convention for the Protection of Human Rights and Fundamental Freedoms of 1950
39. Protocol to the Convention for the Protection of Human Rights and Fundamental Freedoms of 1952
40. Protocol No.4 to the Convention for the Protection of Human Rights and Fundamental Freedoms of 1963
41. Protocol No. 6 to the Convention for the Protection of Human Rights and Fundamental Freedoms of 1983
42. Protocol No. 7 to the onvention for the Protection of Human Rights and Fundamental Freedoms of 1984
43. European Charter for Regional or Minority Languages of 1992.
44. Framework Convention for the Protection of National Minorities of 1993.

We emphasize that the Republic of Croatia was among the first to join the Framework Convention for the Protection of National Minorities, and the European Charter for Regional and Minority Languages, which evidences the importance Croatia attributes both to the protection of the national minorities and the international documents.

## F. Legal remedies

65. Any citizen who believes that his rights have been denied or violated, has the right to an efficient legal remedy, defined by law accessible to all persons. Article 18 of the Constitution of the Republic of Croatia: "guarantees the **right to appeal** against individual legal acts made in the first instance-proceedings before courts or other authorized bodies".

66. The Constitution of the Republic of Croatia provides for the constitutional and judicial protection of all citizens in terms of the constitutional freedoms and rights, through the institutes of the proceedings of constitutional review and the constitutional appeal before the Constitutional Court.

67. Every individual, regardless of his national extraction, race, gender or legal interest, has the possibility to call for the **constitutional review** of any individual piece of legislation. (the Constitutional Law on the Constitutional Court, Article 15).

68. The citizens of the Republic of Croatia have **the right to a constitutional appeal** when they consider exhausted all other legal remedies before judicial and administrative bodies (the Constitutional Law on the Constitutional Court, Article 28). The subject of the constitutional appeal may be any act of judicial (sentences and rulings) or administrative office, or the body vested with public powers, which committed a violation of the constitutional human and civil rights, provided that all other legal remedies had been exhausted.

69. The protection of human rights is also warranted by the Ombudsman Law (Official Gazette 60/92). According to the said law:

*"The Ombudsman engages in various activities aimed at the investigation of possible individual violations of the constitutional and legal civil rights, omissions or irregularities in the activities of public administration bodies and other bodies vested with public authority, at his or her own initiative or at the request of a citizen.*

*Every person has a right to appeal to the Ombudsman, whether he or she is directly injured by the violation of the constitutional and civil rights or not, and the Ombudsman shall decide whether the appeal will be taken into consideration and to which extent. "* (Article 12, Subsections 1 and 2).

70. The Ombudsman performs his duties within the framework of the constitutional and legal provisions, as well as the provisions of the international documents aiming at protection of human rights and freedoms, which had been joined and ratified by the Republic of Croatia. (Article 2, Subsection 2 of the Ombudsman Law).

71. Article 13 of the Law on State Administration System stipulates that any damage sustained by a citizen, legal person or other party, through illegal or improper action by the state administration, local government or local self-government bodies, or legal persons vested with the authority to conduct certain public affairs, shall be indemnified by the Republic of Croatia.

#### IV. INFORMATION AND THE PUBLIC

##### **A. The activities of the Government of the Republic of Croatia aimed at the protection and furthering of human rights and national minority rights**

**72.** The Government of the Republic of Croatia has made a special effort to promote the public awareness of the rights enshrined in the various international mechanisms for the protection of human rights. Taking into consideration all the fundamental documents of the Republic of Croatia, the UN, UNESCO, the Council of Europe and the OSCE, the Government of the Republic of Croatia began the process of implementing an integrated system for the protection and promotion of human rights, through the establishment of special national bodies concerned with specific areas of human rights in the Republic of Croatia.

**73. Coordination for Domestic Politics and Human Rights** is a central governmental body for human rights issues, which systematically monitors the condition of human rights and the rights of national minorities in the Republic of Croatia, and coordinates the activities of various offices and bodies concerned with the protection and promotion of human rights. The Coordination also reviews complaints regarding conditions of human rights in Croatia, made by international organizations, and submits proposals for the necessary measures aimed at protection and promotion of human rights to the Movement, competent ministries, the governmental offices and bureaus.

**74.** Up to the present moment, the following national bodies were established with the aim of protecting and promoting human rights in the Republic of Croatia:

- The National Committee for the Education on Human Rights,
- The Government Commission for Equal Relations,
- The National Committee for Development of the Programme of Activities for Children in the Republic of Croatia,
- The Council for Children

**75.** The National Committee for the Education on Human Rights provides aid to all citizens, ranging from preschool and secondary school to high school age, in their individual and social education on the principles of equality and freedom of all people. The educational programmes on human rights aim to further the individual awareness of the protection of human rights as the natural prerogative of every citizen and society as a whole, with the intention of educating younger generations in the idea of dignity of every human life and a need to respect and protect human rights. Part of this programme is the education on the rights of national minorities. Therefore, the education on the principles enshrined in the Framework Convention for the Protection of National Minorities, has a very important role.

The Government Commission for Equal Relations coordinates and brings together all activities in the Republic of Croatia, which are related to the implementation of the document of the Fourth World Convention on Women and Furthering of Women's Position, International Cooperation and Cooperation between Non-Governmental Women's Associations. At the proposal of the Commission, the Government of the Republic of Croatia adopted the National Policy of the Republic of Croatia for the Promotion of Equality.

The National Committee for Development of the Programme of Activities for Children in the Republic of Croatia, in conformity with the provisions of the Plan of Activities for the Implementation of the Declaration for the Survival, Protection and Development of Children in the Nineties during the World Summit dedicated to the question of children, prepared the

National Programme of Activities for Children in the Republic of Croatia, which was then adopted by the Government of the Republic of Croatia.

The National Committee monitors the implementation and efficacy of the National Programme of Activities for Children in the Republic of Croatia.

Finally, the Council for Children was established as a coordinating body of the Government, working within the State Institute for the Protection of Family, Motherhood and Youth. It is made up of representatives of the state administration bodies, the parliamentary Deputies, the representatives of associations, prominent experts in the field of the protection of children, and the representatives of the press and media. The main task of the Council is the monitoring of the implementation of the National Programme of Activities for Children in the Republic of Croatia.

### **B. Non-governmental associations of the national minorities in the Republic of Croatia**

76. At the time of the proclamation of Croatia's independence, the following associations of national minorities were active in the Republic of Croatia:

1. Italian Union, Rijeka
2. The Union of Czechs and Slovaks, Daruvar
3. The Union of Hungarians, Osijek
4. The Union of Ruthenians and Ukrainians, Vukovar
5. Jewish Community, Zagreb
6. Jewish Cultural and Performing Society "Miroslav Salom Freiburger", Zagreb
7. Serbian Cultural Society "Prosvjeta", Zagreb

Today the following non-governmental associations of national minorities are active in the Republic of Croatia:

1. Italian Union, Rijeka
2. The Union of Czechs and Slovaks, Daruvar
3. The Union of Slovaks, Nasice
4. The Union of Hungarians of the Republic of Croatia, Osijek
5. Democratic Community of Hungarians of Croatia, Osijek
6. The Society of Hungarian Scientists and Artists in the Republic of Croatia, Zagreb
7. The Union of Hungarian Associations, Zagreb
8. The Union of Ruthenians and Ukrainians of the Republic of Croatia, Vukovar
9. Serbian Cultural Society "Prosvjeta", Zagreb
10. The Community of Serbs in the Republic of Croatia, Zagreb
11. Serbian Democratic Forum, Zagreb
12. The Union of Serbian Organizations, Zagreb
13. The Initiative for the Serbian National Congress, Zagreb
14. Joint Council of Municipalities, Vukovar
15. The Union of Germans and Austrians of Croatia, Osijek
16. The Community of Germans in Croatia, Zagreb
17. German Ethnic Community, Osijek
18. National Union of Germans in Croatia, Zagreb
19. The Association of Austrians in Croatia, Zagreb
20. Jewish Community, Zagreb
21. Jewish Cultural and Performing Society "Miroslav Salom Freiburger", Zagreb
22. The Union of Slovenian Societies in the Republic of Croatia, Zagreb



23. The Union of Albanian Communities in the Republic of Croatia, Zagreb
24. Cultural Society of Bosnians of Croatia "Preporod", Zagreb
25. Bosnian National Community in Croatia, Zagreb
26. The Union of Romany Associations of Croatia, Virovitica
27. Romany Educational Community, Zagreb
28. The Community of Romanies of Croatia, Zagreb
29. The Union of Romanies of Croatia, Zagreb
30. The Association of Romany Youth, Zagreb
31. The Association "Romsko Srce", Zagreb
32. The Association "Romi za Rome", Zagreb
33. National Community of Montenegrins of Croatia, Zagreb
34. The Union of Association of Macedonians of the Republic of Croatia, Zagreb

### **C. Non-governmental associations for the protection of human rights in the Republic of Croatia**

77. In its efforts to further the protection of human rights, the Government of the Republic of Croatia also cooperates with non-governmental associations active in the field of human rights

78. The following non-governmental associations for the protection of human rights are presently active in the Republic of Croatia:

1. Amnesty International Croatia, Zagreb
2. Croatian League for Peace, Zagreb
3. Civic Committee for Human Rights, Zagreb
4. Magna carta - Centre for the Promotion of Human Rights, Zagreb
5. Croatian Association of Political Prisoners - Victims of Communism, Zagreb
6. Centre for the Direct Protection of Human Rights
7. Centre for Peace, Non-Violence and Human Rights, Osijek
8. Serbian Democratic Forum, Zagreb
9. Youth Peace Group "Danube", Vukovar
10. "Homo" - Association for the Protection of Human Rights and Civil Liberties, Pula
11. Dalmatian Committee for Human Rights, Split
12. Centre for Civil Rights
13. Centre for the Protection of Rights of the Imprisoned and Missing Citizens of Croatia and Members of their Families, Zagreb
14. Committee for Human Rights, Zagreb
15. Association for the Promotion of Women's Rights "Lobi"
16. Civic Committee for Equality and Democracy
17. Association for Help, Cooperation and Tolerance "Pusa", Knin
18. Civic Committee "Povratak kuai", Zagreb
19. Volunteers' Centre "Zagreb", Zagreb
20. Group for Women's and Human Rights "B.a.B.e.: Budi aktivna - budi emancipirna", Zagreb
21. Association "Goli otok", Zagreb
22. Croatian Society for the Protection and Promotion of Human Rights, Zagreb
23. Croatian Helsinki Committee
24. Croatian Movement for Democracy and Social Justice, Zagreb
25. "Heureka" - Association for the Protection of Interests and Rights of the Family and Children, Zagreb
26. Liberal Centre for Democracy, Human Rights and Civil Liberties, Zagreb

27. "TOD" - Association for the Research of the Transition to Democracy, Zagreb
28. Association for Peace and Human Rights "Baranja", Bilje
29. Central Bureau for Refugees, Human Rights and Rights of National Communities or Minorities of SDF, Zagreb
30. Centre for Civil Initiatives, Poree
31. Dalmatian Committee of Solidarity ("DOS")
32. Civic Committee for Human Rights, Zagreb
33. "Suncokret" - Peace Humanitarian Movement, Rijeka
34. Association for the Protection of Human Rights and Civil Liberties "Homo"
35. Alliance for Peace and Human Rights "Baranja", Bilje
36. Centre for Peace, Legal Aid and Psychosocial Support, Vukovar
37. Women's Group "Mali Losinj", Mali Losinj
38. Committee for Human Rights of the Serbian Community of Rijeka, Rijeka
39. Committee for Human Rights, Karlovac

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\* *Source: Register of Associations at the Ministry of Administration of the Republic of Croatia, status of December 15, 1998*

Non-governmental associations concerned with the protection of human rights in the Republic of Croatia, established their own central, operative body, the Coordination of Organizations for the Protection and Promotion of Human Rights in the Republic of Croatia, comprising the following associations:

1. Centre for the Direct Protection of Human Rights, Zagreb
2. Centre for Peace, Non-Violence and Human Rights, Osijek
3. Central Bureau for Refugees, Human Rights and Rights of National Communities or Minorities in SDP, Zagreb
4. Centre for the Promotion of Human Rights - Magna carta, Zagreb
5. Centre for Civil Initiatives, Poree
6. Dalmatian Committee for Human Rights, Split
7. Dalmatian Committee of Solidarity ("DOS")
8. Civic Committee for Human Rights, Zagreb
9. Committee for Human Rights, Zagreb
10. Peace Movement "Suncokret", Rijeka
11. Association for the Protection of Human Rights and Civil Liberties "Homo", Pula
12. Group for Women's and Human Rights "B.a.B.e.", Zagreb
13. Alliance for Peace and Human Rights "Baranja", Bilje
14. Centre for Peace, Legal Aid and Psychosocial Support, Vukovar
15. Women's Group "Mali Losinj", Mali Losinj
16. Committee for Human Rights of the Serbian Community of Rijeka, Rijeka
17. Committee for Human Rights, Karlovac

#### **D. The Ombudsman's Office**

**79.** The Ombudsman's office has a very important role in the promotion of human rights. The Ombudsman's duties comprise not only the protection of specific civil rights (which were discussed in the previous chapters of this report), but also their promotion, which is stipulated by Article 7, Paragraph 5 of the Ombudsman Law: *"The Ombudsman may submit his admonitions, information, proposals and reports to the media, who have the obligation to make them public."* The Ombudsman also submits his annual activity report to the Croatian Parliament (Article 8), thus ensuring the awareness of the Deputies, as well as the awareness of the general public, *on the status of constitutional and legal civil rights.*

### **E. The reports based on the international documents to which the Republic of Croatia is party**

**80.** By virtue of ratifying various international agreements and documents on human rights, the Republic of Croatia undertook the obligation of submitting national reports related to the subject. These reports have the additional aim of informing the public on the condition of human rights in the country.

**81.** At the invitation of the Committee for the Abolition of Racial Discrimination, on March 1993, the Republic of Croatia submitted a Special Report based on the International Convention for the Abolition of all Forms of Racial Discrimination of 1965 (CERD/C/249), and later provided additional information related to the implementation of the provisions of the Convention on March 9 and 10, 1995.(CERD/C249.Add.1). The Republic of Croatia also submitted the Initial, the Second and the Third Report on the implementation of the Convention for the Abolition of All Forms of Racial Discrimination in December 1997, and defended the Report on August 3 and 4, 1998.

**82.** The Initial Report based on the Convention for the Prevention of Torture and Inhuman and Degrading Treatment and Punishment of 1984.(CAT/C/16/Add.6) was submitted on January 29, 1996, and presented on May 6 1996, while the Second Periodical Report, initially submitted in 1997 was defended on November 16, 1998.

**83.** The initial Report based on the Convention for the Rights of the Child of 1989 (CRC/C/8/Add.19) was submitted on December 7, 1994. The Initial Report based on the Convention for the Rights of the Child was defended on January 22, 1996.

**84.** The Special Report in conformity with the Article 18 of the Convention for the Abolition of all Forms of Discrimination of Women of 1979 (CEDAW/CRO/SP 1) was submitted on March 31, 1995. In May 1994 the Republic of Croatia also submitted the Initial Report, based on the same Convention. The Croatian Government Delegation presented the Report in question on January 21 - 23, 1998, before the Committee for the Abolition of All Forms of Discrimination of Women.

**85.** The Initial Report of the Republic of Croatia based on the International Treaty for Civil and Political Rights of 1966, is presently in preparation, and so is the Initial Report based on the International Treaty for Economic, Social and Cultural Rights.

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## PART II

### Article 1

The Protection of national minorities and of the rights and freedoms of persons belonging to those minorities forms an integral part of the international protection of human rights, and as such falls within the scope of international co-operation.

The Republic of Croatia is party to the following agreements concerned with the protection of human rights and the rights of the persons belonging to national minorities: the International Treaty for Economic, Social and Cultural Rights, the International Treaty for Civil and Political Rights, the European Convention for the Protection of Human Rights and Fundamental Liberties and Protocols I, II, III, IV, V, VI, VII, VIII, IX to the said Convention, the European Charter for Regional or Minority Languages and the framework Convention to which this Report is submitted.

The Republic of Croatia accepts, without reserve, all responsibilities pertaining to human rights and the rights of members of national minorities, enshrined, inter alia, in the following international agreements: the General Declaration for Human Rights of 1948, the Final Document of the Conference on Security and Cooperation in Europe of 1975, the Charter of Paris for a New Europe of 1990 and other documents of the CSCE concerned with human rights, especially the Copenhagen Document of the CSCE on human dimension and the Moscow Document of the CSCE on human dimension, the Declaration on Race and Racial Prejudices of 1978, the Declaration for the Abolition of all Forms of Intolerance and Discrimination Based on Religious and other Beliefs of 1981, the declaration for the rights of the Persons Belonging to National or Ethnic, Religious and Linguistic Minorities of 1992, the Instrument of the Central European Initiative for the Protection of the Minority Rights of 1994, and other agreements and documents.

All international agreements ratified by Croatia constitute an integral part of her internal legal order, and their legal effect is above domestic law, or they have binding effect as general standards of customary international law.

### Article 2

**The provisions of this framework Convention shall be applied in good faith, in a spirit of understanding and tolerance and in conformity with the principles of good neighbourliness, friendly relations and co-operation between States.**

The Republic of Croatia endeavours to regulate its relations with the neighbouring states in the spirit of good neighbourliness, co-operation and friendly relations. This is evidenced by a number of bilateral agreements between Croatia and the neighbouring countries, which aim to regulate the status of respective national minorities. The subject of bilateral international agreements is presented in more detail in the paragraph following Article 18 of this Report.

### Article 3

1. Every person belonging to a national minority shall have the right freely to choose to be treated or not to be treated as such and no disadvantage shall result from this choice or from the exercise of the rights which are connected to that choice.

2. Persons belonging to national minorities may exercise the rights and enjoy the freedoms flowing from the principles enshrined in the present framework Convention individually as well as in community with others.

***Paragraph 1 and 2***

**Narrative:**

**From the scope of activities of the Ministry of Administration:**

The concept of national minority is not exactly defined by Croatian law. The Constitution of the Republic of Croatia lists certain national minorities, but it is not a closed number since Chapter 1 - Historical Foundations, Paragraph 3 of the Constitution defines as autochthonous minorities Serbs, Czechs, Slovaks, Italians, Hungarians, Jews, Germans, Austrians, Ruthenians, Ukrainians and others who are citizens of the Republic of Croatia.

Therefore, the Constitution of the Republic of Croatia defines members of national minorities as members of the autochthonous national minorities, and their recital is not *numerus clausus*, and the concept of autochthonousness is not defined.

Paragraph 1 of this Article partially falls within the scope of work of the Ministry of Administration. More specifically, the right of a citizen of the Republic of Croatia to identify or not to identify himself as a member of national minority, is exercised in many different manners.

One of the instances where members of national minorities may exercise their right to choose to be treated or not to be treated as persons belonging to national minorities, is the electoral procedure. Special electoral provisions are presented in more detail in the paragraph following Article 15 of the framework Convention, as well as in other paragraphs of this Report concerned with different national minority rights.

Within the electoral system, certain rights of the persons belonging to national minorities to freely choose to be treated or not to be treated as such, are also defined by the Law on Voters' Registers (Official Gazette, no.19/92). The said law regulates the procedure and due manner in which the voters' registers are maintained, and defines voters' registers as the national and public records of the persons who have the rights to vote. Each municipality has its own voters' register, listing persons of 18 and more years of age who have a place of residence in the territory of the municipality. As an official record, the voters' register contains the following sections, as prescribed by Article 9 of the above-mentioned law:

- ordinal number
- family name and name
- nationality
- personal (citizen) identification number
- gender
- date of birth
- place of residence
- street and street number
- village
- hamlet
- town (and a section for observations).

Nationality is, therefore, defined by the law as one of the data required for registering Croatian citizens with a right to vote. This datum enables the persons belonging to certain national minorities to exercise their electoral right, in a manner prescribed by specific electoral legislation, to elect representatives to the Croatian State Sabor on the basis of national identity.

When the elections are called, within a certain period of time prescribed by law, citizens may state their objections with respect to the voters' register, before the voters' registers are finally closed prior to the elections. Within that period of time, before the voters' registers for the elections are closed, citizens may also state their objections with respect to their national identity declared in the register, depending on whether they wish to exercise their right to vote as members of a national minority. After the voters' registers are closed, voters' register statements, which are used during the elections where the persons belonging to national minorities may exercise their special electoral rights, are printed together with the data on nationality for each of the national minorities in question.

At the same time, a person belonging to a national minority who chooses not to exercise his electoral right on the basis of nationality, may exercise his right to vote like other citizens of the Republic, independently of his national identity.

**Legal:**

***From the Constitution of the Republic of Croatia, Historical Foundations, Paragraph 3:***

"Considering the presented historical facts and universally accepted principles in the modern world, as well as the inalienable and indivisible, non-transferable and non-exhaustible right of the Croatian nation to self-determination and state sovereignty, including its fully maintained right to secession and association, as basic provisions for peace and stability of the international order, the Republic of Croatia is established as the national state of the Croatian nation and the state of members of autochthonous national minorities: Serbs, Czechs, Slovaks, Italians, Hungarians, Jews, Germans, Austrians, Ukrainians and Ruthenians and the others who are its citizens, and who are guaranteed equality with citizens of Croatian nationality and the realization of national rights in accordance with the democratic norms and standards of the United Nations Organization and the countries of the free world."

***From the Constitution of the Republic of Croatia, Article 14, Paragraph 1:***

"Everyone in the Republic of Croatia shall enjoy all rights and freedoms, regardless of race, colour, gender, language, religion, political or other belief, national or social origin, property, birth, education, social status or other characteristics."

***From the Constitution of the Republic of Croatia, Article 15:***

"Members of all nations and minorities shall have equal rights in the Republic of Croatia.

Members of all nations and minorities shall be guaranteed freedom to express their nationality, freedom to use their language and script, and cultural autonomy."

***From the Law on Voters' Registers:***

Article 9, Paragraph 1:

"The voters' register shall have the following sections: ordinal number, family name and name, nationality, personal (citizen) identification number, gender, date of birth, place of residence (street and street number, village, hamlet, town) and observations.

Article 23, Paragraph 1:

"Every citizen has the right to inspect the voters' register and demand its amendment or correction."

**State infrastructure:**

The affairs of the state statistics are performed by the State Bureau of Statistics and the county office, or the office of the City of Zagreb, competent for the statistical work. Statistical research is conducted in accordance with the State Statistics Law and the Programme of Statistical Research of the Republic of Croatia, laid down by the Croatian Parliament. The State Bureau of Statistics and the offices for statistics are responsible for the accuracy of statistical data.

Based on the census of population, special departments of the offices for statistics handle demographic data, during the collection and processing of population data. These offices include the State Bureau of Statistics and the country offices for statistics. The Programme of Statistical Research defines the content, territorial range, method of processing of data, etc. As far as the collection of data on national minorities is concerned, the research allows for the citizens to declare or not to declare themselves members of national minority. If a citizen chooses not to state his nationality, then his data are listed under the "Nationality non-declared" section.

**From the scope of activities of the Ministry of Administration:**

The voters' registers are maintained by the county offices for general administration. County offices for general administration are established in each municipality and may have their regional units within the territory of the county - the branches of the county office.

With respect to the voters' registers, the county offices maintain the prescribed records, collect voters' registrations and make the appropriate amendments, according to citizen's notifications or notifications made by the competent bodies (for instance, in the event of death).

**Factual:**

The framework Convention for the Protection of National Minorities applies to all persons belonging to national minorities.

Below are the data on the number of persons belonging to national minorities and the areas in which they are concentrated in significant numbers:

Italians

In 1991, there were 21,303 registered members of the Italian national minority in the Republic of Croatia. They mainly live in Istria and the Primorsko-Goranska county. The majority were registered in the municipalities of Buje (5,528), Pula (5,375), Rovinj (2,169), Rijeka (3,330) and Pakrac (869).

### Czechs

In 1991, there were 13,086 registered members of the Czech national minority in the Republic of Croatia, mainly in the areas of Daruvar (5,572), Grubisno Polje (1,953), Zagreb (1,175), Pakrac (718), Bjelovar (309), Kutina (607), Rijeka (144), etc.

### Slovaks

In 1991, there were 5,606 registered members of the Slovak national minority in the Republic of Croatia. Slovaks live mainly in Ilok (1,157), Nasice (1,158), Osijek (379) and Zagreb (252).

### Hungarians

In 1991, there were 22,355 registered members of the Hungarian national minority in the Republic of Croatia. The majority live in the area of Beli Manastir (8,956), Osijek (3,056), Vukovar (1,375), Vinkovci (1,644), Zagreb (1,208), Bjelovar (615), Daruvar (571), Rijeka (401), Pula (302), Dakovo (261) and Split (213).

### Ruthenians and Ukrainians

In 1991, there were 3,253 registered members of the Ruthenian, and 2,494 registered members of the Ukrainian national minority in the Republic of Croatia. The majority of Ruthenians live in the area of Vukovar (2,284), Vinkovci (209), Zagreb (141) and Slavonski Brod (34), while Ukrainians live mainly in the area of Vukovar (793) Slavonski Brod (477), Novska (335), Zagreb (309) and Vinkovci (33).

### Serbs

In 1991, there were 581,663 registered members of the Serbian national minority in the Republic of Croatia. The majority of Serbs live in the areas of Zagreb (49,965), Knin (37,888), Osijek (33,146), Vukovar (31,445), Karlovac (21,732), Rijeka (21,669), Sisak (19,209), Benkovac (18,986), Petrinja (15,969), Beli Manastir (13,851), Glina (13,975), Pakrac (12,813), Vrginmost (11,729), Daruvar (10,074), Vojnic (7,366) Vrbovsko (2,594) and Lipik (1,499).

### Germans and Austrians

In 1991, there were 2,635 registered members of the German, and 214 registered members of the Austrian national minority in the Republic of Croatia. The majority of Germans live in the area of Beli Manastir (433), Zagreb (372), Osijek (276), Vukovar (146), Slavonski Brod (63), Rijeka (66) and Pakrac (47), while Austrians mainly live in the City of Zagreb (62) and Rijeka (71).

### Jews

In 1991, there were 600 registered members of the Jewish national minority in the Republic of Croatia. The majority of Jews live in the City of Zagreb (399), Split (48), Osijek (20) and Rijeka (20).



We emphasize that a certain number of Jews did not declare their nationality, although they participate in the activities of Jewish communities.

#### Slovenes

In 1991, there were 22,376 registered members of the Slovenian national minority in the Republic of Croatia. The majority live in Rijeka (3,046), the City of Zagreb (7,186), Split (1,010), Pula (1,256), Cakovec (855), Opatija (863) and Buje (754).

#### Albanians

In 1991, there were 12,032 registered members of the Albanian national minority in the Republic of Croatia. Albanians mainly live in the City of Zagreb (2,884), Rijeka (937), Bjelovar (488), Zadar (457) and Osijek (404).

#### Moslems

In 1991, there were 43,469 registered members of the Moslem national minority in the Republic of Croatia. The majority of Moslems live in the City of Zagreb (13,100), Dubrovnik (2,866), Split (1,228), Zupanja (2,106), Labin (2,013), Pula (2,838), Rijeka (5,659) and Sisak (2,452).

#### Romanies

In 1991, there were 6,695 registered members of the Romany national minority in the Republic of Croatia. They live mainly in the areas of Cakovec (1,920), the City of Zagreb (1,105), Pula (575), Rijeka (445), Varazdin (245), Osijek (221) and Slavonski Brod (208).

We emphasize that many Romanies stated nationality other than Romany.

#### Montenegrins

In 1991, there were 9,724 registered members of the Montenegrin national minority in the Republic of Croatia. The majority of Montenegrins live in the City of Zagreb (2,536), Split (1,050), Dubrovnik (689), Pula (804), Rijeka (884) and Osijek (575).

#### Macedonians

In 1991, there were 9,724 registered members of the Macedonian national minority in the Republic of Croatia. Macedonians mostly live in the City of Zagreb (1,919), Split (487), Pula (385), Rijeka (468), Osijek (314) and Zadar (235).

#### Others

All citizens of the Republic of Croatia who stated non-Croatian nationality during the last, 1991 census of population, and are not members of the above-mentioned national minorities, are not organized into national minorities. They are few in numbers and generally dispersed over the whole territory of the Republic of Croatia, for instance, Bulgarians (458), Poles (679) and Turks (320). There is also an ethnic group of Istrian-Roumanians who have preserved a separate family idiom in several villages in Istria (Susnjevica, Zejane).

**Note:**

1. The data used in preparation of this Report, were collected during the last, 1991 census of population, and quoted from the State Bureau of Statistics' edition "The 1991 census of population".

The results of the census were presented according to the then valid territorial organization (which has subsequently changed).

2. It is expected that the next census will provide a more accurate picture of the structure of population, as significant movements of population took place in the meantime, due to a number of different reasons (occupation of a part of Croatia and its subsequent liberation, war in Bosnia and Herzegovina, establishment of new states in the territory of former Yugoslavia).

**Article 4**

1. The Parties undertake to guarantee that persons belonging to national minorities have the right of equality before the law and equal protection under the law. In this respect, any discrimination based on belonging to a national minority shall be prohibited.

2. The Parties undertake to adopt, when necessary, adequate measures in order to promote, in all areas of economic, social, political and cultural life, full and effective equality between persons belonging to a national minority and to those belonging to majority. In this respect, they shall take due account of the specific conditions of persons belonging to minorities.

3. The measures adopted in accordance with paragraph 2. shall not be considered an act of discrimination.

Paragraph 1.

**Narrative****From the jurisdiction of the Ministry of Administration**

A special protection of minority rights is ensured in the Republic of Croatia in a way that the Constitution of the Republic of Croatia provides for a special procedure for passing legislation regulating minority rights. In addition, the protection of minority rights is within the exclusive jurisdiction of the State, which guarantees that persons belonging to a national minority shall have their rights and cultural autonomy protected.

The Constitution of the Republic of Croatia mandates that a two-third majority of all representatives in the House of Representatives of the Croatian State Parliament is required for the passage of laws regulating minority rights. In addition, the Constitution also provides that such laws shall be passed only after an opinion has been obtained from the House of Counties.

Furthermore, these issues can only be regulated by law, i.e., Rulings concerning minority rights can only be made by entities vested with such authority by the Constitution and there can be no delegating of authority.

### **From the jurisdiction of the Ministry of Justice**

The basic regulation pertaining to the imprisonment system in the Act on the Execution of Sanctions Imposed for Criminal Acts, Economic Fraud and Offences ("Official Gazette" No. 21/74, 39/74, 55/88, 19/90, 66/93, 29/94), and implementations regulations passed by the Government of the Republic of Croatia, the minister of justice, the minister of, the minister of education and sport and house rules of the sanctioning bodies.

The basic regulation does not contain any specific provisions pertaining to national minorities; rather, it follows the general constitutional provisions on the prohibition of discrimination based on national identity, religion, illegal treatment, the protection of basic human and individual rights, the equality of citizens before the law and the right to protection under equal terms. Pursuant to this, the present report has been designed exclusively in relation to Article 4. Paragraph 1. of the Framework Convention and its factual part will present the enforcement of the right to equality before the law and equal legal protection provided to persons belonging to national minorities when they are subject to a due process, pursuant to Article 6. paragraph 2., Article 8. and Article 10 paragraph 1.,2. and 3. of the Framework Convention.

The Croatian State Parliament is about to pass the new Act on the Execution of Imprisonment Sentence, which will reform the Croatian imprisonment system. This is necessary in order to comply with the previously carried out reform of the criminal law, the adopted United Nations conventions, the European prison rules, and the conventions on the protection of human rights and the prevention of torture and inhuman or degrading treatment or punishment.

It is worth pointing out that regardless of the substantive lack of compliance with the existing regulation, it does not in its utterance prevent sanctions from being executed in a way that allows immediate application, to the extent that it is possible, of the standards set forth in the adopted convention and rules on the treatment of persons under arrest, which is exactly the way sanctions are actually executed.

### **Legal**

#### ***From the Constitution of the Republic of Croatia***

Article 14.

"Every man and citizen of the Republic of Croatia shall enjoy all rights and freedoms regardless of race, skin colour, gender, language, religion, political or other opinion, national or social origin, property, birth, education, social status or other properties." All shall be equal before the law."

Article 26.

"All citizens and aliens shall be equal before courts, government bodies and other bodies vested with public powers."

Article 81.

The House of Counties:

- shall propose to the House of Representatives bills and the calling of referenda;

- shall discuss and may give opinion on questions within the competence of the House of Representatives;
- shall give to the House of Representatives prior opinion on the procedure for the enactment of the Constitution and laws which regulate national rights, elaborate constitutionally determined freedoms and rights of man and the citizen and the electoral system, the organization, responsibilities and operation of government bodies, and the organization of local self-government and administration;
- may, within a period of 15 days from the date of the passage of the law in the House of Representatives, return the law, accompanied by a substantiated opinion, to the House of Representatives for re-consideration. In such a case, the House of Representatives shall decide on the passage of such a law by a simple majority vote of all representatives, except when the House of Representatives passes laws by a two-thirds majority;
- shall conduct other affairs as specified by the Constitution.

#### Article 83.

"Laws which regulate national rights shall be passed by the House of Representatives by a two-thirds majority vote of all representatives. Laws which elaborate the constitutionally defined freedoms and rights of man and the citizen, the electoral system, the organization, responsibilities and operation of government bodies and the organization of local self-government and administration shall be passed by the House of Representatives by a majority vote of all representatives."

#### Article 88.

"The House of Representatives may, for a maximum period of one year, authorize the Government of the Republic to regulate by decrees individual issues falling within its competence, except those relating to the elaboration of constitutionally defined freedoms and rights, the electoral system, the organization, responsibilities and operations of government bodies and local self-government."

Decrees based on statutory authority shall not have a retroactive effect. Decrees passed on the basis of statutory authority shall cease to be valid after expiry of a period of one year from the date when the House of Representatives was vested with such authority, unless the House of Representatives decides otherwise.

#### **From the jurisdiction of the Ministry of Labour and Welfare:**

A provision of Article 2. of the Labour Law (NN 38/95, 54/95 i 65/95) states that a person seeking employment and a person who is employed (employee) shall not be discriminated against based on race, skin colour, gender, marital status, family commitments, age, religion, political or other opinion, national or social background, property, birth, social status, membership or lack of membership in a political party, membership or lack of membership in the trade union, and physical or mental disabilities.

It is obvious from the cited provision that a person seeking employment and a person who is employed may not be discriminated against based on national origin in favour of other persons.

Protection against discrimination at work of employed persons belonging to a national minority is ensured within the framework of the general protection of workers' rights ensuing

from employment, i.e. by the right to file with the employer a rights claim and to follow it by a law suit.

***From the Constitutional Law on Human Rights and Freedoms and the Rights of Ethnic and National Communities or Minorities in the Republic of Croatia***

Article 3.

"The Republic of Croatia protects the equality of national and ethnic groups or minorities and thus encourages their universal development."

***From the Constitutional Law on the Constitutional Court of the Republic of Croatia:***

Article 28.

1) Anybody can file a suit with the Constitutional Court if he or she deems that a Ruling passed by a judiciary, administrative or any other body vested with public authority is in breach of one of his or her constitutionally guaranteed freedoms and rights of man and the citizen (constitutional right).

2) If some other legal means are available for dealing with a violation of constitutional rights, a constitutional suit may be filed only after such means have been exhausted.

***From the Law on Courts***

Article 3. Paragraph 1.

"The courts safeguard the legal system of the Republic of Croatia as defined by the Constitution and the laws and ensure a universal application of the law and equality of all before the law."

***From the Penal Law***

Protection in criminal proceedings of the equality of all citizens is also contained and elaborated in the Penal Law of the Republic of Croatia, Article 106. Paragraph 1. and especially Paragraph 2. of the same Article, Article 109., Article 151. and Article 174.

**Breach of equality of the citizens**

Article 106.

"(1) Whoever shall, based on differences in race, skin colour, gender, language, religion, political or other creed, national or social origin, property, birth, education, social status or other properties, or based on belonging to an ethnic or national minority in the Republic of Croatia, withhold or restrict the freedom or the right of man and the citizen as defined by the Constitution, law or other regulation, or whoever may, based on such differences or belonging award privileges or preferential treatment to citizens, shall be given a prison sentence of between six months and five years."

(2) The penalty as per paragraph 1. of this Article shall be imposed on any party that infringes on or restricts the right of a person belonging to a nation, ethnic or national community or minority to freely express his or her national belonging or the right to cultural autonomy.

(3) Any party that shall violate the regulations pertaining to the use of language and script by withholding or restricting the right of a citizen to use his or her language and script, shall be fined or imprisoned for a duration of up to one year.”

### **Violation of the right of association**

Article 109.

"Any party that shall withhold or restrict the rights to freedom of association of the citizens to form political parties, trade unions or other associations in compliance with the law in order to advance their interests or promote social, economic, political, national, cultural and other creeds or goals, shall be fined or imprisoned for a period of between three months and three years."

### **Violation of the standing of the Republic of Croatia**

Article 151.

"Whoever shall subject to ridicule, scorn or disparagement the Republic of Croatia, its flag, coat-of-arms or anthem, the Croatian people or ethnic and national communities or minorities living in the Republic of Croatia, shall be given a prison sentence of between three months and three years."

### **Racial and other discrimination**

Article 174.

"(1) Whoever shall, based on differences in race, gender, skin colour, national or ethnic origin, violate the basic human rights and freedoms recognized by the international community, shall be given a prison sentence of between six months and five years."

"(2) The penalty as per Paragraph 1. of this Article shall be imposed on any party that may persecute organizations or individuals over their commitment to equality of all people."

"(3) Whoever shall publicly advocate or promote the idea of the superiority of one race over another, or shall spread racial hatred or instigate racial discrimination, shall be given a prison sentence of between three months and three years."

The provisions cited under b) are enforced by law courts which pass Rulings in the courtroom, out-of-court and criminal proceedings, and, under some conditions, by the Constitutional Court of the Republic of Croatia.

### **State infrastructure**

The enforcement of these provisions falls within the competence of individual ministries, in keeping with their jurisdiction. For instance, economic provisions fall within the competence of the Ministry of Economics, healthcare provisions fall within the competence of the Health Ministry and the Ministry of Labour and Welfare is responsible for the enforcement of the provisions pertaining to labour and welfare.

**From the jurisdiction of the Ministry of Administration**

The protection of rights guaranteed by the Constitution, including minority rights, is guaranteed by a constitutional suit to be brought before the Constitutional Court.

In addition to this, the Constitutional Court oversees the constitutionality of the legislation, including the procedure leading to the passage of laws. If a specific law should prove to have been passed in a procedure that violates the constitutional provisions, it would be subject to a constitutionality assessment and could be outlawed.

**From the jurisdiction of the Ministry of Justice:**

The provisions quoted in the legal part are enforced by law courts that decide in court, out-of-court and criminal proceedings, and under certain conditions, they are also enforced by the Constitutional Court of the Republic of Croatia.

The enforcement of imprisonment penalty pronounced in criminal proceedings, or delinquency proceedings, correction measures pronounced to juvenile delinquents who committed a criminal act involving detention in a correction centre or precaution and detention measures pronounced in criminal proceedings fall within the jurisdiction of municipal courts, County courts, juvenile courts, magistrates courts and the Ministry of Justice and are carried out at district prisons, penitentiaries and correction institutions (hereafter: penal bodies). The system also includes a special body, i.e., an infirmary for persons for the hospitalisation and treatment of persons detained and serving a sentence.

Penal bodies are subject to immediate general and professional supervision by the Ministry of Justice. Expert medical supervision is provided by the Health Ministry. The Ministry of Education and Sport carries out expert monitoring over the implementation of general education and vocational training. Judicial bodies oversee the lawful and adequate treatment of sentenced and detained persons.

**From the jurisdiction of the Ministry of Justice:**

Activities associated with the enforcement of sanctions are of general interest for the republic of Croatia and therefore financed from the state budget. The funds are planned and allocated in compliance with the rules governing the planning and allocation of funds from the state budget. A smaller portion of the funds is raised through economic activities of the penal bodies and is used to supplement the income necessary to finance day-to-day operations. The economic activities pursued by penal bodies provide the convicted persons with an opportunity to work, which is the convicted persons' legal right rather than their duty.

**From the jurisdiction of the Ministry of Labour and Welfare:**

In the course of 1998, the Ministry of Labour and Welfare received a few petitions from persons belonging to the Serb national minority seeking assistance with employment. Difficulties arising from a high level of unemployment, caused by direct and indirect war damage and transition, equally affect all Croatian citizens regardless of their national origin. The difficulties are more pronounced in the areas which were occupied, administered or protected by the United Nations, which results in the unemployment rate roughly corresponding to the national origin of the population in those areas, and being even higher among the returnees of Croatian nationality. The Republic of Croatia has fulfilled its

commitments, legally recognized the length of service during temporary occupation, recognized all rights ensuing from and based on employment, and ensured that persons belonging to national minorities remained in the state administration, local government or self-government, in the public services and in part of the economic entities owned by the state and units of local government, while those persons who did not qualify according to the regulations of the Republic of Croatia were given an extended deadline to comply with the job requirements.

**From the jurisdiction of the Ministry of the Interior:**

The Ministry of the Interior undertakes disciplinary and penal measures in all cases involving the abuse of authority by its employees, especially in cases involving a threat to or a restriction on human rights and the freedoms or a legitimate suspicion that the case involves discrimination based on national, religious or other belonging of a person or an ethnic group. Suitable measures continue to be undertaken along these lines with a view to preventing illegal conduct or activities which would constitute a violation of the international conventions on civil and political rights whose protection falls within the competence of the Ministry of the Interior.

Having accepted to adjust the enforcement policies and measures pursued by the police in order to meet the values of a democratic society, the Ministry of Interior has already taken a few steps, ranging from the reform of the criminal law to completing the Interior Affairs Act and passing a few other regulations within the competence of the Ministry of the Interior, which fully comply with the European norms and the fundamental principles accepted worldwide as a way to provide synergy between the rule of law and the guaranteed rights of man.

Besides the reform of the criminal law, the legislation on enforcement bodies, which regulates the structure, operations and conduct of the police, also contributes towards the protection of human dignity and inviolability of the rights and freedoms through repressive enforcement measures.

**Factual**

**From the jurisdiction of the Ministry of Justice:**

Persons belonging to a national minority enjoy the same rights and privileges enjoyed by all other convicted persons as defined by the law, the implementation regulations and the house rules of the penal bodies.

They exercise, under the same conditions, their right to deferment in serving the prison sentence, to cessation and relocation, parole, and post-prison assistance and counseling.

The conditions under which they exercise their right to vote in the general elections are equal to those enjoyed by free citizens belonging to national minority, all in keeping with the election law and the special, binding guidelines issued by the Electoral Commission of the Republic of Croatia pertaining to the voting right of detained persons.

They enjoy equal treatment in terms of accommodation, food, clothing, work and reward for performed work, the right to a general education and vocational training, and the use of their language and script. They are allowed access to press and literature in their own language, the use of their own language in official contexts through interpreters. In addition, some members



of the staff employed at the penal bodies speak, in addition to Croatia, the language of a national community in Croatia (Italian, Albanian, Czech, Slovak, German). They send and receive mail in their own language, receive visitors and packages.

They fulfill their religious needs in specially designed and furnished areas within the perimeter of the penal body, and are free to contact representatives of their own religious communities.

They take advantage of the opportunity to establish and maintain contacts with associations of national communities and individuals, through correspondence, visits, telephone conversations, receiving parcels and packages.

They are free to use their national symbols, listen to their national music and watch television programmes broadcast by national communities.

They are subject to an equal right to observe the legal provisions and the implementation laws, household rules governing order and discipline in the penal bodies, and are entitled to file a complaint with management of the penal body, the Ministry of Justice, and to petition the authorities. They are under an equal obligation to comply with the measures envisaged by some codes of conduct aimed at achieving the purpose of the penalty.

They enjoy equal conditions in terms of disciplinary accountability and liability, acquire the right to privileges, and are entitled to medical care and treatment.

Their share in the total number of convicted persons is very small, which is reflected in the following table - an excerpt from the 1997 annual report.

National identity of convicts in the penal bodies in 1997

National identity	Number in the course of the year	Number at the end of the year
Croatians	1993	982
Slovenians	18	8
Serbs	209	123
Muslims	123	48
Albanians	44	35
Romanies	56	42
Yugoslavs	15	11
Others	57	26

Paragraph 2.

### **Narrative**

The Republic of Croatia is constituted as a national state of the Croatian nation and a state of persons belonging to other indigenous national minorities: Serbs, Czechs, Slovaks, Italians, Hungarians, Jews, Germans, Austrians, Ukrainians, Ruthenians and others, who are its citizens, and are guaranteed equality with the citizens of Croatian nationality and the exercise

of national rights in keeping with the democratic norms of the United Nations Organisation and the countries of the free world.

In compliance with the cited provision (Historical Provisions for the Constitution of the Republic of Croatia), the Republic of Croatia had, even before ratifying the Framework Convention, pursued the policy of equality and protection of national minorities and had, in keeping with this policy, built into its legislation a number of provisions on the protection of national minorities.

### **Legal**

Reference is made at this point to the constitutional provisions quoted in the introductory part, especially those addressing fundamental freedoms and rights of man and the citizen.

#### ***From the Constitution of the Republic of Croatia:***

Article 49., paragraphs 1.,2., and 3.

"Entrepreneurial and market freedom shall be the basis of the economic system of the Republic of Croatia.

The state shall ensure that all entrepreneurs enjoy an equal legal status on the market. Monopolies shall be forbidden.

The state shall encourage economic growth and social welfare in all its regions."

#### ***From the Constitutional Act on Human Rights and Freedoms and the Rights of Ethnic and National Communities or Minorities:***

Article 6., paragraph 1.

"Clause d) The Republic of Croatia undertakes to ensure the protection of the right of members of all ethnic and national minorities to participate in public affairs, e.g. the right to political and economic freedoms in the social sphere, access to media and freedom in the field of culture and cultural matters in general."

#### **From the jurisdiction of the Health Ministry:**

The right to medical care is based on the provision contained in Article 58., of the Constitution of the Republic of Croatia ("Every citizen is guaranteed the right to medical care."), which is informed by the principle of universal coverage, which means that all citizens of the Republic of Croatia are covered by the health care system. In view of the desire to maintain a social approach to the healthcare system, as opposed to the systems fully governed by market laws, which prevail in some non-European countries, the adopted principles ensure that everybody has access to healthcare, at least to the extent that removes any immediate threat to health. Likewise, everybody is guaranteed access to services provided by primary and other healthcare institutions.

The fundamental rights to healthcare are regulated by the Healthcare Act and the Act on Medical Insurance (Official Gazette No. 1/97 - amended text). The Croatian healthcare system is informed by the principles of universal coverage, continuity, accessibility, and a

comprehensive approach to primary healthcare services, and a specialist approach to specialist and consulting services and healthcare provided in hospitals.

We specifically point out that there is no gap in the field of healthcare between rights and the exercise of rights to meet the needs of national minorities.

***From the Act on Medical Insurance:***

Article 26.

"In exercising the right to healthcare, every citizen is entitled to:

1. equality in the overall treatment in the exercise of healthcare
2. a free choice of medical and dental doctors in keeping with the provisions of this Act and the insurance rules
3. medical service of a standard quality and equal content as well as the right to collect damages for any harm inflicted upon him or her in the course of receiving inadequate medical service
4. emergency medical service and immediate medical aid, when and where he or she may need it
5. a diet in keep with his or her worldview during his or her stay at the health institution
6. religious worship in a specially designated area within the medical institution, and in the case of death the right to being prepared in the morgue for burial, with the application of religious rites."

**State infrastructure**

The Republic of Croatia has built both an institutional framework and a state infrastructure in a way that provides all citizens, including the members of national minorities, with equality in the exercise of their rights in all segments of life, and the preservation of their national, cultural, religious, linguistic and other characteristics and differences in Croatia as a country of equal citizens.

**From the jurisdiction of the Ministry of Health:**

The Ministry of Health performs administrative and other professional activities pertaining to the healthcare system, medical condition and medical needs of the population, protection of the population against infective diseases, ionizing and non-ionizing radiation, medical standards and norms pertaining to the quality of medicinal drugs, medical suitability of food products and general-use products, production and distribution of narcotics, the utilisation of medical resources, establishment of medical institutions, building and investment, professional training of healthcare workers, health education of the population, the system of health insurance, professional control and supervision of professionalism in healthcare, sanitary supervision, sanitary inspection activities, and other duties assigned to it.

The Croatian Health Insurance pursues mandatory health insurance through the Head Office of the Institute as well as through its regional and branch offices. All insured persons in the Republic of Croatia are ensured rights and responsibilities ensuing from health insurance

based on the principles of mutuality and solidarity in a way and under the conditions defined by the law.

Healthcare services are dispensed through primary medical protection provided by out-patient clinics, pharmacies, emergency wards, and home-care institutions. Secondary-level medical institutions include polyclinics, hospitals and sanatoriums. Tertiary-level activities are pursued within the framework of state health institutes - medical institutions designed to carry out scientific medical research within the scope of the rights and responsibilities of the Republic of Croatia in the area of public health, transfusion medicine, control of immunobiological preparations, control of pharmaceutical drugs, industrial medicine, protection against radiation and toxicology.

At the level of local government and self-government (counties), there are County offices of labour, healthcare and welfare covering the administrative areas of labour relations, labour market and relations with trade unions, healthcare, health and pension insurance, protection of the war casualties and war veterans and welfare. County offices are set up in County centers and deal with state administration activities in the County or in the City of Zagreb.

### **Self-governing authority of municipalities, townships and comities:**

The municipal bodies provide for the local needs of its citizens related to public health. The city authorities fulfill, in addition, all commitments directly related to the interest of an urban community to see its economic, cultural and social development promoted. The County authorities adjust the development of health and other institutions and facilities, and the infrastructure of importance for the area covered by the County.

### **Policy**

The legislative, executive and judicial branches in the Republic of Croatia act towards creating the necessary conditions for equal participation of all citizens, regardless of their nationality, in all the segments of economic, social, political and cultural life and education. A more detailed account of this is given under other Articles.

### **From the jurisdiction of the Office for National Minorities of the Republic of Croatia**

In the course of 1997. members of national minorities elected their representatives to the National Minorities Council, passed the Ruling to Found the Council and launched the activities of the Council. The National Minorities Council has 14 members, one per national minority. This created an environment for a continuous dialogue between the national minorities on the one side and the Government and government bodies on the other.

In order to fulfill its commitments to promoting the rights of national minorities, in 1998 the Government of the Republic of Croatia allocated the necessary funds to finance two special programmes. One was intended to help the Romany population that had been neglected for a number of years due to the marginal status it was awarded by the previous regime. The other was aimed at re-establishing civil trust in the sensitive relations in the war-affected parts of Croatia.

In 1998 the Government of the Republic of Croatia allocated HRK556,728 for the Programme off Inclusion of Romany Children in the Education System of the Republic of Croatia. The funds were used to finance two Ministry of Sport and Education training courses for Romany assistant teachers, and two Ministry of Labour and Welfare courses for Romanies acting as

mediators in welfare services. This was the beginning of a systematic process of providing assistance to the Romany population by including members of the Romany minority themselves in the education and welfare system. In addition, a portion of the funds was used to finance the supply of drinking water to the Romany settlement Loncarevo near Matekovac in the region of Cakovec.

In order to accelerate the process of integration of the Serbian national minority into the social, economic, political and cultural life, the Government of the Republic of Croatia financed the Programme of Accelerated Integrarion in the Exercise of Specific Ethnic Rights of Persons Belonging to the Serbian National Minority Through the Institutions of the System, designed by two non-governmental associations of the Serbian national minority.

The Association of Serbian Oganisations is a non-governmental association of members of the Serbian national minority, committed to promoting co-operation with other associations of the Serbian national minority and implementing programmes aimed at facilitating mutual understanding and trust through dialogue in the Republic of Croatia.

The Joint Municipal Council is another non-governmental association of the Serbian national minority contributing to the same programme, but limiting its activities to two counties: Osjecko-Baranjska and Vukovarsko-Srijemska.

In 1997, the Government of the Republic of Croatia earmarked HRK800,000 from the state budget for the Programme of Promoting Information, Reeconstructing and Building Organisations and Institutions of Serbs in the Republic of Croatia. The funds were allocated as follows: the Union of Serbian Associations received HRK500,000 for a constructive co-operation with the competent state institutions and the programme of building civil trust; the Ministry of Culture received HRK200.000 for the activities of museums and the protection of cultural heritage; the National and University Library received HRK100,000 for setting up a network of regional libraries for members of the Serbian national minority. In 1998 the Government of the Republic of Croatia granted HRK1,600,000 to the Joint Municipal Council based in Vukovar for the Programme of Building Civil Trust in the Croatian Danube River Region, aimed at promoting mutual trust and understanding through institutional dialogue; the Union of Serbian Organisations was awarded HRK500.000 for implementation the same Programme in other parts of Croatia. As part of the cited programmes, the Government designated an additional HKK150.000 to the Ministry of Reconstruction and Development and HRK100,000 to the Office for Refugees and Displaced Persons, with a view to encouraging reconstruction and the return of persons belonging to the Serbian national minority.

In 1998, the Government of the Republic of Croatia allocated HRK1,600,000 from the state budget to benefit the Joint Municipal Council based in Vukovar, for the programme of professional assistance in the process of building civil trust, HRK500,000 to benefit the Union of Serbian Organisations based in Zagreb, and another HRK800,000 for the Programme of Accelerated Integration in the Exercise of Specific Ethnic Rights of Persons Belonging to the Serbian National Minority.

## **Factual**

### **From the jurisdiction of the Ombudsman:**

Based on the data about the small number of complaints filed by citizens alleging ethnic discrimination, the ombudsman concludes that the government bodies have been applying

suitable measures aimed at promoting a full and effective equality between members of national minorities and the majority population. The only complaint that can be directly linked with the person whose rights were violated belonging to a national minority shows the government bodies acting suitably but with a delay, as well as failure on the part of one of the injured parties to protect his rights in a suitable court action.

Case study (P.P. - 448/97 dated 30.04.1997.) The ombudsman was approached by ambassador Henrik Amneus, head of the OESS mission in the Republic of Croatia, on the behalf of D. R. of Rijeka. In his letter to Mr. Amneus, D. R. who holds a Master's degree in pedagogy, states that he and another five teachers employed at an elementary school in Rijeka were fired because they were Serbs and because they opposed the ruling party. D. R. says in his letter that he is currently registered with the employment office, that he is 56 years old and has 32 years of service, and that he is approaching the international organisations because the competent Croatian authorities have failed to take any action.

Measures taken: The minister of sport and education was asked to investigate the case and take appropriate action in case the injured party's rights proved to be accurate. The minister replied, enclosing reports on the investigation into the case conducted by the Skurinje Rijeka Elementary School, the County Department for Education Culture, Information, Sport, Technical Culture and the Rijeka Supervision Office. The latter provided in his reply an overview of the detected illegal activities associated with the case. On the whole, it seems that the burden of responsibility for the committed oversight lies on the school principal, who retired on December 31, 1995. He is also the main target of D.R. accusations. However, it must be emphasised that a comprehensive investigation was not launched before May 13, 1997. Until then, there were a few court cases resulting in some employees being re-hired however, it seems that D.R. failed to sue over the violation of the provision of the Labour Act, which was then in effect. The competent bodies, ranging from the County level to the Ministry, should have been acquainted with the case before the fired employees pressed charges. The school principal's retirement does not justify the failure of the Ministry of Education as the competent body (the minister's approval is required with every appointment) to take appropriate action. It happened so that the Supervision Office of the Ministry of Education and Sport detected the irregularities, but since D. R. failed to press legal charges, he himself was deprived of his rights. In her letter, the minister failed to indicate what action she planned to pursue in the follow-up to the case, which is why in June she received a recommendation which, among other things, reads as follows: "This and similar cases - you will agree with me - inflict substantial damage on the reputation of the Republic of Croatia, and instill in its citizens a legitimate sense of inefficiency of the state institutions responsible for taking equal care of every citizen. I can't but observe that all the competent educational authorities, after this case was publicized, were acquainted with it, and that the inspection and administrative supervision you launched immediately upon my request, could have been conducted at the time the persons were dismissed, i.e., while Mr. \_S. was still the school principal. Observing the fundamental provisions of the Constitution of the Republic of Croatia and the principles of equal dignity and the rights of all, regardless of their origin or national identity, as a widely accepted principle of international law and of the civilized, democratic world, I recommend that you take further measures within your competence, in order to satisfy D.R. and prevent other similar cases from arising."

#### **From the competence of the Health Ministry:**

In August 1998, the Union of Romany Associations filed with the health Ministry an application for ensuring sanitary and epidemiological protection of the Romany population. The application was referred to the Croatian Institute for Public Health. Since, from the

medical point of view, the vaccination rate of the population in general, and children in particular, is one of the key problems, an investigation was immediately launched into the hygienic and epidemiological conditions under which Romanians live and the vaccination rate of the Romany population.

All the public health institutes in the counties listed in the application filed by the Union of Romany Associations were sent a memo indicating the name of the contact person for every Romany settlement.

According to the received reports, the situation is as follows:

In Istarska County, the talks were held, the list of children was obtained, and the fact-finding efforts continue.

In Bjelovarsko-Bilogorska County there is no need for any special hygienic and epidemiological protection of the Romany population, which is socially well adjusted with the rest of the population.

In Sisacko-Moslavacka County, there is an obvious problem of a lack of drinking water in some parts of the Romany neighbourhoods and failure to dispose of human feces in a sanitary way. Improvement in the vaccination rate of Romany children was achieved through co-operation with the centres for social work.

In Primorsko-Goranska County, no special problems were found in Romany Communities.

According to the report by Koprivnicko-Krievacka County, the sanitary and epidemiological conditions in Romany neighbourhoods were found to be inadequate and a number of measures need to be taken in co-operation with the County and municipal authorities in order to improve the situation.

The report by the Public Health Institute based in Zagreb shows the sanitary living conditions of the Romany population to be unsatisfactory, and a number of measures need to be taken in order to improve them.

In conclusion, in some parts of the Drava river region, sanitary and epidemiological conditions in Romany neighbourhoods and the vaccination rate of Romany children were found to be inadequate. Consequently, activities are under way aimed at improving the situation.

**From the jurisdiction of the Institute for the Protection of Family, Motherhood and Youth:**

The Republic of Croatia State Institute for the Protection of Family, Motherhood and Youth is currently conducting research, in co-operation with UNICEF, into the position and rights of Romany children in Croatia.

The State Institute for Financial and Expert Assistance of UNICEF is carrying out a comparative study. The project is entitled: "The Rights of Romany Children in Croatia."

The project aimed at determining and assessing to what extent Romany children and young people, and their families, take advantage of their rights and liberties guaranteed by the Constitution and the laws of the Republic of Croatia.

In order to design and propose suitable intervention programmes, it is necessary to find out how Romany communities live and function, to what extent Romanies are aware of their legal rights, and what causes them to fail to take sufficient advantage of their rights, especially in terms of social security measures.

It is particularly important to identify the conditions in the field of healthcare (including nutrition), the rights related to social security, as well as the right to education and the use of the Romany language.

The research is conducted in the field and involves carrying out surveys at four sites, i.e. in four Romany communities in Croatia: Zagreb (Pescenica), Rijeka, Cakovec and Durdevac.

Special emphasis is given to the educational, nutritional, medical and legal status of household members, in particular children, in 25 Romany households on each site (100 Romany families overall).

Surveying, gathering and entering of the data is based on a structured questionnaire and is run by the local centres for social work. The regional health protection institutes will pool the data on medical protection of pregnant women, Romany children and adolescents. The State Institute has received data which indicate a high birth-rate in the Romany population relative to their overall numbers. The high prenatal death-rate could be reduced by improving protection during pregnancy and delivery (pediatric histories show that about 95% of all pregnant women did not pay a single visit to a doctor during pregnancy). About 25% of Romany children are born at home, without any professional assistance. The high death rate among infants in Medimurska County is the result of the high infant death rate in the Romany population, which in turn is the result of babies dying at home with parents failing to seek medical assistance. As far as the admission of Romany children to the children's ward of the Cakovec hospital, in 1996 Romany children accounted for 25% of the total number of children admitted to the hospital (374 Romany children out of a total of 1,364 children). The most common causes of admission in the first year of life include respiratory diseases and diarrhea. Anemia, hypotrophia, hypovitaminosis, reflected on the skin and hair, are present in almost all the children. Parasitosis occurs already in the first year of life, with common occurrences of *Ascaris lumb*, *Trichiuris trichuria*, etc. Most children are ridden with lice, sometimes already in the first year of life. Chronic digestion disorders, even children who have been diagnosed with celiakia, fail to show up for regular check-ups. These data are based on the data reported by the maternity ward, the Center for Social Work, the County authorities and the children's ward of the hospital.

As regards the project "The Position and the Rights of Romany Children in Croatia", 80 Romany households have been interviewed so far, 25 in each of the following municipalities: Cakovec (Romany neighbourhoods in Krusanac, Trnovac and Sitnice); Zagreb-Pescenica (Romany households in Kozarevi Putovi, Petrusovac I and Plinarsko Naselje); Rijeka (Romany households in MO Belvedere, Brajda and Pehlin), and five households in the municipality of Durdevac (in Pitomaca)

The interviews conducted with representatives and spoke persons of Romany associations as well as social workers clearly reflect the shared problems that need to be addressed - providing Romany neighbourhoods with infrastructure, drinking water and sanitary facilities, building pre-school institutions such as day care centres and kindergartens for Romany children.



Representatives of the State Institute for the Protection of Family, Motherhood and Adolescents met in Cakovec on July 8, 1998 with a delegation of the Medimurska County government and discussed the problems faced by the Romany population in Medimurje, and the impact on that population of the implementation of a number of the government's welfare measures. This is a highly heterogenous group, whose members declare themselves Romany, Romanian, and Bajas Romany and emphasize their different origins and languages.

However, their way of life is completely identical. Very few are employed, and those who do do temporary jobs. They tend to commit minor or major offences and crimes, which makes it very difficult for them to adjust to the way of life of the broader community. Today, most of them declare themselves Croatians, which makes it difficult to determine their exact number.

A large number of Romanies do not attend elementary schools, and Romany high school students are rare. This population has reported a high birth rate, especially since the introduction of a maternity bonus for unemployed mothers for every third child and for twins. Romanies account for almost a half of the total number of maternity bonus recipients in the County. Their annual birth rate represents 20% of the total number of births in Medimurska County.

The county government bears the cost of medical insurance for almost the entire Romany population (except for the small number of employed persons and their family members), which adds up to HRK1.5m a year.

The reason for concern is that the bulk of these funds is paid in cash and used for purposes it was not intended for, which only aggravates the social problems and the crime rate in this population. One of the major problems involves an increase in alcohol abuse. Maternity allowances are not at all used to meet the needs of the children. A few criminal charges have been pressed involving trade in those allowances and their abuse.

Note: A detailed account of the exercise of cultural rights provided in Article 5. paragraph 1 From the jurisdiction of the Office for National Minorities of the Government of the Republic of Croatia

In 1998, the Government of the Republic of Croatia started financing a special assistance programme for Romanies, which will continue in the coming years. Within the framework of the programme, the Health Ministry plans to launch some activities aimed at increasing the vaccination rate and improving sanitary living conditions for the Romany population. Until now, vaccination could only include school children, while there were some difficulties in reaching the children not attending school. The Health Ministry has identified some hot spots in terms of sanitary problems in the greater Zagreb area and in Koprivnicko-Kri\_evacka and Sisacko-Moslavaca counties, that efforts are currently being made by the responsible services of the Croatian Institute for Public Health to increase the vaccination rate.

Paragraph 3.

**Narrative**

(see paragraph 1. and 2.)

**Legal**

(see paragraph 1. and 2.)

## Article 5

The Parties undertake to promote the condition necessary for persons belonging to national minorities to maintain and develop their culture, and to preserve the essential elements of their identity, namely their religion, language, traditions and cultural heritage.

Without prejudice to measures taken to pursuance of their general integration policy, the Parties shall refrain from policies or practices aimed at assimilation of persons belonging to national minorities against their will and shall protect these persons from any action at such assimilation.

Paragraph 1.

### Narrative

#### **From the jurisdiction of the Ministry of Administration:**

The Constitution of the Republic of Croatia and the Constitutional Act on Human Rights and Freedoms and the Rights of Ethnic and National Minorities in the Republic of Croatia safeguard, in addition to other human and civil rights, special rights of persons belonging to national minorities. These rights are traditionally exercised by members of national minorities in the territory of the Republic of Croatia; however, some forms of the exercise of minority rights were institutionalized only with the passage of the Constitution of the Republic of Croatia. This primarily relates to the mechanisms for ensuring an adequate representation of minorities in the representation bodies of the units of local self-government of the Croatian State Parliament; before these mechanisms were in place, minority representation in the representation bodies was ensured through informal channels, i.e., political references.

Furthermore, members of national minorities are guaranteed the right to cultural autonomy which implies the preservation of their characteristic values in the field of culture and the media, as well as the right to education in their own language, free use of their language in private and public life, and the official use of minority languages under some circumstances.

The Republic of Croatia has also been attempting to define the status of national minorities through bilateral agreements. Such agreements have so far been concluded with Italy and Hungary and have been ratified. Negotiations are under way with other countries whose national minorities have traditionally lived in the Republic of Croatia.

As regards religious communities, all are separate from the state and act independently. Neither the Constitution of the Republic of Croatia nor the Constitutional Act on Human Rights and Freedoms and the Rights of Ethnic and National Communities or Minorities in the Republic of Croatia associate any one religious denomination with any one ethnic group.

#### **From the jurisdiction of the Ministry of Culture:**

The Ministry of Culture is responsible for designing and enforcing a cultural policy in the Republic of Croatia, involving both the legislative and the legal and professional aspects.

Laws regulating cultural affairs put members of national minorities on a par with all other citizens of the Republic of Croatia, and thus do not include any provisions specifically pertaining to national minorities.

**From the jurisdiction of the Office for National Minorities of the Government of the Republic of Croatia:**

In compliance with the Constitution of the Republic of Croatia, the Constitutional Act on Human Rights and Freedoms and the Rights of Ethnic and National Communities or Minorities in the Republic of Croatia and the country's entire legislation, the Republic of Croatia creates the conditions for members of national minorities to exercise their rights and ensures the protection and the development of their cultural, religious, linguistic and ethnic identity.

All religious communities are equal and separated from the state. Religious communities are free and are not enumerated in the legislation.

**Legal**

***From the Constitution of the Republic of Croatia:***

Article 12.

"The Croatian language and the Latin script shall be in official use in the Republic of Croatia.

In specific local units, another language and the Cyrillic or some other script may, along with the Croatian language and the Latin script, be introduced into official use, under conditions specified by the law."

Article 14.

"Every person and citizen in the Republic of Croatia shall enjoy all rights and freedoms, regardless of his or her race, colour, gender, language, religion, political or other creed, national or social origin, property, birth, education, social status or other properties.

All shall be equal before the law."

Article 15.

"Members of all national minorities in the Republic of Croatia shall enjoy equal rights.

Members of national minorities are guaranteed freedom of expression of their national identity, freedom to use their own language and script, and cultural autonomy."

Article 26.

"All citizens and aliens shall be equal before the courts, government bodies and other bodies vested with public authority."

Article 39.

"Any call for or incitement to war or the use of violence, to racial or religious hatred, or any other form of intolerance shall be prohibited and punishable."

Article 40.

"Freedom of conscience and religion and a free public expression of religious or other creed shall be guaranteed."

Article 41.

"All religious communities shall be equal before the law and separated from the state.

Religious communities shall be free, in conformity with the law, to publicly perform religious services, set up schools, teaching establishments and other institutions, social and charitable institutions and to manage them, and shall in their activities enjoy the protection and assistance of the state."

***From the Constitutional Law on Human Rights and Freedoms and the Rights of Ethnic and National Minorities in the Republic of Croatia:***

Article 3.

"The Republic of Croatia protects the equality of national and ethnic groups or minorities and encourages their universal development."

Article 4.

"The Republic of Croatia shall assist the development of relations between national and ethnic communities or minorities with the nationality of their parent country in order to promote their national, cultural and language development.

Ethnic and national communities or minorities have the right to self organization and association in order to realize their national or other rights in compliance with the Constitution of the Republic of Croatia and the present Law."

Article 5.

"Ethnic and national communities or minorities in the Republic of Croatia are entitled to cultural autonomy (Article 15. of the Constitution of the Republic of Croatia)."

Article 6.

"The Republic of Croatia undertakes to ensure for members of all ethnic and national communities and minorities:

- a) full observance of the principles of non-discrimination as defined by international instruments in Article 1 of this Law;
- b) the right to protection from any activity that may or could threaten their survival;
- c) the right to identity, culture, religion, public and private use of their language and script, and to education;

d) the protection of equality in participating in the public life, such as the right to political and economic freedoms in the social sphere, access to media, and in the field of education and cultural matters in general;

e) the right to decide to which ethnic and national community or minority a citizen wishes to belong, and to exercise all the rights associated with this choice, either individually or in association with other persons. This right particularly refers to cases of marriage between members of different ethnic or national communities or minorities, without any damage to the persons involved."

Article 7.

"Members of all ethnic and national communities or minorities in the Republic of Croatia are entitled to the free use of their language and script, both publicly and privately.

In those municipalities in which members of a national or ethnic community or minority represent the majority of the local population, the language and script of that ethnic and national community or minority shall be officially used parallel to the Croatian language and the Latin script."

Article 8.

"Local self-government units may provide for the official use of two or more languages and scripts, taking into account the number of members and the interests of ethnic and national communities or minorities."

Article 9.

"Possession and use of national or ethnic emblems and symbols of national or ethnic communities or minorities shall be free.

Parallel to the official use of emblems and symbols of a particular national and ethnic community or minority, the use of appropriate emblems and symbols of the Republic of Croatia is mandatory.

Prior to the playing of the anthem or a solemn song of a particular national and ethnic community or minority, the national anthem of the Republic of Croatia shall inevitably be played.

The statute of the local self-government units may regulate the way in which the national flag and symbols of national and ethnic communities or minorities are to be used."

Article 20.

"In order to apply the provisions of the present Law on the Rights of Ethnic and National Communities or Minorities into the culture, education, access to public media and the implementation of their proportional representation in public services and other institutions in these areas, the Government of Croatia has an Office for Inter-Ethnic relations.

For the territory of one or more municipalities in which the number of members of national or ethnic communities or minorities and their interests require so, the Government of the Republic of Croatia will establish a regional Office for Inter-Ethnic Relations."

**From the jurisdiction of the Ministry of Culture:**

1997 and 1998 saw the passage of a few laws in the field of culture, including the Act on Libraries, the Act on Archives, the Act on Changes and Amendments to the Act on Theatres, and the Act on Museums.

These laws regulate the issues pertaining to the setting up and the structure of cultural institutions, both public and private, and the way they should operate. Under the provisions of these laws, members of national minorities may establish cultural institutions of interest to them in order to realize their cultural autonomy and express their national and cultural identity.

**From the jurisdiction of the Ministry of Labour and Welfare:**

Article 3 of the Act on Public Holidays, Memorial Days and Non-working Days in the Republic of Croatia (Official Gazette, 33/96) provides that citizens of Croatia who celebrate Christmas on January 7, citizens of the Islamic religion on the days of Ramadan Bajram and Kurban Bajram, and citizens of the Jewish religion on the days of Rosh Hashanah and Yom Kippur are entitled to the day off from work. Article 5 of the same Act provides that the employees are entitled to pay for those days.

The cited legal provisions enable members of different national minorities with different religious affiliations to the day off from work not only on public holidays in the Republic of Croatia but also on the days of special religious holidays which they celebrate in keeping with their tradition and cultural heritage.

**State infrastructure****From the jurisdiction of the Ministry of Administration:**

The rights of national minorities guaranteed by the Constitution of the Republic of Croatia and the Constitutional Law on the Rights and Freedoms of Ethnic and National Communities or Minorities in Croatia can, under all conditions, be protected by filing a constitutional suit before the Constitutional Court of the Republic of Croatia.

The Republic of Croatia does not support a state religion, since all religious communities are separate from the state. Relations with individual religious communities are regulated at the state level by agreements which regulate certain matters by consent.

As regards the official language, it is pointed out that only one official language is used in the territory of the state. However, Article 12 of the Constitution of the Republic of Croatia and Articles 7 and 8 of the Constitutional Law on Human Rights and Freedoms and the Rights of Ethnic and National Communities or Minorities in the Republic of Croatia opens the possibility for a minority language or script to be introduced as the official language in a given local self-government unit. Article 7 of the Constitutional Law on Human Rights and Freedoms and the Rights of Ethnic and National Communities or Minorities provides that when members of a minority represent the majority in a given local self-government unit, the minority language and script will be the official language and script in that local self-government unit, alongside and in addition to the Croatian language and the Latin script. When members of a minority do not represent the majority of the population in the territory of a local self-government unit, the unit will decide by its statute whether or not the minority language will also be introduced in official use.

**From the jurisdiction of the Office for National Minorities of the Government of the Republic of Croatia**

For a detailed account see Article 8. - Policy.

**Policy**

Persons belonging to national minorities are ensured the preservation and development of their national, ethnic, cultural, linguistic, religious and other identities either individually or collectively with other citizens, through the authorised institutions of the system, and the co-financing of cultural programmes of various non-governmental agencies and institutions, in order to ensure protection against assimilation.

**From the jurisdiction of the Ministry of Culture:**

In the course of this year, the Ministry of Culture drafted the Bill on the Protection and Preservation of Cultural Heritage, which should replace the existing Law on the Protection of Cultural Monuments (Official Gazette - 7/67, 13/67, 47/86, 47/89, 19/91. and 49/92.). The passage of this law will create more favourable conditions for the better protection and preservation of the cultural values in their entirety, which also includes the cultural heritage of the national minorities in the Republic of Croatia. The Bill envisages the protection of both material and non-material cultural resources – folk music and popular creative art in the field of dance, narratives, games, rituals, customs and other traditional folk values, traditional arts and crafts, language, dialects and vernaculars and orally-transmitted literature of all types. The legal obligation to include these types of cultural assets into the protection and preservation policy and measures is of critical importance to the national minorities.

The Law on Film is expected to be passed soon, which will also open up opportunities for creative work for all national minorities and other citizens of the republic of Croatia.

**From the jurisdiction of the Office for National Minorities of the Government of the Republic of Croatia:**

Funds are earmarked from the state budget every year for the implementation of ethnic programmes organized and co-ordinated by the Ministry of Education and Sport, the National and University Library, the Ministry of Science and Technology, the Ministry of Culture, and non-governmental agencies and institutions of national minorities. Associations of national minorities organize a variety of cultural activities aimed at preserving and developing the minorities' ethnic, linguistic, religious and cultural identity.

**Factual**

**From the jurisdiction of the Office for National Minorities:**

National minorities perform a variety of cultural activities. The bulk of the cultural activities are organized by cultural societies or - in national minorities which do not have such societies – the minority's non-governmental agencies at the state level. Their activities are co-financed by the state budget.

Members of the national minority of Italians have as their umbrella association the Italian Union, which brings together 40 communities of Italians and have three cultural societies:

"Fratellanza" based in Rijeka, "Marko Garbin" based in Rovinj, and "Lino Marianni" based in Pula. Following is an overview of their 1997 activities.

The cultural and performing society "Fratellanza" based in Rijeka staged a number of concerts performed by the "Fedeli Fiumani" Choir, in Italy (Cadore, Pordenone, Redipuglia), concerts by the baroque music ensemble "Collegium musicum Fluminense", a performance by a string instruments ensemble and a mandolin band, and a number of festival evenings performed by its Minicantanti section. The society also staged exhibitions of paintings, ceramics, and batik technique, as well as "Romolo Venucci" exhibitions. The choir, the ensembles and the sections also contributed towards the ceremony marking the 50<sup>th</sup> anniversary of the Union of Italians of Pula.

The cultural and performing society "Marko Garbin" based in Rovinj staged performances by the women's folklore group "Arie da contrada" and marked its own 50<sup>th</sup> anniversary by inviting a brass band to play in Vizinada (Italy).

The cultural and performing society "Lino Marianni" based in Pula staged a few commemorative concerts performed by men's, women's and mixed choirs, as well as concerts by a mandolin band and the chamber orchestra. Choirs of the cultural societies participated in the Accademia di Venezia concert staged in Pula, as well as the New Year's concert.

The Italian Drama is a professional theatrical institution made up of the members of the Italian national community, which operates within National Theatre "Ivan Zajc" in Rijeka, and consists of three ensembles: opera, ballet and drama. The Italian Drama staged three premiers: "Shakespeare i Elisabetta" by Miro Gavran; "Il berretto a sonagli" by Luigi Pirandello and "Delikatessen" by Carpinteri-Faraguna, as well as a number of repeat performances throughout Istria, Dalmatia, Slovensko Primorje and Italy.

The Italian Union is an umbrella association bringing together members of the Italian national community, which includes 40 communities of Italians, specifically those in: Opatija, Labin, Buje, Cres, Novigrad, Krasica, Vodnjan, Fažana, Rijeka, Galižana, Livade, Grožnjan, Lovran, Mali Lošinj, Momjan, Baderna, Motovun, Vrsar, Porec, Buzet, Pazin, Badljevina, Pula, Rovinj, Savudrija, Babica, Umag, Labinci, Šišan, Šterna, Zrnj, Split, Tar, Bale, Brtonigla, Nova Vas, Višnjan, Vižinada, Zadar and Kutina. The Italian Union organized: the traditional children's festival entitled "Voci Nostre" held in Porec, the traditional painting and writing show entitled "Istria nobilissima" held in Portorož, the 4<sup>th</sup> traditional cultural event called "Ex tempore" and staged in Grožnjan; the participation of the folklore group of the union and the cultural and performing society "Fratellanza" and the brass band Lino Mariani in Brtonigla, as well as concerts by the "Fedeli Fiumani" choir held in Rome, Venice and Vicenza, the Week of Italian Culture held in Piran, the Folklore Festival held in Babica, the Brass Band Festival held in Vodnjan, a guest performance by the symphony orchestra "G. Verdi" based in Trieste, and the exhibition and the printing of a catalogue of works by the visual artist Egidio Budicin.

The Community of Italians in Pula marked its 50<sup>th</sup> anniversary with a commemorative programme, and the folklore group of the Community of Italians in Vodnjan participated in the event entitled "Cultural Creation by National Minorities in the Republic of Croatia" held in Zagreb.

The Italian Union of Rijeka was granted funds from the 1998 state budget to finance the programme of cultural amateurism and cultural events. Details of this are given in the enclosure.



Members of the Czech national minority are gathered around the umbrella association of the Union of Czechs (Savez Ceha), which brings together 22 "Ceška Beseda" cultural societies based in: Daruvar, Ceska Obec Bjelovar, Daruvarski Brestovac, Dežanovac, Doljani, Hercegovac, Gornji Daruvar, Ivanovo Selo, Jazvenik, Kaptol, Koncanica, Ljudevit-selo, Veliki and Mali Zdenci, Meduric, Prekopakra, Zagreb, Golubinjak, Karlovac-Šibovac, Donji Sredani, Rijeka, Lipovac, and Slavonski Brod. Following is an overview of their 1997 activities.

"Ceške Besede" organized the performances by folklore groups to mark the landmark dates in the Czech history, culture and customs. Ceške Besede, Daruvar, staged an event to mark its 90<sup>th</sup> anniversary, and Ceške Besede Koncanica commemorated its 65<sup>th</sup> anniversary. Daruvar marked the 100<sup>th</sup> anniversary of on-going theatrical activities. The drama group of "Ceške Besede" Daruvar participated in the Festival in the Czech Republic and the 37<sup>th</sup> Festival of Amateur Theatres in Murter. The Association of Czechs in the Republic of Croatia arranged the Show of Amateur Drama Groups, held in Donji Sredani, the Show of Czech Children's Songs entitled "Koncanica 97", the traditional event entitled "\_etvene svecanosti" (harvest festivities) held in Koncanica, the 90<sup>th</sup> anniversary of the "Frante Buriana" library, the 75<sup>th</sup> anniversary of the Czech elementary school "J.A.Komenskog" and the 70<sup>th</sup> anniversary of the children's daycare center "Ferdo Mravinec", accompanied by an exhibition with the same name and a book promotion. The folklore group of "Ceške Besede" Daruvar, called "Holubicka", participated in the event "Cultural Creation by the National Minorities in the Republic of Croatia", held in Zagreb.

Funds from the 1998 state budget of the Republic of Croatia allocated for the Union of Czechs (Savez Ceha) amounted to HRK568,400. For more details see the enclosed Ruling of the Government of the Republic of Croatia. After the balancing of the 1998 state budget, the union of Czechs was granted an additional HRK15,000 for participation in the Zagreb Fair as part of the exhibition entitled "The Czech Republic – A Partner Country".

Members of the Slovak national minority are organized in the Union of Slovaks (Savez Slovaka), and have four cultural and performing societies: "Ivan Brnjik Slovak" based in Jelisavac, "Braca Banas" based in Josipovac, "Franjo Strapac" based in Markovac Našicki and "Ludovit Štur" based in Ilok, as well as the singing groups, drama groups, language and dancing groups with their branches in: Našice, Jurjevac, Zagreb, Rijeka, Soljani, Lipovljani, Osijek and Meduric. The following is an overview of their 1997 activities.

The cultural and performing society "Ivan Brnjik Slovak" based in Jelisavac, marked its 30<sup>th</sup> anniversary by performing in Ludbregu.

The cultural and performing society "Braca Banas" based in Josipovac performed its folklore programme at the "Đakovacki vezovi" festival.

The "Franjo Strapac" society from Markovac Našicki, staged a number of performances by its dance group and choir to mark both the Day of Statehood and the Easter Holiday, and participated in the folklore festivals in Pleternica, Našice and "Grahovackom proljece" (Grahovo spring), as well as in the event called "Cultural Creation by the National Minorities in the Republic of Croatia", held in Zagreb.

The Central Cultural Society of Slovaks celebrated its 5<sup>th</sup> anniversary as well as the Days of Slovak Culture.

The "Ljudevit Štur" society from Ilok staged, in 1997, a few performances of the folklore and music ensembles as well as two premiers by its theatre group. Its overall activities in 1997 reflected that it has been re-integrated in the Slovak national minority in the Republic of Croatia and the Croatian cultural context.

The Union of Slovaks based in Našice was granted HRK557,600 from the 1998 state budget of the Republic of Croatia to finance the programme of cultural amateurism and cultural events. For more details about it see the enclosed Ruling of the Republic of Croatia.

Members of the national minority of Hungarians are gathered around three organizations: The Democratic Community of Hungarians in Croatia, the Union of Hungarians of the Republic of Croatia and the Society of Hungarian Scientists and Artists in the Republic of Croatia.

The Union of Hungarians of the Republic of Croatia encompassed in 1997 nine amateur cultural and performing societies: "Nepkor" based in Osijek, "Petofi Sandor" based in Ivanovci, "Dozsa Gyorgy" based in Hrastin, "Petofi Sandor" based in Novi Bezdán, "Moricz Zsigmond" based in Meca, "Ojankovac" based in Stari Jankovci, "Jozsef Attila" based in Zmajevac, "Jokai Mor" based in Suza and "Aranyhegy" based in Kotlina.

All the societies celebrated March 15, the Hungarian national holiday, and took part in the traditional "Csardasbalu" ball held in Osijek. The Hungarian society "Nepkör" also participated in the Festival of Hungarian Choirs and organized the exhibition entitled "How the Hungarians Created Their State"

The central folklore ensemble of the Union of Hungarians participated in the event called "Cultural Creation of National Minorities in the Republic of Croatia".

The Union of Hungarians of the Republic of Croatia based in Osijek staged a poetry reading meeting in the Hungarian language and the "Meki Ferenc" Hungarian Language and Culture Festival in Osijek.

The Democratic Union of Hungarians in Croatia in 1997 promoted cultural activities through 5 cultural and performing societies: "Petofi Sandor" based in Laslovo, "Petofi Sandor" based in Lug, "Petofi Sandor" based in Vardarac, "Ady Endre" based in Korod, "Pelmonstor" based in Beli Manastir and the societies in Novi

Gradac, Koprivnica, Primorsko-Goranska County (Rijeka), Split, Kopacevo, and Osijecko-Baranjska County.

The Democratic Community of Hungarians celebrated the Hungarian national holiday on March 15 in Suza, Zmajevac and Kopacevo, as well as the Day of Holy Istvan. They promoted the lexicon "Dravaszog ABECE" by dr. Karoly Labadi and the yearly magazine "Rovatkak". They put up an exhibition of national handicrafts by Hungarians in the Republic of Croatia and founded an amateur theatre and the dance house "Tanchaz" in Osijek.

The Hungarian cultural society "Andy Endre" based in Zagreb, the Democratic Community of Hungarians of the Republic of Croatia and the Society of Hungarian Scientists and Artists staged a ceremony to commemorate the Hungarian national holiday, and "Andy Endre" cultural society, based in Zagreb, celebrated its 65<sup>th</sup> anniversary.

The Society of Hungarian Scientists and Artists organized a scientific seminar entitled "Century Old Artistic Connections Between Croatia and Hungary and Common Connections

with Europe" and promoted the book entitled "Demographic Development of Hungarians in the Territory of Today's Croatia"

HRK789,800 from the 1998 state budget of the Republic of Croatia were earmarked for the associations of the Hungarian national minorities to allow them to finance their amateur cultural societies and cultural events. For more details about this see the enclosed Ruling of the Government of the Republic of Croatia.

Members of the national minorities of Ruthenians and Ukrainians are organized around the Union of Ruthenians and Ukrainians and have 8 cultural societies: "Osif Kostelnik" based in Vukovar, "Jakim Hardi" based in Petrovaac, "Jakim Golja" based in Mikluševci, the Society of Ruthenians and Ukrainians based in Zagreb, "Karpati" based in Lipovljani, the Cultural and Performing Society of Ruthenians and Ukrainians from Osijek and Vinkovci, and "Ukraine" from Slavonski Brod. Following is an overview of their activities in 1997.

All the cultural societies participated in the central celebration entitled "Culture of the Ruthenians and Ukrainians of the Republic of Croatia" held in Slavonski Brod. The Cultural and Educational Society of Ruthenians and Ukrainians of Zagreb marked, with a commemorative programme, its 25<sup>th</sup> anniversary.

The Cultural and Educational Society of Ruthenians and Ukrainians of Zagreb participated in the International Folklore Festival in Svidnik, Slovak Republic, while its folklore ensemble performed some Ruthenian and Ukrainian dances at the event "Cultural Creation of National Minorities in the Republic of Croatia" held in Zagreb.

The cultural and educational society "Ukrajina" of Slavonski Brod arranged a guest performance by the National Ensemble "Dru\_ba" of Cernigiuv in the Ukraine.

The Cultural Society of Ruthenians and Ukrainians of Vinkovci performed at the "Vinkovacke jeseni" (Vinkovci autumn) cultural event and staged a guest performance in the Slovak Republic.

The Union of Ruthenians and Ukrainians arranged, in Zagreb, the central event on the culture of Ruthenians and Ukrainians, a round table marking the 75<sup>th</sup> anniversary of the organized activities of Ruthenians and Ukrainians in Croatia, and the exhibition of Ruthenian and Ukrainian books and national costumes. In addition, it participated in the preparations for the summer school of Ruthenians and Ukrainians, which attracted 176 participants, and arranged a few exhibitions of Ukrainian painters in Zagreb and Đurdevac.

HRK714,270 were allocated from the 1998 state budget of the Republic of Croatia to finance the programme of cultural amateurism and cultural events organized by the Union of Ruthenians and Ukrainians based in Vukovar. For more details on this see the enclosed Ruling of the Government of the Republic of Croatia.

Members of the national minority of Serbs pursued amateur cultural activities in 1997 within the sub-committee of the Serb cultural society "Prosvjeta", as follows.

The sub-committee of "Prosvjeta", from Zagreb, organized 33 panel discussions in the fields of history, art, language, education, religion, psychology and science, arranged evening dances and celebrations of Serb holidays, and staged two book promotions, 40 film evenings, 49 music evenings, promoted activities of the "Miletic" theatre workshop and the "Jefimija" club, as well as four exhibitions: "Ikone" by Antun Wolenek, "Stranci u Becu", a xenographic

view by the author Lisl Ponger, an exhibition on Chopin and a group exhibition of the artists Đ.Petrovic, A. Krupp, B. Karlavaris, M. Rupcic and B. Vlatkovic.

The sub-committee of "Prosvjeta" from Rijeka organized 20 panel discussions and art exhibitions of the works by D. Petrovic, V. Ristic, J. Jelic, and an exhibition of photographs by L. Masnikovic. The sub-committee includes a children's choir also associated with the Serbian Orthodox Church Congregation. The sub-committee succeeded in motivating students, parents and teachers to have supplementary classes for children of the Serb national minority. There are currently 24 students attending such classes taught by 10 teachers.

The sub-committee of "Prosvjeta" from Gomirje has an active folklore, music, drama and poetry-reading section. Members of the sub-committee participated in the preparations for the traditional memorial "Marko Mamula" and organized a panel discussion on supplementary classes for children of the Serb national minority.

The sub-committee of Dre\_nica has under its umbrella the "Đurdevdan" cultural and performing society. The folklore, music, drama and poetry-reading sections of the society staged a programme to celebrate the Serb holidays of Vidovdan, Sveti Sava (St.Sava) and Đurdevdan. Members of the "Đurdevdan" Society took part in the event "Cultural Creation by National Minorities in the Republic of Croatia" and staged performances in the Federal Republic of Yugoslavia and the Republic of Srpska in Bosnia-Herzegovina.

The sub-committee of "Prosvjeta", from Vrbovsko, organized panel discussions regarding the operations of libraries, identity, integration, culture, education and property of the Serb national minority.

The sub-committee of "Prosvjeta", from Jasenak, comprises the cultural society "Vidovdan", which has a folklore, drama and poetry-reading section. The society staged a performance to mark the Serb holiday of Vidovdan and marked its Foundation Day. In addition, it staged a guest performance in the Federal Republic of Yugoslavia.

The sub-committee of "Prosvjeta", from Sisak, organized 7 panel discussions and staged performances to commemorate the holidays of Sveti Ilija (St. Ilija) and Velika Gospojina.

Part of the sub-committee of "Prosvjeta" in Western Slavonia is a 35-strong children's drama workshop. The sub-committee organized three panel discussions and three literary evenings.

The sub-committee of "Prosvjeta", from Moravice, organized three panel discussions, two lectures on literature, and two discussions on supplementary classes for children of the Serb national minority. Part of the sub-committee is the cultural society "\_eljeznicar" with a choir and a brass band. The "\_eljeznicar" Society staged performances to mark the Day of Statehood, the Day of the Town of Vrbovsko and Sveti Georgij (St. George)

The sub-committee in Daruvar organized 8 panel discussions on ecumenism, tradition, customs, religion, and supplementary classes for the Serb minority.

The sub-committee from Bujština organized 6 lectures. There is an active music and art section within the sub-committee.

The sub-committee of Pula organized two panel discussions and one lecture.

The sub-committee from Koprivnicko-Krievacka County organized 10 panel discussions on culture, cross-religious co-operation, tolerance, identity, poetry and schools of the Serb national minority.

The sub-committee from Osijek includes a music, poetry-reading, literary and drama group. In 1997 it organized several panel discussions on the education of children of the Serb national minority.

The sub-committee from Karlovac organized 10 panel discussions on topics pertaining to culture, ecumenism, literature and school autonomy. The sub-committee comprises a literary, drama and music section.

The "Branko Radicevic" cultural society, from Darda, participated in the event "Cultural Creation by National Minorities in the Republic of Croatia". Preparations have been completed for the establishment of new sub-committees in Kutina, Okucani, Gradiška, Požega, Vojnic, Korenica, Donji Lapac and Plaški.

A number of popular scientific lectures and discussions on the subjects of relevance for the Serb national minority in Croatia were held as part of the series of panel discussions called "Dijalozi" (Dialogues).

Members of the "Prosvjeta" society participated in the 42<sup>nd</sup> International Book Fair in Belgrade, at which they promoted editions financed by the Government of the Republic of Croatia.

HRK2,083,050 from the 1998 state budget of the Republic of Croatia were allocated for the Serb cultural society "Prosvjeta" to finance programmes of cultural amateurism and cultural events.

Members of the national minority of Germans and Austrians have 5 organizations: the Union of Germans and Austrians, headquartered in Osijek, the Community of Germans and Austrians in Croatia, the German Ethnic Community, the Association of Austrians of Croatia and the National Union of Germans in Croatia. These organizations pursued the following activities in 1997.

The Union of Germans and Austrians of Croatia, headquartered in Osijek, has the choir "Esseg", which performed in Hungary, and the "Kranz" folklore ensemble. The union held the literary evening "Die Kerze unter dem Kreuz", a round table, and promoted the book "Croatia from Occupation to a Regional Power" by Nenad Ivankovic.

The Community of Germans in Croatia organized 6 lectures on subjects related to the promotion of the cultural heritage of Germans in Croatia, German language courses up to level four, the exhibition "Stefan Zweig" and marked the Day of the Community of Germans. The community has a mixed choir called "Drei Rosen aus Vukovar" and the dance ensemble "Agram" which performed at the event "Cultural Creation of National Minorities in the Republic of Croatia" held in Zagreb.

The German Ethnic Community organized 5 lectures on literature, culture and history, staged exhibitions of paintings by Ivan Roch and Adolf Waldinger, as well as a scientific seminar entitled "Germans and Austrians in the Croatian Cultural Circle", featuring 15 outstanding scientists and public figures.

The National Union of Germans in Croatia organized performances of the choir from Pakrac and a music group from Slavonski Brod. They performed at the event "Cultural Creation of National Minorities in the Republic of Croatia" and took part in the International Art Colony in Krijevci. The union organized panel discussions, concerts and several exhibitions.

The Association of Austrians in Croatia organized panel discussions, lectures and exhibitions on subjects of interest to the Austrian national minority.

HRK217,000 from the 1998 state budget of the Republic of Croatia were allocated for the associations of German and Austrian national minorities in Croatia to finance the programmes of cultural amateurism and cultural events. For more details on this see the enclosed Ruling of the Republic of Croatia.

Members of the Jewish national minority have in Zagreb the "Miroslav Šalom Freiburger" cultural society, the "Lira" choir and the "Milan i Ivo Steiner" gallery. In addition, the Jewish Community also comprises the folklore ensemble, "Or Šemeš", and the vocal and instrumental ensemble "\_ozeri", which participated in the event "Cultural Creations by National Minorities in the Republic of Croatia" held in Zagreb.

The Jewish Community in Zagreb and the "Miroslav Šalom Freiburger" society jointly organized concerts, celebrations of the Day of Independence of the State of Israel, and marked the holidays Yom Kippur, Rosh Hashana and Purim. It organized the exhibition of photographs called "Vrijeme stvara slike" (Time Creates Pictures) by the authors Alise Douer and Ursula Seeber.

HRK228,990 were allocated from the state budget of the Republic of Croatia in 1998 to finance the programmes of cultural amateurism and cultural events. For more details on this see the enclosed Ruling of the Government of the Republic of Croatia.

The Slovenes are organized in the Union of Slovenian Societies that comprises three cultural societies : "Bazovica" from Rijeka, "Slovenski dom" from Zagreb and "Triglav" from Split.

The "Bazovica" society from Rijeka celebrated, in 1997, its 50<sup>th</sup> anniversary, organized performances of the mixed choir at the event "Primorska poje" held in Slovenia, "Koncerte slovenskih pevskih zborov" (concerts by Slovenian choirs) and "88. Tabor slovenskih pevskih zborov" held in Šentvid, as well as performances of the choir and the folklore section at the 2<sup>nd</sup> Folklore Festival in Rijeka, a celebration of the Cultural Holiday, an exhibition of paintings by Jan Gal Planinac and an exhibition of caricatures by Bojan Gilica.

The cultural society "Slovenski dom" (Slovenian home), from Zagreb, organized several performances of the mixed and women's choirs and the choir of the spiritual section of "A.M.Slomšek", 28 lectures, exhibitions, concerts, celebration of the cultural holiday "Prešernov dan", and took part in the event "Cultural Creation of National Minorities in the Republic of Croatia."

The "Triglav" society from Split staged performances of the mixed choir and folklore section to mark the cultural holiday "Prešernov dan" and organized an exhibition of national handicraft items and "Idrijske cipke" (lace of Idria).

HRK332,800 were earmarked from the 1998 state budget of the Republic of Croatia for the Union of Slovenian Societies to finance the programmes of cultural amateurism and cultural events. For more details on this see the enclosed Ruling of the Republic of Croatia.

The Community of Albanians in the Republic of Croatia has in Zagreb its cultural society "Skhendija". In 1997, the Community organized the following events: the promotion of the book "Albanci Klementinci u Hrtkovcima i Nikovcima" by Frok Zefiq and "Povijest Arbanasa" by Konstantin Balšić, the celebration of the Day of the Albanian Flag in Rovinj and Rijeka. The "Skhenderija" society participated in the event "Cultural Creations by National Minorities in the Republic of Croatia".

HRK253,230 were allocated from the state budget of the Republic of Croatia in 1998 for the Union of the Communities of Albanians in Croatia. For more details see the enclosed Ruling of the Government of the Republic of Croatia.

The "Preporod" cultural society of Bosniacs in Croatia has branches in Rijeka and Split. In 1997, they organized several cultural evenings, traditional holiday events and the celebration of the anniversary of the society. It arranged art exhibitions and the promotion of the book "Obicaji Bošnjaka" (Bosniacs' customs) by Edib Muftić, the cultural event "Bošnjacke rijeci" (Bosniacs' words), part of which was the celebration of the 80<sup>th</sup> birthday of Mak Dizdar. The "Preporod" society has the girl's choir "Bulbul" which participates in all important celebrations and which joined forces with the "Arabeske" choir to take part in the event "Cultural Creations by National Minorities in the Republic of Croatia".

HRK203,650 were earmarked from the 1998 state budget of the Republic of Croatia for the "Preporod" cultural society of Bosniacs in Croatia and the Bosnian National Community of Croatia. For more details on this see the enclosed Ruling of the Government of the Republic of Croatia.

Two associations of Romanies received financial support in 1997: the Union of Romany Societies of Croatia and the Community of Romanies of Croatia. It is worth noting at this point that a few associations of Romanies were set up towards the end of 1998, such as "Romi za Rome" (Romanies for Romanies), "Romsko srce" (Romany heart), which are for the time being not financed by the state budget."

The Union of Romany Societies of Croatia staged, in Krijevci, the 2<sup>nd</sup> Conference on Education and Schooling of Romany Children, marked April 8, the World Day of Romanies, and participated in the event "Cultural Creation of National Minorities in the Republic of Croatia".

The Community of Romanies of Croatia marked April 8, the World Day of Romanies. HRK239,360 from the state budget of the Republic of Croatia were earmarked for the activities of the associations of Romanies in Croatia. For more details see the enclosed Ruling of the Government of the Republic of Croatia.

The National Community of Montenegrins of Croatia and the cultural society "Montenegro-Montenegrina" staged the following events in 1997: the celebration of the traditional holiday "Petrovdan", the exhibition of paintings by I.Geršić, J.Antolic, D.Riss, N.Pjevac, V.Vukal Kalabek, Lj. Poček Stanišić, the exhibition of paintings "Njegoš i Zagreb", by a group of authors, and a number of lectures including one given by Dr. Mate Meštrović on how the mausoleum on the mountain Lovćen was built ("Kako je nastao mauzolej na Lovcenu").

HRK242,430 were allocated from the state budget of the Republic of Croatia in 1998 to finance the activities of the National Community of Montenegrins based in Zagreb. For more details see the enclosed Ruling of the Government of Croatia.

The Community of Macedonians has five cultural societies: "Koco Racin" based in Pula, "Ilinden" based in Rijeka, "Braca Miladinovci" based in Osijek, "Makedonija" based in Split and "Krstec Misirkov" based in Zagreb. In 1997, the Community of Macedonians organized the celebration of the Macedonian Evening and marked the Day of Racin and Ilinden, organized a week of contemporary Macedonian film, poetry evenings, an exhibition of paintings by twelve Macedonian authors, the lecture "Macedonian People and the Macedonian Orthodox Church" and others. The Macedonian cultural societies "Krstec Misirkov" from Zagreb and "Braca Miladinovci", from Osijek, took part in the event "Cultural Creations by National Minorities in the Republic of Croatia.

HRK325,400 were allocated from the state budget of the Republic of Croatia in 1998 to fund the activities of the Community of Macedonians in the Republic of Croatia. For more details see the enclosed Ruling of the Government of the Republic of Croatia.

In order to mark the 50<sup>th</sup> anniversary of the passage of the Universal Declaration of Human Rights and the 7<sup>th</sup> anniversary of the international recognition of the Republic of Croatia, the Office for National Minorities, on January 24, 1998 staged at the "Vatroslav Lisinski" concert hall a music and drama event entitled "Cultural Creations by National Minorities in Croatia". The programme was designed by a special council whose members were nominated by the unions of national minorities. Folklore and music of the national minorities were performed as part of the event, which was accompanied by a publishing exhibition and the promotion of catalogues with data on information and publishing activities of the national minorities from 1991 through 1997. In the course of the year, each national minority marked these anniversaries with a presentation of its own cultural creation.

The Ministry of Culture looks after the cultural heritage of national minorities as part of the overall protection of the cultural heritage of the Republic of Croatia.

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The Community of Macedonians has five cultural societies: "Koco Racin" based in Pula, "Ilinden" based in Rijeka, "Braca Miladinovci" based in Osijek, "Makedonija" based in Split and "Krstec Misirkov" based in Zagreb. In 1997, the Community of Macedonians organised the celebration of the Macedonian Evening and marked the Day of Racin and Ilinden, organised a week of contemporary Macedonian film, poetry evenings, an exhibition of paintings by twelve Macedonian authors, the lecture "Macedonian People and the Macedonian Orthodox Church" and others. The Macedonian cultural societies "Krstec Misirkov" from Zagreb and "Braca Miladinovci" from Osijek, took part in the event "Cultural Creations by National Minorities in the Republic of Croatia".



HRK325,400 were allocated from the state budget of the Republic of Croatia in 1998 to fund the activities of the Community of Macedonians in the Republic of Croatia. For more details see the enclosed Ruling of the Government of the Republic of Croatia.

In order to mark the 50<sup>th</sup> anniversary of the passage of the Universal Declaration of Human Rights and the 7<sup>th</sup> anniversary of the international recognition of the Republic of Croatia, the Office for National Minorities, on January 24, 1998 staged at the "Vatroslav Lisinski" concert hall a music and drama event entitled "Cultural Creations by National Minorities in Croatia". The programme was designed by a special council whose members were nominated by the unions of national minorities. Folklore and music of the national minorities were performed as part of the event, which was accompanied by a publishing exhibition and the promotion of catalogues with data on information and publishing activities of the national minorities from 1991 through 1997. In the course of the year, each national minority marked these anniversaries with a presentation of its own cultural creation.

The Ministry of Culture looks after the cultural heritage of national minorities as part of the the cultural heritage of the Republic of Croatia.

Museums and ethnographic collections as institutions and places where cultural heritage is gathered, preserved and put on display, represent institutions of critical importance for the preservation of the identity of members of national minorities. Museums in the Republic of Croatia have rich holdings – insufficiently researched at this point - of ethnographic artifacts reflecting the culture of national minorities. Important collections are held by the unions of national minority members themselves, or are established as independent entities.

In the areas which were occupied during the war, the cultural heritage is damaged and dilapidated, which calls for funds to be invested in its repair. This refers to: Ethnographic Collection in Ivanovo selo, which the Union of Czechs in September 1995 transferred into the permanent ownership of the City Museum of Bjelovar; the Ethnographic Collection of the Hungarian National Minority in Hrastin, and the Ethnographic Collection of Ruthenians and Ukrainians in Petrovci, which belongs to the Museum of the City of Vukovar.

Members of the national minority of Serbs have in Gorski Kotar a centuries-old sacral facility, Manastir Gomirje (Gomirje monastery), whose reconstruction and revitalization is under the expert supervision of the Regional Institute for the Protection of Cultural Monuments based in Karlovac. In order to ensure a comprehensive protection of the cultural heritage of Serbs, in 1997 the Government of the Republic of Croatia allocated HRK200,000 for the Ministry of Culture and the Union of Serbian Societies to finance the reconstruction of the Gomirje monastery. In 1998, the Government of the republic of Croatia earmarked an additional HRK110,000 for the rebuilding of the monastery's library and archives. For more details, see the enclosed Ruling of the Government of the Republic of Croatia.

Preparations were launched in 1997 to set up a museum and ethnographic collection of the Association of Austrians.

After balancing the 1998 state budget, the Republic of Croatia earmarked HRK1,200,000 for the programme of rebuilding cultural institutions of the national minorities in the war-affected areas, specifically. The Czechs were granted HRK163,000, Ruthenians and Ukrainians were granted HRK376,000 and Hungarians received HRK661,000. For more details on this, see the enclosed Ruling of the Republic of Croatia.

The Jewish Community holds a large number of works of art and crafts at its building in Zagreb, mostly religious artifacts dating from the 19<sup>th</sup> and early 20<sup>th</sup> centuries. A permanent gallery of paintings and sculptures on Jewish themes is currently being established.

In the course of 1997, the Government of Croatia allocated US\$292,331 to finance the litigation before a New York City court in matters of the restitution of the art collection of the Jewish Community in Dubrovnik.

The litigation ended in 1998 and the art collection was returned to the Jewish Community of Dubrovnik.

The proposed projects competing for the state funding were assessed by the reviewers at the Ministry of Science and Technology against the requirements set for all projects within the National Science and Technology Project.

### *National Minority Libraries*

The model of central libraries for national minorities has been in place in the Republic of Croatia since 1990. It allows members of national minorities in Croatia access to book collections, information, video recordings, music recordings and all other sources, in the language of the national minority, within the system of the Croatian public libraries.

The model was launched with books in the Hungarian language in Beli Manastir, when libraries in Hungary that needed books in the Croatian language for the Croatian minority in the country started exchanging books with Croatian libraries looking for books in the Hungarian language to meet the needs of the Hungarians in Croatia. The "Petar Preradovic" library in Bjelovar followed suit after recognizing the need for setting up library services for the Czech minority in Croatia. Namely, "Ceška beseda" cultural societies in Daruvar and Zagreb had large book collections, but they recognized the need to improve their organization and make them more readily accessible to the clients, as well as to update the holding with more recent acquisitions from the parent country.

In compliance with the Ruling of the Republic of Croatia on the Exercise and Funding of the Rights of National Minorities in the Republic of Croatia, the national and University Library has so far established the following libraries as part of the central-library model:

Within the City Library of Pula, there is the Central Library for Italians, which currently holds 5,500 books. The library arranges meetings with authors, issues a catalogue of new acquisitions, and co-operates with libraries and cultural institutions of the Republic of Italy. The Italian communities hold a significant number of books. The Historical research center in Rovinj has its own library with a holding of 87,000 books. In 1995, the Center's library became a deposit library of the Council of Europe.

The Czech minority has the Czech Central Library which operates within the National Library "Petar Preradovic" in Bjelovar, and co-operates with the Czech libraries in the Daruvar-De\_anovac-Zagreb library network. The library holds 4,200 books. In addition, the library runs a steady column in the local papers and on Radio Bjelovar, as an additional channel for bringing relevant information to its members. The Central Library stages literary evenings and in 1997 actively participated in the event Month of the Croatian Book, as well as in the spring school for school librarians held in Crikvenica. Members of this minority also have at their disposal about 6,500 books held by the National Library in Daruvar, and 7,000 books held by "Ceška beseda" cultural society in Zagreb.

Members of the Hungarian national minority have at their disposal the Central Hungarian Library, which was relocated from Baranja to the City and University Library in Osijek. The Library is currently being moved back to Beli Manastir. It holds 27,000 registered titles. Information is currently being gathered on the book stocks in the war-affected areas inhabited before the war by Hungarians.

The Union of Hungarians of the Republic of Croatia donated books to elementary schools in which Hungarian is taught or in which classes are taught in both languages.

The Hungarian Cultural Society "Nepkor" has a library which holds 2,235 books.

The Hungarian Cultural Society "Ady Endre" in Zagreb has a library with about 2,500 books in the Hungarian language. The Hungarian Department of the Zagreb Faculty of Arts and Letters believes the books are of exceptional value. The library is currently being computerized.

The democratic Community of Hungarians of Croatia based in Osijek has approximately 2,000 books – a donation by the Republic of Hungary, which have not been catalogued yet. In Rijeka, the Community has a library with 1,000 books, also a donation of the Republic of Hungary.

Members of the national minority of Ruthenians and Ukrainians have the Central Library temporarily operating, until its return to Vukovar, within the "Ante Starcevic" City Library in Zagreb. When the library started, it had about 750 books. In 1997, it organized several literary evenings.

Slovenes have their Central Library, with 2,033 books on stock, operating within the "Ivan Goran Kovacic" City Library in Karlovac. It publishes a catalogue of new acquisitions and marks the Day of the Slovenian Book. It co-operates with the libraries in Novo mesto and Ljubljana. The Cultural and Educational Society "Slovenski dom" based in Zagreb has a library with about 5,500 books on stock, i.e., 4,200 titles. The bulk of the holding is represented by Slovenian-language books, while the rest is accounted for by books in the Croatian, German, French and other languages.

The Central Library for Members of Serb National Minority operates within the Serb Cultural Society "Prosvjeta", in co-operation with the National and University Library. The library has 12,600 books. A pilot project was launched in 1997 to cover villages with a majority Serb population, such as Gomirje, Moravice, Jasenak and Drežnica. In co-operation with the department of Serbian and Montenegrin Literature of the faculty of Arts and Letters, the library staged an exhibition and five lectures, as well as two book promotions.

In 1997, the Government of the Republic of Croatia allocated an additional HRK100,000 to the National and University Library and the Union of Serbian Societies to fund the development of a library service network for members of the Serb national minority.

The Albanian Central Library operates as part of the "Bogdan Ogrizovic" Library in Zagreb and has 680 catalogued books. In 1997, the library staged, in co-operation with the National and University Library, an exhibition of books on Mother Theresa.

Slovak libraries are set up as part of the elementary schools that teach the Slovak language, including: "Ivan Brnjik Slovak" Elementary School in Jelisavac, "Dora Pejacevic" Elementary School in Našice, "Josipi Kozarac" Elementary School in Josipovac. Their

holdings are being updated with donations from the Slovak republic and acquisitions through the Slovak Slovak Central Cultural society ("Matica Slovacka") in Croatia. The Society holds at its headquarters a substantial stock of books. The Central Library of Slovaks in the republic of Croatia is currently being established as part of the National Library in Našice.

Members of the national minority of Germans and Austrians have at their disposal the Austrian Library set up as part of the City and University Library in Osijek. The library has 5,648 books and 142 registered members. It has reported the highest demand for literary books and specialized books written by Austrian authors. The library held two exhibitions last year. The German National Community in Osijek holds about 950 books, but does not have the space needed to set up a library. The Association of Austrians in Croatia, based in Zagreb, is in the process of establishing a library with 350 books.

The Jewish minority has a library with about 18,000 books within the Jewish Community of Zagreb. It also has old and contemporary periodicals and an archive with about 5,000 documents. The library has started collecting video and audio tapes. The library of the Jewish community in Zagreb is the only library of the "Judaica" in Croatia. It receives more than 10 titles of current Jewish periodicals from Israel and the world. The library contains a special collection of the Hebrews. The entire holding is currently being reviewed and preparations are under way for the introduction of Crolists. Part of the library is "Lavoslav Šik" reference library, which holds the oldest book, entitled "Šuhan Aruh" (Set Table) by Jozef Car, printed between 1564 and 1567.

The Bosnian Cultural Society "Preporod" has a library with more than 3,000 books and continues to update its holding on an annual basis. This year's acquisitions include about 150 new and used books and Bosnian magazines. The library has a reading room with Croatian and Bosnian daily and weekly newspapers.

The Macedonian minority in the Republic of Croatia has received a number of books from the Macedonian Ministry of Culture, but has not yet set up a library for the members of the Macedonian national minority.

The National and University Library has supplied the elementary school in Kozari Bok, Zagreb, attended by children of the ethnic community of Romanians, with a large collection of books and reading materials.

These libraries have varying holdings, but they are all being updated with donations from governments, libraries, associations and individuals from both their parent countries and Croatia, as well as with the financial support from the Office of Ethnic and National Communities or Minorities granted via the National and University Library.

The activities and programmes of the central libraries are varied and cater for all age groups. They include: publishing catalogues on recent acquisitions, off-site lending and exhibitions, activities meant for young children, reading in the mother tongue, marking traditional events and customs of all parent nations, arranging encounters with writers and other artists, etc.

Members of the minorities that do not yet have their own central library use the libraries operating within their associations.

All the central libraries are run by staff who hold a university degree and have taken the state licencing exam in the library sciences. Under the new Act on Libraries of September 19,

1997, the newly-recruited staff in charge of the central libraries of Slovaks and Slovenes will acquire the title of graduate librarian.

A central library is set up for members of those national minorities who numbered at least 5,000 according to the 1991 population census. Financial and professional aid is provided from the state budget of the Republic of Croatia and comes through the National and University Library, which supplies with books members of the Jewish community (Judaicae library), Austrians and Germans (the Austrian reading room in Osijek). Other minorities receive aid through their associations, such as "Ceške besede" and their libraries in Zagreb and Daruvar, "Ady Endre" library in Zagreb, "Slovacki dom" (the Slovak Home) in Ilok, and the library in Petrovci. The purchase of books from the school reading lists has been arranged through the Community of Romanians in the Republic of Croatia.

As regards the libraries in Baranja and Eastern Slavonia, which are inhabited by minorities, programmes have been designed and efforts are being made to improve their technical equipment.

The programme designed to meet the need of the national minorities in the Republic of Croatia for books is based on the adopted model of building an entire network of libraries with holdings in the languages of the national minorities, including the central library of the national minority, which is responsible for developing a network of libraries and coordinating all the activities. This programme follows globally-adopted principles and facilitates the preservation and promotion of the overall national identity of minority communities. The Republic of Croatia has regulated the status of minorities by its constitutional and other acts. The library network is one of the channels through which the minorities exercise their rights.

The programmes and the activities conducted by the central libraries of the national minorities can be varied and targeted at all age groups. Most are conducted in the native language of the minority, and the activities include:

- reading in the mother tongue
- marking important dates
- nurturing tradition and customs of the parent nation
- encounters with writers and artists; exhibitions staged individually or in co-operation with the association.

Following the "Principles of Librarianship" by Donald J. Urquhart, none of these minority libraries was established as a separate unit; rather, the libraries depend on mutual support, in observance of the principle "a library is not an island".

The importance of these libraries in the life of minorities is huge. The key role and function of language as one of the key features of national self-consciousness in the preservation and the expression of cultural and civilizational values of a minority, has been fully achieved through the programmes, roles and responsibilities of the national minority libraries. The additional task of these libraries is to introduce the Croatian public to the national minorities, their historical roots, cultural heritage and creative work produced over the centuries. The best way to promote a nation is through its culture. Through the activities pursued by the national minority libraries the Croatian public gains valuable insights about other nations.

Every minority is unique and special. It is particularly because of the complexity that every minority brings into its cultural heritage that no universal model can be applied to the central libraries of the minorities. Their value lies precisely in their diversity, because culture leaves no room for uniformity. By upgrading the services and activities provided by the libraries of

national minorities, the boundaries of local culture are transcended in a way that makes it a part of the multicultural world.

Paragraph 2.

### **Narrative**

The Republic of Croatia, in compliance with its Constitution, guarantees the freedom of scientific, cultural and art work. Under the Constitutional Act on the Rights and Freedoms of Ethnic and National Communities or Minorities, members of all national minorities are ensured the right to protection against any activity that might pose a threat to their survival.

### **Legal**

There are no regulations indicating or elaborating a universal integration policy. For more details on legal provisions see Article 5. Paragraph 1.

### **State infrastructure**

There is no infrastructure designed to pursue an integration policy.

### **Policy**

The Republic of Croatia does not pursue an integration policy. The Republic of Croatia protects the diversity of national minorities, and the state supports the minorities' cultural activities.

### **Factual**

All information included under paragraph 1.

## **Article 6**

1. The Parties shall encourage a spirit of tolerance and intercultural dialogue and take effective measures to promote mutual respect and understanding and co-operation among all persons living on their territory, irrespective of these persons' ethnic, cultural, linguistic or religious identity, in particular in the fields of education, culture and the media.

2. The Parties undertake to take appropriate measures to protect persons who may be subject to threats or acts of discrimination, hostility or violence as a result of their ethnic, cultural, linguistic or religious identify.

Paragraph 1.

### **Narrative**

#### **From the jurisdiction of the Office for National Minorities of the Government of the Republic of Croatia**

The state encourages co-operation between members of different ethnic, language, cultural and other communities. A good case in point is the co-operation between the associations of different national minorities in preparing the music and drama event entitled "Cultural

Creations by National Minorities in the Republic of Croatia" held on January 24, 1998 to mark the 50<sup>th</sup> anniversary of the Universal Declaration of Human Rights and the 7<sup>th</sup> anniversary of the recognition of the Republic of Croatia. During 1998, the associations of national minorities staged central performances of their cultural creative work to mark the same anniversaries and included in its preparation members of other national minorities in Croatia. This has created the conditions for a continuing co-operation between individual minorities and for the dialogue with the Government and the government bodies. More details of this are provided in the enclosed Ruling on the establishment of the Council of National Minorities. More details on the role of the media are provided in response to Article 9. In addition, co-operation between individual national minorities is reported at the local level.

**From the jurisdiction of the Ministry of Culture:**

Under the Resolution on the Adoption of Acts of the Council of Europe on the Freedom of Expression and Information, and in pursuance with the relevant provisions of the Constitution of the Republic of Croatia (especially Article 38.), the republic of Croatia is under the obligation to encourage diversity and media pluralism.

Note: see also the response to Article 4. paragraphs 1. and 2.

**Legal**

***From the Constitution of the Republic of Croatia***

Article 40.

"Freedom of conscience and religion and a free public expression of religious or other creed shall be guaranteed."

Article 41.

"All religious communities shall be equal before the law and separated from the state. Religious communities shall be free, in keeping with the law, to publicly perform their religious services, establish and manage schools and educational establishments, other institutions, social and charitable organizations and shall in the pursuit of their activities enjoy the protection and the support by the state."

**From the jurisdiction of the State Commission for the Relations with Religious Communities:**

The Act on Holidays, Memorial Days and Non-working Days in the Republic of Croatia defines religious holidays as non-working days for which the salary is paid, which covers all Christian, Jewish and Islamic religions.

The Republic of Croatia and the Holy See have signed four agreements, ratified by the Croatian State Parliament, which regulate the parties' mutual relations and define the status of the Catholic Church in Croatia in a modern way. They include:

1. The Agreement on Legal Matters,
2. The Agreement on Co-operation in the Field of Education and Culture,

3. The Agreement on Pastoral Care of Catholic Believers, Members of the Military and Enforcement Bodies of the Republic of Croatia,
4. The Agreement on Economic Matters.

***From the Constitutional Act on Human Rights and Freedoms and the Rights of Ethnic and National Communities or Minorities in the republic of Croatia***

Article 10.

"Members of ethnic and national communities or minorities shall be free to organize information and publishing activities in their own language and script."

**State infrastructure**

This area is under the jurisdiction of the Ministry of Culture, the Ministry of Education and Sport, the Office for National Minorities of the Government of the Republic of Croatia, and the State Commission for the Relations with Religious Communities, each within its own competence.

**From the Jurisdiction of the State Commission for the Relations with Religious Communities**

Pursuant to Article 106., and regarding Article 41. Of the Constitution of the republic of Croatia, the President of the republic of Croatia has set up a State Commission for the relations with religious Communities and appointed its members.

Under this Ruling, the Commission is responsible for considering the regulation of relations between the state and the church, co-operating with the competent commission of the Croatian Bishops' Conference and representative of other religious communities, as well as submitting Joint proposals to the state commissions and executive bodies.

**Policy and factual**

**From the jurisdiction of the Ministry of Culture:**

The interests of national minorities are promoted through intensive distribution of information and a stronger presence in the media in order to ensure their equality, preserve their diversity and allow the distribution and exchange of information especially between members of dispersed minorities.

Radio stations in the Republic of Croatia, especially local radio stations, have been paying a lot of attention to national minorities and have broadcast a number of current affairs programmes in the languages of the national minorities. For more information on this, see the response to Article 9.

**From the jurisdiction of the State Commission for the Relations with Religious Communities:**

Following the democratic elections of 1990 and the passage of the new Constitution of the republic of Croatia, religious life and religious freedoms have acquired a legal foundation for their existence and their pursuit.



The position of the state is that the way the relations are regulated with the Roman Catholic Church, to which the majority of the Croatian citizens belong (approx. 80-90%), shall not and can not be at the expense of any other religious community.

It must be pointed out that the solutions provided by the mentioned agreements apply to other church and religious communities, regardless of the size of their respective congregations.

Some churches and religious communities have initiated and expressed the desire to go on to conclude an agreement on regulating the relations with the Croatian state, which remains to be done in the upcoming period.

The state of Croatia, through its State Commission, provides financial aid from the state budget (allocations for religious organizations) to those church organizations and religious communities which act in the general interest of the society at large. For more details on this, see the Policy section the response to Article 8.

The state of Croatia shall bear the cost of designing and publishing religious instruction manuals, in the same way as for other school textbooks.

Schools set up and run by churches and religious communities, which have the right to operate in public, their teachers, instructors, educators and other officials, as well as students, shall enjoy the same rights and obligations as those in the state schools, and shall receive financial support, in compliance with the legislation of the Republic of Croatia.

University-level schools established and run by religious the communities and affiliated with the University of Zagreb or any other university, shall be provided with financial means, same as other state schools at the university level.

The state of Croatia provides funding for the teaching staff, educators and other officials of the church and religious communities, as defined by the Croatian legislation on public institutes of higher education and schools.

Likewise, the state of Croatia shall, in a systematic way, contribute towards the renovation and preservation of the monuments of religious cultural heritage and works of art belonging to the churches or religious communities.

The state of Croatia shall repair the churches and institutions destroyed in the Homeland War.

The state acknowledges the historical and the present role of religious communities in the field of culture and education, especially the role of the Church in ethical and moral education of the people.

Following the 1990 free, democratic elections, the religious communities emerged from anonymity and established their presence in the public life, in the media and the social life. This was not difficult, given the fact that the Church, especially the Catholic Church during the communist regime, represented the only counterbalance to the communist regime and virtually the only power that preserved not only religious, but also the cultural and national identity.

It is obvious that the religious communities are independent from the state. The state treats religious communities as legal entities, without interfering with the way they are structured.

Freedom of thought and action is the key indicator that Croatia is keeping pace with the democratic countries of the Western civilization.

Paragraph 2.

### **Narrative**

The Republic of Croatia, as party to international documents in the field of human rights and minority rights, has built into its legislation and its practices suitable policies for the protection of individual persons against any type of discrimination, threats or any form of violence.

### **From the jurisdiction of the Ministry of the Interior:**

Based on the fact that the European Convention on Human Rights and other international documents regulating the field accept the security needs of all members and provide for the discretionary right of national governments to implement enforcement measures in the interest of state security, with due respect for the guaranteed rights, the Croatian police bodies have embarked upon regulatory and structural changes and have initiated certain activities aimed at adopting the democratic standards, which is clearly reflected in the present achievements.

The results achieved in the field of the internationally guaranteed human rights are reflected in the small number of reported criminal offences registered with the police, as defined in the Croatian Criminal Law.

In keeping with the requirement of the three international acts (the Universal Declaration of the Rights of man, the International Covenant on Civil and Political Rights and the Convention Against Torture and other Types of Cruel, Inhuman or Degrading Punishment or Treatment) the Croatian penal legislation protects, by defining a special group of criminal offences, the rights and freedoms of man and the citizen.

### **Legal**

#### ***From the Constitution of the Republic of Croatia:***

Article 15.

"Members of all nations and national minorities shall have equal rights in the Republic of Croatia.

Members of all nations and minorities shall be guaranteed the freedom to express their nationality, use their language and script, and cultural autonomy."

Article 39.

"Any call for or incitement to war, or resort to violence, national, racial, or religious hatred, or any form of intolerance, shall be prohibited and punishable."

Article 43.

"Citizens shall be guaranteed the right to free association for the purposes of protection of their interests or the promotion of their social, economic, political, cultural and other convictions and objectives. For this purpose, citizens shall be free to form political parties, trade unions and other associations, and to freely join or leave them."

Article 44.

"Every citizen of the Republic of Croatia shall have the right, under equal conditions, to participate in the conduct of public life, and be admitted to the public service."

***From the Constitutional Act on Human Rights and Freedoms and the Rights and Freedoms of Ethnic and National Communities or Minorities:***

Article 6. paragraph 1.

The Republic of Croatia undertakes to guarantee to all members of ethnic and national communities or minorities:

full observance of the principles of non-discrimination as defined by the international instruments in Article 1. of this Law.

It is necessary to quote, in addition, the provision of Article 109. of the Criminal Law, which is based on the quoted provision of Article 43. of the Constitution of the Republic of Croatia.

Breach of the right to association

Article 109.

"Whoever shall deprive a citizen of his or her right, or restrict his or her right to associate by forming political parties, trade union, or other associations as defined by the law with the purpose of protecting their interests or promoting social, economic, political, national, cultural or other convictions or goals, shall be fined or punished with imprisonment in the duration of up to one year."

***From the Criminal law of the Republic of Croatia:***

**Breach of equality of the citizens**

Article 106.

"(1) Whoever shall, based on differences in race, skin colour, sex, language, religion, political or other conviction, national or social origin, property, birth, education, social status or other properties, or based on the belonging to an ethnic or national community or minority in the Republic of Croatia, deprive a citizen of his or her right, or restrict his or her right or freedom of man and the citizen as defined by the Constitution, the law or any other regulation, or shall award benefits or privileges to citizens, shall be given a sentence of between 6 months and 5 years."

(2) The penalty under paragraph 1. of this Article shall be imposed on any person who shall deprive a person belonging to a nation, ethnic or national community or minority of the right or freedom, or restrict this right or freedom, to express his or her national belonging or to cultural autonomy."

Whoever shall, in defiance of the provisions regulating the use of language and script, deprive a citizen of his or her right to use his or her language and script, or restrict this right, shall be fined or sentenced to serving between 6 months and 5 years in prison."

### **Racial and other discrimination**

Article 174.

"(1) Whoever shall, based on the difference in race, sex, skin colour, nationality or ethnic origin, violate the fundamental human rights and freedoms recognized by the international community, shall be imposed a prison sentence in the duration between 6 months and 5 years.

(2) The penalty under paragraph 1. of this Article shall be imposed on any person persecuting organizations or individual persons for advocating equality atoll people. Whoever shall publicly express or promote ideas about the supremacy atone race over another or shall disseminate racial hatred, or incite racial discrimination, shall be punished to serve between 3 months and 3 years in prison."

### **State infrastructure**

Under the jurisdiction of individual ministries.

### **Policy**

Supplied in the narrative part.

### **Factual**

#### **From the jurisdiction of the Ombudsman of the Republic of Croatia:**

Complaints filed with the ombudsman are neither classified nor processed based on the complaining party's national identity, because the ombudsman works on the principle that all citizens are equal, and that the only matter that needs to be determined is whether or not the breach of or the threat to somebody's individual right is attributable to an illegal or irregular activity pursued by an administrative body or any body vested with public powers. The ethnic identity of the complaining party is considered only in those cases in which the complaining party may indicate that the breach of the individual right was exclusively caused by his or her ethnic identity. However, very rarely does the complaining party associate the breach of his or her right with his or her national identity; rather, they mostly associate the breach of the right with their age, property status or gender (women).

Following the investigation into the citizens' complaints filed in the course of 1996, it was found out that only 7 out of the 386 complaints involved harassment in the workplace, intimidation, stealing of cattle and similar instances of unacceptable treatment of members of national minorities. Granted, the bulk of the complaints (120) filed in that year involved the breach of property rights resulting from the application of the Act on Temporary Takeover and Management of Certain Property, especially the rights of the persons who left the

Republic of Croatia during the military and police operation "Bljesak" and "Oluja". However, the breach of the property right was not suffered exclusively by national minority members; rather, it affected many members of the Croatian, i.e. the majority nation.

According to the processed, sorted out and analyzed data related to the citizens' complaints filed in 1997, it is obvious that the majority of the received complaints involves a breach of property and housing rights (588 - 42.06% of all complaints), especially a breach of the right of ownership of apartments and houses, which were, against the owner's will, used by other persons, based on the Act on Temporary Takeover and Management of a Property. However, in 1997, too, these violations of individual rights did not affect only persons belonging to a national minority but also those belonging to the majority, Croatian nation. 53 cases involved complaints filed over the alleged violation of rights pertaining to labour and employment, and only one person claimed his or her national identity was the cause of his or her ordeal. In 1997, 30 complaints involved a threat to the citizen's personal security, mostly in the area liberated in the military and police operations "Bljesak" and "Oluja". However, after a careful examination of each complaint, only 19 were found to be legitimate. Since 18 complaints were filed by citizens residing in the areas liberated by the police and military operations "Bljesak" and "Oluja", there were sufficient grounds to link them with the complaining party belonging to a minority community. It is important to emphasize at this point that the police authorities reacted promptly in all the cases and took suitable measures to protect the citizen's rights.

As was previously pointed out, in 1997 the ombudsman received 18 complaints involving the threat to personal security of citizens belonging to a national minority.

Regarding the obligation of the republic of Croatia as party to the Framework Convention to undertake suitable measures to protect the persons who may be exposed to threats or subject to discrimination, animosity or violence based on their national, cultural, language or religious identity, it was concluded, following a careful analyses of the filed complaints and the actions taken in their connection, that the competent state bodies had reacted promptly and had taken appropriate measures, thus preventing potential violence and protected the endangered persons, and launched legal proceedings against the offender. This is manifest in the following cases:

Case study (P.P. - 305/97 dated 03.04.1997.): Information about a potential clash between the new settlers in the village of Podudbina and its previous settlers returning to their homes reached the ombudsman through M.G. from the Croatian Anti-war Campaign.

Measures taken: A fax was immediately sent to the Korenica Police Quarters, reading: "We have received information about the potential clash between the indigenous inhabitants-returnees to the village of Podudbina, in the territory covered by your police quarters, and the new settlers. According to our information, Mr. M.R., himself a returnee, filed a complaint with your police quarters, following last night's verbal clashes between the mentioned citizens.

However, there are some indications pointing to a high likelihood that the clashes may continue in the course of this evening or night, and may assume tragic proportions. In the authority of the ombudsman and with the purpose to protect human dignity and fundamental freedoms, I request that you undertake all the available measures in order to ensure the returnees' safety, and that you send us an early notification of the measures you have taken."

Outcome of the case: Chief of the police station informed the ombudsman by telephone that security measures had been stepped up and that major clashes had been averted and confined to verbal excesses.

Case description (P.P. - 630/97 dated 16.06.1997.): The Ministry of the Interior received a letter, and the ombudsman received a copy thereof, from house representative Milorad Pupovac. The representative cites cases from the municipality of Sunja involving the battering of P.A. and Lj.K. at their home in Blinjski Kutu, as well as M. and Lj. M. He reports information about houses being set on fire in the territory of the municipality of Majur, and requests comprehensive information about the reported cases.

Measures taken: The Ministry of the Interior - the police stations in Kostajnica and Sunja - were sent Mr. Pupovac's letter and were requested to provide information as to the measures that were taken in response to the given warning in order to protect the security of the persons and property.

Case outcome: On July 16, head of the police quarters in the Sisacko-Moslavacka County, sent to the ombudsman a letter with a detailed account of the measures taken. Perpetrators had reportedly been identified and charges had been pressed against them.

Case description (P.P.-258/97 dated 20.03.1997.): The ombudsman was approached, through the Civil Committee for Human Rights & the Women's Group of Porec, by D.C. and I.B.C., residents of Porec, seeking assistance in the pursuit of the right to peaceful and dignified life following daily exposure to threat to their family's personal safety. The husband reports that Mrs. I.B.C. had approached, with a letter dated February 21, 1996, the minister of the interior directly, seeking his assistance following the failure of the officials of the police station in Porec to provide the requested protection. Details of the case indicate that the C. family had moved to Porec from Osijek in 1993; Mrs I.B.C. is of Montenegrin nationality, born in Zagreb on May 21, 1955, where she was raised and had lived before moving to Osijek. Mr. D.C. holds a college degree in architecture; for some time he fought in the war as a Croatian soldier, and was later employed in Porec. The C. family has two under-aged children. After the S. family had moved into the apartment below theirs, they started being exposed to harassment and deprived of their right to use the common areas of the shared apartment building. The most serious threat came from Mrs. M.M. of Porec, who, as a real estate agent, sold to the S. family the apartment they lived in. The threats peaked when D.C. was assaulted in his own apartment on February 11, 1997, with his own under-aged children witnessing the assault. Every instance of harassment was immediately reported to the competent police authority, but the only response received until that point was that the police was unable to do anything.

Measures taken: The Ministry of the Interior was asked to provide information on whether investigation had been launched into the case following the complaint filed by Mrs. I.B.C., what was the outcome of the investigation, and whether any measures had been taken pertaining to this case of endangered personal safety. Furthermore, the County attorney was asked to investigate the evidence cited in the complaint and to initiate due legal proceeding in order to curb and punish socially dangerous acts involving injury or threat to life, especially given that the serious threat directly affected under-aged children, and not only their parents. Namely, an analyses of the case suggests that Mrs. I.B.C. and her husband, D., were victims of criminal acts which are prosecuted ex officio.

Case outcome: A letter dated April 2, 1997, sent by the county attorney, informs the ombudsman that the request was referred to the municipal attorney in Porec, on suspicion that

M.M. had committed against more than one person the criminal offence of endangering safety as per Article 1. Paragraph 2 of the penal law of the Republic of Croatia.

Case description (P.P. - 217/97 dated 11.03.1997): The Knin-based office of UNHCR reported the case of S.J., resident of Bukovica, district of Knin, a returnee of the Serb nationality. On November 26 and 27, 1996., she was assaulted twice in her family's house, on which occasion unknown persons inflicted on her a serious physical injury, which led to her being treated at the hospital in Zadar.

Measures taken: On March 18, 1997, a letter was sent to the Ministry of the Interior, requesting that the allegations made in the complaint be investigated and the ombudsman's office notified about the findings, and that measures be taken to allow the complaining party to return to her home and be protected from further assaults.

Case outcome: On April 2, 1997, a report was received from the Ministry of the Interior, confirming that S.J. had indeed been assaulted and had suffered serious bodily injuries inflicted on her by unknown perpetrators, against whom charges had been pressed with the municipal office of the state attorney in Zadar, over the criminal offence of inflicting serious bodily injury as per Article 40 of the penal law of the Republic of Croatia. At the same time, the police had taken all due measures in order to protect S.J. and all other citizens of Bukovica. Since that time, it was reported, S.J. had been residing in her home, enjoying full safety. In that region, the police had taken intensive measures to protect the entire population. This report was brought to the attention of UNHCR-Knin, and the ombudsman received a letter on April 15, 1977, in which UNHCR thanked him for the actions taken to deal with the case.

#### **From the competence of the Ministry of Justice:**

1995, 1996 and 1997 statistics show that 8 persons were legally convicted and sentenced to imprisonment for inciting racial hatred, dissention or intolerance.

#### **From the jurisdiction of the Ministry of the Interior:**

The efforts made by the police in its day-to-day activities in order to avert the withholding or restriction of the citizens' right to equality are reflected in the fact that only two such criminal offences were perpetrated in the 1995 - 1997 period, both in 1996.

We particularly emphasize the fact that, in the given period, i.e. from 1995 to 1997 not a single criminal offence involving racial or other discrimination was reported.

### **Article 7**

The Parties shall ensure respect of the right of every person belonging to a national minority to freedom of peaceful assembly, freedom of association, freedom of expression, and freedom of thought, conscience and religion.

#### **Narrative**

From the jurisdiction of the Ministry of the Interior:

By the Constitution of the Republic of Croatia (Article 14) all citizens of Croatia have rights and freedoms, regardless of their race, colour, sex, language, religion, political or other

opinion, national or social origin, property, birth, education, social status or other properties, while members of all nations and minorities (Article 15) shall be guaranteed freedom to express their national freedom to use their language and script, as well as cultural autonomy.

By the Constitution of the Republic of Croatia (Article 42) all citizens are guaranteed the right to peaceful assembly and public protest aimed at protection of their interests or promotion of their social, economic, political, national, cultural, and other convictions and objectives.

Note: Freedom of association is granted with reference to the Article 8.

## **Legal**

### ***From the Constitution of the Republic of Croatia***

#### Article 14

"Citizens of the Republic of Croatia shall enjoy all rights and freedoms, regardless of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth, education, social status or other properties.

All shall be equal before the law."

#### Article 15

"Members of all nations and minorities shall have equal rights in the Republic of Croatia.

Members of all nations and minorities shall be guaranteed freedom to express their nationality, freedom to use their language and script, and national autonomy."

#### Article 42

"All citizens shall be guaranteed the right to peaceful assembly and public protest."

### ***Act on Public Assembly***

#### Article 2

"Public assembly of citizens in the sense of this Act are considered to be gatherings both in and out of doors organised for the purpose of entertainment, cultural, religious, humanitarian, social, sport and other activities of citizens, as well as protests, demonstrations, and processions, in order to publicly express opinions and achieve their political intention."

#### Article 4

"Organisers shall require a permit to hold a peaceful assembly.

The permit for the paragraph 1 of this Article shall be required from the police department in charge of the territory of intended assembly (hereinafter: authority in charge).

Should the assembly take place outside the territory of authority in charge from the paragraph 2 herewith, relevant permit shall be required from the police station on the territory of the



intended assembly. The police station shall immediately forward the relevant requirement to the authority in charge.

The police department may entrust affairs under its jurisdiction to the police station on the territory of the assembly.

Public assembly permit comprises the following data: the organiser's name and family name, birth date and address, or name and headquarters of the organiser; purpose, place, date and time of the public assembly, contingent security measures provided at the place of assembly, number of security providers and their personal data, as well as the name and family name, birth date and address of the assembly leader.

When a public protest is held on public traffic routes, the organiser will attach to the permit requirement an approval required by regulations of safety of road traffic.

### **State infrastructure**

#### **From the Jurisdiction of the Ministry of the Interior.**

##### **Policy**

Citizens shall enjoy the right of peaceful assembly and public protest and an organiser of the public assembly shall be obliged to accordingly notify only the police department in charge.

##### **Factual**

#### **From the Jurisdiction of the Ministry of the Interior:**

The public protest records for the past few years show that in majority of cases they were organised to fulfil cultural, entertaining, religious, sport, social and political interest of citizens, in 1997 and in the frames of their task to support and maintain the public order and safety, the police recorded 5238 (3505 the year before) public gatherings, 2137 (2390) of which were sport activities, 2603(157) political, 348 (504) culture and entertainment related, 41(58) religious, and 109(196)other purpose assemblies.

Out of this number only 12 (31 the year before) or 0.23% of the announced public assemblies were banned: four of them were sport events, four political, three cultural and entertainment, and one from the category of other-purpose assemblies. The reasons of the ban included: failure on the part of the organiser to provide the security or institute security measures, and announcement of two public assemblies at the same place and time. Besides, 24 public protests were broken off on the requirement of organisers themselves (18 in the previous year).

The Ministry of the Interior has no data on the participation of national minority members in announced public assemblies, since by the Constitution of the Republic of Croatia all citizens have equal right to assemble peacefully. Therefore, this information is not required for obtaining a permit to hold a peaceful assembly. Instead, organiser's title and headquarters, purpose of assembly, its place, and security measures to prevent any public order and peace disruption, are in the focus.

### **Article 8**

The parties shall recognise that every member of a national minority has the right to manifest his or her religion or belief or to establish religious institutions, organisations and associations.

#### **Narrative**

##### **From the Jurisdiction of the Ministry of Public Administration.**

Establishment of national minority associations is guaranteed by the Constitution of the Republic of Croatia. By the provision of the Article 43 of Croatian Constitution, citizens are guaranteed the right to freely associate with the purpose of protecting their interests and promoting their social, economic, political, national, cultural, and other convictions and objectives. For this purpose, citizens may freely form political parties, trade unions and other associations, as well as join or leave the same. Freedom of association, in compliance with the Article 43 paragraph 2 of the Constitution, is restricted only by the prohibition of any violent threat to the democratic constitutional order and independence, unity and territorial integrity of the Republic of Croatia.

Besides, the Act on Associations\_(Official Gazette, No. 70/97 and 106/97), enacted at 15 July 1997, regulates the establishment of associations. Article 1, paragraph 1 of the Act regulates founding, structure, legal status and discontinuation of associations, as well as registration and cancellation of activities of foreign associations, if not otherwise provided by a special law.

By the Article 2, paragraph 1 of the Associations Act, an association, represents any form of voluntary union of a number of citizens and legal entities seated in the Republic of Croatia, for the purpose of protection and promotion of their common ecological, economic, humanitarian, informational, cultural, ethnic and national, educational, social, professional, sport, technical, health, scientific and other interests and objectives, as well as their convictions, who without intention of making profit, adopt rules regulating establishment and activities of such associations, if not otherwise provided by law.

Besides establishing associations national minority members form and join political parties. Forming a political party is regulated by Act on Political Parties (Official Gazette No 76/93 and 111/96).

According to the Act on Political Parties, their free forming and continuous participation in shaping political will makes political parties an expression of the democratic multi-party system, which represents one of the highest values of the Croatian constitutional order. In Compliance with the constitutional freedom of association, by forming political parties the citizens are guaranteed the right to freely unite in order to protect their interests and promote their political, social, economic, national, cultural, and other convictions and objectives.

Political parties are associations whose objectives set forth in their programmes and statutes are directed towards creation and shaping of political will and political activities of citizens. A political party may be established by at least 100 adult Croatian citizens of full legal capacity.

## **Legal**

### ***Constitution of the Republic of Croatia***

#### Article 43

"Citizens shall be granted the right to free association for the purposes of protection of their interests or promotion of social, economic, political, cultural and other convictions and objectives. For this purpose, citizens may freely form political parties, trade unions and other associations, join them or leave them.

The right to free association shall be restricted by the prohibition of any violent threat to the democratic constitutional order and the independence, unity and territorial integrity of the Republic."

### ***Act on Associations***

#### Article 1

"(1) This Act regulates establishment, structure, legal status and cancellation of foreign association activities, if not otherwise provided by law.

(2) Provisions of as Act do not apply to trade unions and employer associations with the exception of the Article 38, paragraph 5 and 6, the Article 41 of this Act, nor to political parties and religious communities.

#### Article 2

"(1) In the sense of this Act, an association represents a form of voluntary alliance of several citizens and legal entities residents of the Republic of Croatia, who with the purpose of protecting and promoting their common ecological, economic, humanitarian, informative, cultural, ethnic and national, educational, social, professional, sport, technical, health, scientific, and other interests and objectives, as well as their convictions, without intention of making profit, observe the rules regulating the establishment and activities of an association, if not otherwise provided by law.

(2) An association is a legal entity. An association becomes a legal entity when entered into the register of associations."

### ***Act on Political Parties***

#### Article 1

"(1) By their free establishment and continuous participation in the development of citizen political will, political parties are an expression of the democratic multi-party system as one of the highest values of the Croatia constitutional order.

(2) Through establishment of political parties the citizens are guaranteed the right to free association for the purpose of protection of their interests and promotion of their political, social, economic, national, cultural and other convictions and objectives.

(3) Legal status, conditions, manner and procedure of establishment, registering and dissolution of political parties are regulated by this Act.

## Article 2

"(1) In the sense of this Act, political parties are associations whose objectives set forth in their programmes and statutes are directed towards creation and shaping of citizen political will and political activities."

### **State infrastructure**

#### **From the jurisdiction of the Ministry of Public Administration:**

By the provisions of the Article 15 of Act on Associations, the register of associations is kept by:

- County Office of Public Administration for associations operating in a county, and
- Ministry of Public Administration for associations operating in two or more counties or all over the territory of the Republic of Croatia.

By the provision of the Article 7, paragraph of the Act on Political Parties, the register of political parties is maintained by the Ministry of Public Administration.

#### **From the Jurisdiction of the Office for National Minorities**

At 5 December 1990 the Croatian government passed the Decree on the enactment the Office for National Minorities (Official Gazette, No. 52/90), regulating the scope of the Office's activities, basic features of its internal organisation, status, authorities and responsibilities of its director.

At the meeting of 30 April 1991, the Government of the Republic of Croatia passed the resolution nominating the head of the Office for Relations between the Nations and ethnic Groups.

At the beginning of September 1991 the Office started to recruit professionals and to collect information from the bodies and institutions previously responsible for national minority issues. Paralelly, representatives of ethnic and national communities or minorities and their organisations were informed on the authority and scope of the Office's activities. Full coordination of the office's activities was achieved by mid November 1999, when the required specialists were engaged.

In July 1991 by the amendments of the Decree the Croatian government changed the name of the Office to the Office for Relations Between Nations and Ethnic Groups (Official Gazette, No. 36/91). In August 1995 the amendment of the same Decree changes the Office's name into Office for Ethnic and National Communities and Minorities (Official Gazette, No. 62/95), and in October 1998 the Croatian government passes a Decree on the National Minorities Office (Official Gazette, No. 132/98) giving the office its present name, scope and contents of work.

By the Decree the Office departments were nominated, as well as activities and tasks of individual departments, management and rough number of officials and employees.

The Office for National Minorities also performs other tasks in line with the policy of equal national minority rights in the territory of the Republic of Croatia as well as their rights in the frames of the Constitution and the law, suggests measures for achieving these rights, prepares proposals for providing funds to assure achievement of national minority constitutional rights, gives proposals and opinions on financing needs of certain national minorities and their associations, and performs other tasks entrusted to it.

## **Policy**

### **From the jurisdiction of the Office for National Minorities**

When in 1990 the Republic of Croatia became an independent state, the status of national minority whose institutions and associations assemble one or two national minority groups was gained by: Italians, Czechs and Slovaks, Hungarians, Ruthenians and Ukrainians, as well as Cultural and Performing Society of the Jewish national minority "Miroslav Salom Freiberger", and Serb Cultural Society "Prosvjeta".

In the course of 1991 the national German and Austrian minorities also established their societies.

In 1991 following the proposal of the Ministry of Education and Culture the Croatian government budgeted the funds for programmes of national minority society.

After establishing the Office of National Minorities, the Croatian government gradually implemented the model for achievement of national minority rights in order to preserve and develop their identify (ethnic, cultural, linguistic, religious), whether individually, or in association with other citizens. By this model ethnic rights are achieved through authorised, regular institutions of the Republic of Croatia, professionally and administratively responsible for individual domains of social life of all citizens, Croatians and members of national minorities alike. By the model the cultural and ethnic identity of a national minority members is protected and developed as well as their integration to the Croatian society.

Ethnic rights that cannot be achieved through activities of authorised governmental institutions, are achieved through financing cultural programmes of divers non- governmental national minority associations and institutions, providing an additional protection from assimilation.

Ethnic rights of national minorities are exercised through organisation, co- ordination and professional supervision in the field of:

- education through Ministry of Education and Sport,
- librarianship, through National and University Library, and by opening, equipping and operating national central minority libraries,
- social research, through the Ministry of Science and Technology;
- museum and archival activities and cultural inheritance preservation through the Ministry of Culture,
- access to electronic media, through Croatan radio and television,
- providing information (various newspapers), publishing, financing non- governmental associations (information, publishing, cultural amateurism, cultural events) following the proposal of the Office of National Minorities.

Italians - From the state budget the Croatian government finances ethnic of four non- governmental Italian minority associations: Italian Union, Newspaper publishers "Edit",

Centre for Historical Research - Rovinj and Italian drama, Rijeka. The Republic of Croatia and the Republic of Slovenia finance activities of these associations and institutions in 80:20 ratio, except for the Center of Historical Research, Rovinj, which is financed in 70:30 ratio.

Italian Union is the central association of Italian minority group, founded in Rijeka in 1943.

Newspaper publishing house "Edit", Rijeka issues for the members of Italian minority in the Republic of Croatia and Slovenia as well as for subscribers in Italy (based on agreement between Italian Union from Rijeka and People's University from Trieste) the following newspapers: daily newspaper "La Voce del Popolo" in circulation since 1944, children's magazine "Arcobaleno", founded in 1948 under the name of "Il Pioniere", journal "Panorama" founded in 1952 as a replacement for some previous journals, a three-monthly literary review "La Battaba" founded in 1964, and once a year "Scuola Mostra" a teacher's journal. "EDIT" also publishes textbooks for schools teaching in Italian language.

Italian national minority has a Center for Historical Research in Rovinj, engaged in historical, sociological and culturological research. The Croatian government co-finances 70% of salaries of the Center's 10 employees. The Center has been active for more than 30 years, and since 1996 its library has the status of the Depository library of the EU.

Italian drama is a professional theatrical institution of the Italian minority operating at the National theatre "Ivan Zajc" in Rijeka. It consists of an ensemble, opera, ballet and drama.

Czechs - The Croatian government finances the ethnic programmes of two non-governmental Czech minority associations. These are Czech Union in the Republic of Croatia from Daruvar, and newspaper publishers "Jednota" also from Daruvar.

The Union was founded in 1994 under the name of Union of Czechs and Slovaks and till 1992 it operated as an integral organisation of the Czech and Slovak national minority. After dissolution of Czechoslovakia the organisation split up into two national unions. Thus, since June 1992 the Union of Czechs operates separately. The Union assembles 22 "beseda", Czech cultural societies.

For informative and publishing programme of the Czech minority is covered by the publishing agency "Jednota", founded in 1946 and seated in Daruvar. It publishes a weekly "Jednota", a monthly "Detsky koutek" and two almanacs "Eesky lidovy kalendár" and "Prehled".

Slovaks - Slovak minority members left the Union of Czechs and Slovaks in June 1992 and registered their own non-governmental association – the Slovak Cultural Society, seated in Nasice.

In 1998 the Slovak Cultural Society changed its name into Union of Slovaks, assembling 10 branches and three cultural clubs.

From the budget the Croatian government finances three programmes of the Slovak national minority, i.e., informative, cultural amateurism and cultural events.

Within informative part of their programme the Slovak minority members publish a monthly newspaper-"Pramen".

Hungarians - The Croatian government finances the ethnic programmes of four non-governmental Hungarian minority associations. They comprise: Union of Hungarians in the Republic of Croatia from Osijek, Democratic Community of Hungarians of Croatia from Osijek, Society of Hungarian Scientists and Artists in Croatia from Zagreb, and "Huncro", publishing agency from Osijek.

The Union of Hungarians in the Republic of Croatia is a non-governmental organisation assembling the Hungarian minority members since 1949. Many years of the Union's experience are based on promotion, preserving and development of Hungarian cultural amateurism in Croatia. In 1999 the 50th anniversary of the first paper in Hungarian language will be marked.

The Democratic Community of Hungarians of Croatia, Osijek, was established in 1993. It has been engaged in cultural amateurism and cultural events, and it assembles several Hungarian cultural societies.

The "Huncro" publishing agency has been in charge of information dissemination and publishing since 1996, issuing a weekly "Uj Magyar Kepes Ujsag", a monthly "Horvatorszagi Magjarsag", a paper for children "Barkoka", and "Rovotkak, an almanac.

Society of Hungarian Scientists and Artists in Croatia from Zagreb operates since 1997. It is active in the fields of social research and providing electronic data for cultural clubs and other non-governmental Hungarian associations.

To preserve and promote their culture and traditions the Croatian Hungarians operate through a number of cultural and performing societies the most prominent of which are MKD "Ady Endre" from Zagreb, and MKD "Nepkor" from Osijek.

Ruthenians and Ukrainians - the Union of Ruthenians and Ukrainians in the Republic of Croatia was established in Vukovar in 1998. The two minorities have marked 30 years of activities and of return to the reintegrated area of the Republic of Croatia - the Croatian Podunavlje.

Croatian government financially supports their informative and publishing activities, as well as cultural amateurism and cultural events.

Ruthenian and Ukrainian minorities fulfil their cultured amateurism and cultural events programme through eight traditional cultural societies, some of which marked 30 years of activities.

Serbs - From the State Budget the Croatian government supports divers ethnic programmes of several non-governmental associations of the Serb minority. These include: Serb Cultural Society "Prosvjeta" Zagreb, Community of Serbs in the Republic of Croatia seated in Zagreb, Serb Democratic Forum seated in Zagreb, Union of Serb Qrganisations from Zagreb, Initiative for the Serb National Congress from Zagreb, and Joint Council of Municipalities from Vukovar.

The central and the oldest association of the Serb minority are the Serb Cultural Society "Prosvjeta" Zagreb, established in 1944. The society promotes and preserves the Serb cultural identity through the programme of cultural amateurism and cultural events of 23 sections and four independent societies.

In the frames of its informative and publishing programme the Serb Cultural Society "Prosvjeta" publishes two bimonthly papers "Prosvjeta" (Education) and "Novosti"(News}, a monthly paper for children "Bijela peela" (White Bee),and three annuals: "Ljetopis SKD Prosvjeta", "Kalendar SKD Posvjeta" and "Artefakti". The publishing segment prints the poetry and literature written by Serb authors, as well as the history of Serbs in the Republic of Croatia.

Community of Serbs in the Republic of Croatia, Zagreb, has been active since 1992. It publishes "Nas glas"(Our Voice), an monthly newspaper.

Serb Democratic Forum, Zagreb, operates since 1994 and within its informative programme it publishes "Identitet"(Identity), a monthly.

Initiative for the Serb National Congress, Zagreb, was established in 1997 and has electronic journal "Alkion" on the Internet.

The Croatian Government also supports special programmes of the two Serbian non-governmental associations offering professional help in the process of rebuilding the civil trust. These are Joint Council of Municipalities from Vukovar, and Union of Serb Organisations from Zagreb.

Germans and Austrians – From the State Budget the Croatian Government supports ethnic programmes of six non-governmental associations of German and Austrian minority. These include: Union of Germans and Austrians of Croatia, Qsijek headquarters; Community of Germans of Croatia, Zagreb; German Ethnic Community, Qsijek; Association of Austrians in Croatia, Zagreb; National Union of Germans in Croatia, Zagreb; and "Deutsches Wort" publishers from Qsijek.

A significant place in promotion and preservation of the German and Austrian identity belongs to their bilingual newspaper - -the' Deutsches Wort ".

The said associations fulfil their programme of cultural amateurism and cultural events by staging performances of choirs from Vukovar, Pakrac and Qsijek, and of the Agram dance group. Each year the scientific gathering "Germans and Austrians in Croatian Cultural Circle" takes place.

Jews - The Croatian government assigns funds from the state budget to the support of ethnic programmes of the Jewish community and of the cultural society "Miroslav Salom Freiburger" from Zagreb.

The Jewish Community assembles majority of the Jewish minority members. It organizes informative, publishing, educational and cultural activities, ranging from the publishing of "Ha-kol" newspaper to the Hebrew courses and "Talmud-Tora" workshop.

The majority of cultural events are organised by the society "Miroslav Salom Freiburger" and the vocal group "Lira". The cultural and performance society "Miroslav Salom Freiburger" accommodates a dance group "Or Sems" and a vocal and instrumental group "Zozeri" performing traditional Jewish dances and songs.

Slovenes - Since 1992 the Croatian government supports four cultural societies of Slovenes active in the frames of the Union of Slovenian Societies in the Republic of Croatia. These are: the cultural and performing society "Slovenski dom", Zagreb; Cultural and Educational



Society "Bazovica" Rljteka, Cultural and Educational Society "Triglav" Split and choir "Sibenik" (in the frames of the society). Cultural amateurism and cultural events programme of these societies comprises the performance of mixed choirs and organisation of exhibitions, forums and anniversaries.

In the frames of informative programme a bulletin and a four-monthly paper "Novi odmev" in Slovenian is published.

Albanians - Since 1992 the Croatian government financially supports the informative, cultural amateurism and cultural events programme of the Union of Albanian Communities in the Republic of Croatia, a non-governmental association seated in Zagreb.

The Union issues a monthly "Informatori" in Albanian language.

Beside the Union of Albanian Communities the cultural amateurism and cultural events are also the programmes of the Albanian cultural society "Shkendija" from Zagreb. " Shkendija " promotes Albanian folklore and music in folk-dance, drama and music sections.

Union of Albanian Communities in the Republic of Croatia prepares forums, exhibitions and marks anniversaries of Albanians renowned for preserving the Albanian cultural, religious and linguistic identity.

### **Bosnians-Muslims**

Since 1992 the government of Croatia financially supports the cultural amateurism of the Muslim cultural and performing society "Preporod", which in 1999. changed its name to Cultural Society of Bosnians of Croatia "Preporod", Zagreb. Since 1998 the programme of the Bosniac National Community of Croatia, Zagreb, has been supported as well. Both associations are engaged in studying the historical, artistic and social development of Bosnians - Muslims, they co-operate with governmental bodies and cultural and scientific institutions, and organise forums, exhibitions, cultural performances, round table discussions and literary evenings.

The Cultural Society of Bosnians of Croatia "Preporod", issues "Behar", a two-monthly; "Behar Journal", a monthly; and "Jasmin", a three-monthly.

The Bosniac National Community of Croatia and the Cultural Society of Bosnians of Croatia "Preporod" promote the Bosnian identity by organising forums, round table discussions and exhibitions, literary evenings, as well as trough performances of "Bulbul", a girls' choir.

Romanies - The government of Croatia financially supports the informative, cultural amateurism and cultural event programmes of Romany associations since 1992. The Union of Romany Associations of Croatia, Virovitica, operates since 1994, and the Community of Roumanies of Croatia, Zagreb, is active since 1997.

In the frames of their informative programme the association publishes two newspapers: "Romengo Akharipe" and "Romengo AEaeipi", a Romany paper in Bajak, AEaeipi and Croatian languages.

In the frames of the Union of Romany Associations of Croatia there are three cultural and performing societies, engaged in promotion of the Romany culture and folklore. Each association organises celebrations on the occasion of the International Romany Day.

In the past period, several Romany associations were either registered or they changed their name or address. The majority of members belong to the Union of Romany Associations of Croatia.

The Croatian government financially supports a special programme for Romanies: integration of Romany children in the educational system of the Republic of Croatia.

Montenegrins - Since 1992 the Croatian government financially supports the informative, cultural amateurism and cultural event programme of the non-governmental association of Montenegrins - the National Community of Montenegrins of Croatia, Zagreb.

Montenegrins in the Republic of Croatia promote their culture through cultural societies and community that preserve traditions and achievements of Montenegrins, in particular of those whose creative work is integrated in the Croatian culture.

The National Community of Montenegrins of Croatia publishes "Facta Monelienegrina", a bimonthly, while in the frames of their cultural amateurism and cultural event programme they organise exhibitions, forums, and national wheel dances, and mark significant anniversaries.

Macedonians - Since 1992 the Croatian government financially supports the informative, cultural amateurism and cultural events programme of the Community of Macedonians in the Republic of Croatia.

Five Macedonian cultural societies organise folk dances and music groups, exhibitions and forums in the frame the of cultural amateurism programme. These are: MKD "Ilinden" Rijeka, MKD "Krstec Misirkov" Zagreb, MKD "Braća Miladinovci" Osijek; MKD "Makedonja" Split and MKD "Koea Racin" Pula.

The Community of Macedonians publishes "Makedonski glas" (Voice of Macedonia), a three-monthly paper in Macedonian language.

Financing their informative and publishing activities, cultural institutions (libraries, theatre, museum and archives), cultural events and cultural amateurism depends on the development of associations and institutions as well as on preconditions of their programme accomplishment. To the financing of the said programmes the amount of HRK 20.097.336 was assigned from the 1997 StateBudget.

By the resolution of the Croatian government, in 1997 the amount of HRK 800.000 was assigned from the current reserves of the State Budget to the "1997 programme of establishing, revival and development of Serb associations and institutions in Croatia". Out of this amount HRK 500.000 was allocated to the Union of Serb Organisations engaged in a constructive co-operation with authorised state institution and for the program of civil trust rebuilding, HRK 200.000 to the Ministry of Culture for museum activities and protection of cultural monuments, and HRK 100.000 To the National and University Library for setting up the network of libraries.

From 1998 State Budget an amount of HRK 22.000.000 was assigned to the national minority programmes, and upon revision of the budget this amount was increased to HRK 1.200.000. Since the first amount proved sufficient for a rational fulfillment of the programmes, additional funds allocated upon budget revision were fully directed to the revival of national

minority cultural institutions in the war-destroyed areas, as a necessary precondition for national minority reintegration. In 1998 the Croatian government financed two special programmes as elaborated in the Report on Article 4, paragraph 2.

The list of national minority associations, 34 of them registered, is given in the preamble, page 22 and 23.

The amount of HRK 23.334.248 was assigned by the 1998 State Budget to national minority associations.

In the Republic of Croatia there are 77 (seventy-seven) political parties. Political parties joined by national minorities include:

1. Democratic Alliance of Albanians of Croatia, seated in Zagreb, Tkalciceva 59,
2. Bosnian Democratic Party, seated in Zagreb, Kneza Mislava 14,
3. Party of Romanies of Croatia seated in Bjelovar, Sufflayeva 6,
4. Hungarian National Party of Croatia seated in Zmajevac, Marsala Tita 199,
5. Party of Democratic Action of Croatia seated in Zagreb, Mandalicina 13,
6. Democratic Party of Croatian Muslims seated in Zagreb, Vocarska 40,
7. Democratic Community of Muslims of Croatia seated in Osijek, Mihaila Klajna 1 b,
8. Albanian Democratic Party of Croatia seated in Zagreb, Preradoviceva
9. Serb National Party seated in Zagreb, Mazuranicev trg 13,
10. Albanian Islamic Democratic Union seated in Zagreb, Bogoviceva 3,
11. Italian Democratic Community seated in Pula, Luigi Skaljera street No.22,
12. Independent Democratic Party of Serbs seated in Vukovar, Borovo naselje,
13. Party of Podunavlje Serbs seated in Vukovar, Marsala Tita street No 11 and
14. Serb Democratic Party of Baranja seated in Beli Manastir, Trg slobode 22a.

Political parties are non-profit organisations financed from membership fees, voluntary contributions, publishing activities, sale of promotional material, organisation of party events, state budget, budget of the local self-government units, and profits of companies in their ownership. A part of financial support to political parties, whose candidates were elected to the Croatian parliament, is allocated from the State Budget on an annual basis and in proportion with the number of their representatives in the Croatian Parliament (Saber).

National minority associations are financed on the local level in accordance with local budgets. Thus, for instance the Zagreb County, which includes municipalities surrounding Zagreb, supports the Association of Romanies; The Count of Istria on the level of both municipalities and the county supports the Italian community, the County of Split and Dalmatia supports the Macedonian cultural society, the Hungarian democratic community, the cultural society of Bosnians of Croatia "Preporod", the Slovenian cultural society "Triglav"; The County of Osijek and Baranja supports the Union of Germans and Austrians, Osijek branch, Cultural society of Slovaks from Nasice and Albanian community; The County of Koprivnica and Krievac supports the Hungarian Democratic Community; The Bjelovar-bilogora county supports the Czech associations; The Sisak-moslavina county supports the Romany association, Czech Beseda, cultural and educational society of Ukrainians and cultural society of Slovaks; The county of Vukovar and Srijem supports associations of Ruthenians and Ukrainians, associations of Serb national minority and Slovak associations. The amounts of all the above financial supports range between 5 and 20 thousand Kuna per association. An exception is the amount of HRK 1.749.800 assigned to the Italian community by the County of Istria.

It should be noted that the counties in the eastern Slavonia and Baranja were exposed to the longest occupation during which a major part of economy was disabled, and therefore these counties cannot allocate high amounts to the national minority associations. At the same time, the County of Istria is one of the most developed counties in Croatia.

### **From the Jurisdiction of the State Commission for Relations with Religious Communities**

Up to now religious communities were not financed from the State Budget.

From the Croatian 1999 State Budget HRK 500.000 is assigned to religious organizations. The amount will presumably be distributed amongst 12 organisations. A more detailed information is not available since the resolution on distribution on the relevant amount has not yet been passed.

### **Factual**

#### **From the Jurisdiction of the Ministry of Public Administration:**

More than 30 national minority associations operate in the territory of the Republic of Croatia, and are entered into the register of associations maintained by this ministry.

Assets of an association consists of funds collected from membership fees, voluntary contributions and gifts, lotteries, proceeds from their lawful activities, subsidies from the state, municipality, town and county budgets and funds, their movable or immovable and other property rights (Article 23, paragraph 1 of the Act on Associations).

### **From the Jurisdiction of the State Commission for Relations with Religious Organisations**

Minority Council, a non-governmental organisation, co-operates with national minority representatives in the Croatian parliament. However, it is not an alternative institution of minority representatives, but rather a complementary one. The Council monitors the implementation of the policy of preserving, promotion and protection of national minority rights, considers problems and takes positions on all proposed bills and regulations, submits taken positions, requirements and proposals to the Parliament and the government and to their bodies for consideration and resolution, and co-operates with all governmental and international community bodies. The members of the Jewish community has been elected the Council's president, and the member of the Czech community its vice president.

The Office for National Minorities has requested commentaries of all the national minority associations with respect to the implementation of the Framework Convention on the National Minority Protection in Croatia. A summarised overview of the most typical commentaries of national minority associations is given below.

- In the opinion of some associations certain problems still remain to be resolved on the level of local administration, specially with respect to office space and financing on the local level ((German National Community, Osijek).
- Despite a high level of rights guaranteed by the Croatian Constitution and international documents ratified by the Republic of Croatia, the practical exercise still meets with some difficulties (Serb Democratic Forum, Zagreb, Serb National Council, Zagreb, Prosvjeta, Zagreb).

- Many Ruthenians and Ukrainians from Vukovar and its surroundings cannot return to their homes destroyed or burned during Serbian aggression. Croatia lacks funds for their rapid reconstruction while promised and expected support from the international community (which failed to timely stop appalling destruction and genocide), is either insufficient or missing. An additional problem is that the houses which were undamaged cannot be used, since they were inhabited by Serbs during the occupation of Croatia (Union of Ruthenians and Ukrainians, Vukovar).
- The number of national minority parliamentary seats should be increased to include a Slovene representative (Union of Slovenian Societies in the Republic of Croatia, Zagreb).

### **Article 9**

1. The Parties undertake to recognise that the right to freedom of expression of every person belonging to a national minority includes freedom to hold opinions and to receive and impart information and ideas in the minority language, without interference by public authorities and regardless of frontiers. The Parties shall ensure, within the framework of their legal systems, that persons belonging to a national minority are not discriminated against in their access to the media.
2. Paragraph 1. shall not prevent the Parties from requiring the licensing, without discrimination and based on objective criteria, of sound radio and television broadcasting, or cinema enterprises.
3. The Parties shall not hinder to creation and the use of printed media by persons belonging to national minorities. In the legal framework of sound radio and television broadcasting, they shall ensure, as far as possible, and taking into account the provisions of Paragraph 1, that persons belonging to national minorities are granted the possibility of creating and using their own media.
4. In the framework of their legal systems, the Parties shall adopt adequate measures in order to facilitate access to the media for persons belonging to national minorities and in order to promote tolerance and permit cultural pluralism.

Paragraph 1.

#### **Narrative**

The Republic of Croatia guarantees all the national minorities free access to media in accordance with the Constitutional law on Human Rights and freedoms and on Rights of Ethnic and National Communities and Minorities. The Constitution of the Republic of Croatia also guarantees the freedom to hold and express opinions. National minority members may freely organise informative and publishing activities in their own language and script, and the Republic of Croatia as well as local self-government bodies shall support them financially.

#### **Legal**

##### ***From the Constitution of the Republic of Croatia***

Article 38

"Freedom of thought and expression of thought shall be granted.

Freedom of expression shall specifically include freedom of the press and other media of communication, freedom of speech and public expression, and free establishment of all institutions of public communication.

Censorship shall be forbidden. Journalists shall have the right to freedom of reporting and access to information.

The right to correction shall be guaranteed to anyone whose constitutionally determined rights have been violated by public communication.”

***From the Constitutional Law on human rights and freedoms and rights of ethnic and national communities or minorities.***

Article 6 Paragraph 1.d)

"The Republic of Croatia guarantees the members of all national or ethnic communities or minorities:

the protection of equal participation in public affairs, such as the right to political and economic freedoms in social sphere, access to media, and in education and cultural matters in general"

Article 10

"Members of national and ethnic communities or minorities are free to organise informative and publishing activities in their native language and script. The Republic of Croatia and local self-governing bodies provide financial support for the realisation of the rights listed in Paragraph I of this Article, depending on its financial resources."

### **State infrastructure**

The Office of National Minorities at the government of the Republic of Croatia (for more details on the Office please refer to the Article 8) finances the informative and publishing activities on the level of the state. On the local level it is in charge of counties, towns and municipalities (also more detail in the Article 8).

### **Policy and factual**

#### **From the competence of the Office for Nationals Minorities at the Government of the Republic of Croatia.**

Croatian government extends financial support for publishing papers (daily, weekly, and periodicals) at all national minorities in their language and script, as well as works or authors who contributed to the preservation and development of identity of national minorities. Financial assistance is closely related to traditions and requirements of individual national minorities, and thus the extent to which a national minority right will be exercised depends on traditions and period of time during which they had opportunity to express their individuality. Thus, for example, Italian national minority publishes much more newspapers and other issues in their language than German and Austrian minorities, which during the previous regime did not have the right to express identity or to associate as public minority.

**Details by national minority follow:**

"Edit", an independent newspaper-publishing agency seated in Rijeka is engaged in publishing activities in the interest of members of Italian minority in the Republic of Croatia and Slovenia, and of subscribers from Italy (based on co-operation between Italian Union from Rijeka and National University from Trieste). Publications issued in 1997 included: "La voce del popolo", a 38-page daily newspaper, in circulation of 3026 copies; "L'arcobaleno" a monthly for children, 60 pages, circulation: 2103 copies; "Panorama", a semi-monthly, 60 pages, circulation: 1437 copies; "La Battana", literary journal, a three-monthly, 132 pages, circulation: 1060 copies.

In 1998 the government of the Republic of Croatia allocated funds to: 303 issues of "La voce del popolo", 16 pages each; 24 issues of "Panorama", a 60-page monthly; 10 issues of "L'arcobaleno", a 60 page monthly for children; and 4 issues of "La Battana", 130-page literary journal.

The Czech national minority has a newspaper-publishing agency "Jednota", seated in Daruvar. 1997 activities of the agency included: 50 issues of "Jednota", 28-page weekly, circulation: 2000 copies; 10 issues of "Nas koutek", a 32-page monthly for children, in circulation of 900 copies; "Eeski narodni kalendar", 160-page almanac, circulation 1200 copies; and another almanac "Prehled", in circulation of 2000 copies.

In 1998 the Government of the Republic of Croatia financed: 50 issues of "Jednota", 28-page weekly, 10 issues of "Detsky koutek", a 28-page monthly for children, two-yearly "Cesky lidovy kalendar 1998", 160 pages, and "Prehled", 80 pages.

For the Slovak national minority the Central Slovakian Cultural and Publishing Society prints "Pramen", a 16-page monthly, in circulation of 500 copies. In 1997 they printed 12 issues, in 500 copies.

In 1998 the government of the Republic of Croatia allocated funds to 12 issues of "Pramen", a 16-page monthly.

In 1997 "HunCro" publishing agency of Hungarian national minority printed 45 issues "Uj Magyar Kepes Ujsag", in 1300 copies, 12 issues "Horvatoszagi Magyarasag", a monthly in 1700 copies, and 4 issues of "Barkoca", a paper for children in circulation of 1100 copies. Also "Rovatkak", a yearbook was published in 1000 copies as well as the books "Szentkaszlo – Laslovo", by Kelemen David, in 1000 copies.

The society of Hungarian scientists and artists in Croatia developed MAHO, an information software for 4 non-governmental associations and cultural societies of Hungarians, both in electronic form and on the Internet.

In 1998 the government of the Republic of Croatia assigned funds to informative programme. The funds covered 52 issues "Uj Magyar Kepes Ujsag", a 24-page weekly, 12 issues of "Horvatoszagi Magyarasag", a 56-page monthly, 4 issues of "Barkoca", a 24-page paper, and one issue of "Rovatkak '98", a 180-page yearbook.

"Nova dumka" is the publishing house of the Ruthenian and Ukrainian minority which publishes an illustrated two-monthly paper "Nova dumka". In 1997 they published one double issue of "Nova dumka", in circulation of 1000 copies and 2 issues of "Vjencic" a journal for students and youth in circulation of 500 copies. They also printed the book "Kulturno-

prosvjetno društvo Rusina i Ukrajinaca Zagreb (1972-1997)" (Cultural and Educational Society of Ruthenians and Ukrainians Zagreb) in printing run of 500 copies.

In 1998 the government of the Republic of Croatia co-financed the same programmes. For informative activities funds were distributed among: 6 issues of "Nova -dumka", 48 pages, 2 issues of "Vjenciae", 36 pages. Also three monographs "Rustni i Ukrajinaci u domovinskom ratu" (Ruthenians and Ukrainians in the Patriotic War), 150 pages, "30th Anniversary of the Union of Ruthenians and Ukrainians", 120 pages, and "Dumki z Dunaju", a 150-page almanac.

For Serb national minority, the sport and cultural society SKD "Prosvjeta" prints several papers. In 1997 they published four issues of the magazine "Prosvjeta", a 64-page three-monthly dealing with cultural and social issues of Serbs in the Republic of Croatia, in circulation of 1500 copies; 9 issues of "Novosti" SKD "Prosvjeta", a 16-page monthly newspaper, in circulation of 1500 copies, and 8 issues of "Bijela pfela", a 36-page paper for children, in circulation of 1500 copies.

In 1997 SKD "Prosvjeta", printed: 1000 copies of Narodni srpski kalendar; 500 copies of the chronicle SKD "Prosvjeta"; 500 copies of "Rasulo", collection of poems by Nebojsa.Devetka; 300 copies of "Autoportret s dusom" (A self-portrait with a soul), poems in prose by Divna Zeeeviae; 500 copies of "Americki sladoled" (American ice-cream), a novel by Drago Kekanoviae, 500 copies of "Kordunaski proces" by Cedomir Visnjic; 500 copies of "Etnieko eisaeenje" (Ethnic cleansing) by Svetozar Livada; 500 copies of "U gornjoj Slavoniji" a travel by Mita Petroviae; 500 copies of "Doživljaji zagrebackih učenika u svezi s njihovom nacionalnom i vjerskolm pripadnoscu" (Experience of Zagreb students related to their national and religious identity)- by a group of authors, and 1000 copies of "Manjinski narodi i manjine" (Minority Nations and Minorities) by Sinisa Tatalovic, printed in co-operation with "Prosvjeta".

In 1998 the government of the Republic of Croatia co-financed the same programmes. Funds for papers were allocated to: 6 issues of "Prosvjeta", a 64-page newspaper; 6 issues of newspapers and News of SKD " Prosvjeta", 16 pages; 10 issues of "Bijela pcela", a 36- page magazine for children; "Chronicle of SKD "Prosvjeta", 480 pages; Calendar of SKD "Prosvjeta", 480 pages, and "Artefakti", a 228-page journal. Also publishing of 7 editions was funded, i.e.: "Essays" by Milan Kasanin, 400 pages; "Poetry" by Lidija Vukicevici, 112 pages; "Serbs in Croatia", by Bosiljka Milinkovic, 320 pages; "Narodne pjesme zapadne Slavonije" (Folk Songs of Western Slavonia) by Simo Mileusniae, 480 pages; "Oko Psunja" (Around Psunj) by Julius Kempf, 128 pages; "Filozofija Gaje Pefroviaea" (Philosophy of G.P.) by Veselin Golubovic, 240 pages; and "Statut Vallachorum" by Drago Roksandic, 320 pages.

Community of Serbs in Croatia publishes "Nas glas"(Our Voice), a 64-page monthly dealing with social issues, in circulation of 3000 copies. In the course of 1997 nine issues were printed.

In 1998 the government of the Republic of Croatia allocated funds to "Nas glas" (Our Voice), a 64-page monthly paper.

The Serb Democratic Forum issues "Identitet" (Identity), a 64-page independent Serb newspaper, in circulation of 3000 copies. In 1997 eight issues were printed.



In 1998 the government of the Republic of Croatia provided funds for financing "Identitet", a 64-page monthly.

An initiative for the Serb National Congress issues "Alkion", a monthly paper. In 1997 they printed 7 issues, one of which was presented on the Internet.

In 1998 the government of the Republic of Croatia allocated funds for 12 issues of the electronic edition of "Alkion".

The association "Tolerancija" (Tolerance) published the book "Glasovi za Hrvatsku" ("Voices for Croatia") in the frames of the project "Ucesce pripadnika srpske nacionalne manjine slobodnog dijela Hrvatske u obrani Hrvatske od agresije" (Participation of national minority members from occupied part of Croatia in Croatia's defense against aggression).

German and Austrian minority is represented by "Deutches Wort", the publishing agency which prints a three-monthly 45-page paper circulation of which is 700 copies. In 1997 three issues of the paper were printed. Also the "Yearbook 1997" ("VDG Jahrbuch 97"), was printed in 400 copies comprising works from the symposium "Nijemci i Austrijanci u hrvatskom kulturnom krugu" (Germans and Austrians in Croatian Cultural Circle).

In 1998 the government of the Republic of Croatia provided funds for 4 issues of the "Deutsches Wort", 45 pages, and a 100-page collection of works "Jahrbuch' 98".

For the Jewish minority the Jewish community Zagreb prints "Ha-kol" a 20-page bimonthly, in circulation of 1200 copies. In 1997 three issues of the paper were published, a yearbook "Voice" in English and a Jewish calendar for the year 5758.

In 1998 the government of Croatia allocated funds to 6 issues of "Ha-kol", 12 pages; one issue of "Voice" in English, 70 pages, and 6 issues of "Novi omanut", 12 pages.

Publishing of the book "Sabat Salom" by Jasminka Domas, 120 pages, was also financed.

Slovenes in the Republic of Croatia associate in the Union of Slovene Associations, which prints two issues: "Bilten", a monthly newspaper in 1000 copies, and a three-monthly "Novi odmev", 20 pages, in circulation of 500 copies. Eleven issues of "Bilten" and four issues of "Novi odmev" were printed in 1997.

In 1998 the government of the Republic of Croatia provided funds for 10 issues of "Bilten", and 4 issues of "Novi odmev", a 28-page three-monthly.

Albanian community in the Republic of Croatia publishes "Informatori", a 16-page paper, in circulation of 1000 copies. In 1997 four copies of the paper were printed. Books: "Albanci i Klementinci u Hrtkovcima i Nikovcima (1737-1997)", by Don Frok Zefiq, "Povijest Arbanasa" by Tullija Erbere in Albanian language and "Konstantin Balsic" by prof. Milan Suflay, Ph.D., reprinted in Croatian, were published.

In 1998 the government of Croatia provided the funds for "Informatori", a 16-page monthly.

The cultural society of Bosnians of Croatia "Preporod" issues two papers: "Behar", a two-monthly 36-page magazine for cultural and social issues, in circulation of 1500 copies, and a news magazine "Behar journal" in circulation of 1500 copies. In 1997, six issues of "Behar" and 6 issues of "Behar journal" were printed, as well as "Jasmin", an almanac for children in

circulation of 1000 copies. In the frames of publishing activities the book "Obieaji Bosnejaka" (Bosnian Customs) by Edib Muftiae was published.

In 1998 the government of the Republic of Croatia financed "Behar", a 36-page bimonthly, "Behar Journal", a 36-page monthly, four issues of "Jasmin" (24 pages), and four issues of "Bosnjaeka pismohrana" (Bosnian Files), 44 -pages.

The Union of Romany associations issues "Romano Akharipe", a 24 page bimonthly, in 2000 copies. In 1997 three issues were published.

In 1997 the association of Romanies of Croatia published three issues of "Romengo Cacipi", a three-monthly printed in 250 copies.

In 1998 the government of the Republic of Croatia provided funds for four copies of a Romany paper in Bajak, Eaeipi and in Croatian languages.

The national community of Montenegrins of Croatia issues "Facta Montenegrina", a 28-page paper printed in 1000 copies. In 1997 two issues of the paper were published.

In 1998 the government of the Republic of Croatia provided funds for six issues of "Facta Montenegrina", a 32-page paper.

The community of Macedonians in the Republic of Croatia issues "Makedonski glas"(Voice of Macedonia). In 1997 four issues of 40-page paper were published in 1000 copies. In the frames of publishing activities they printed the following books: "Prometej Makedonski", by Ognen Bojadiski, and a collection of poems "Moj put" (My journey) in 1000 copies.

In 1998 the government of the Republic of Croatia financed (in the frames informative activities) four issues of "Macedonski glas" (Voice of Macedonia), a 36-page paper.

Paragraph 2.

### **Narrative**

Predominant part of the answers has already been entered in paragraph.

### **From the jurisdiction of Ministry of maritime affaires, transport and communications**

Possibility of the legal entities (trading companies) to perform radio and television activities with concession of Council for telecommunications is provided and implemented in practice by passage i.e. coming into force of the Law on telecommunications (Official Gazette no. 53/94).

Broadcasting of the radio and television programs in the language of national minorities is determined by the law.

### **Legal**

A part of the answers has been entered into paragraph 1.

### ***From the Law on telecommunications***

Article 12, paragraph 5 and 6:

"Radio and television at the level of the State and at local level (level of a town, county, town of Zagreb or group of counties) may build up and use legal entities from the article 55 of the same law with the concession of the Council for telecommunications."

Article 13.

paragraph 1.:

"The Council for telecommunications is competent in giving concessions for performing activities in public telecommunications."

Article 4.:

"The House of Representatives of the Parliament of the Republic of Croatia at the proposal of the Government of the Republic of Croatia appoints and releases members of the Council."

Article 14.

Paragraph 8.:

"Based on the resolution of the Council for telecommunications on the concession, the Ministry of maritime affairs, transport and communications concludes an agreement on realisation of the concession if technical survey confirms that the concessionary has realised terms from the paragraph 5 of the same article."

Article 64.:

"(1) Radio and television concessionary shall broadcast the program in Croatian language.

(2) Radio and television concessionary may also broadcast on the local level program in the dialects of Croatian language used by the population in the area of the concession and in languages of ethnic and national communities or minorities who live in the area of concessions exceptionally from the provision from the paragraph I of this article. Length of the program in the dialects of Croatian language may not exceed, during the day, 20% of the average daily program length. The program duration in the language of ethnic and national community or minority during the day, stated in the percentage of the average daily duration of the program, shall as much as possible, correspond to the percentage of ethnic and national community or minority at the total number of inhabitants in the area of concessions but it may not exceed 50% of the average program duration.

(3) Radio and television concessionary may broadcast informative program and service information for the requirements of the foreign guests, in the languages according to the representation of foreign guests, exceptionally from the provision from the paragraph 1 of this article.

(4) Provisions from the paragraph (1) of this article do not refer to film and music reproductions, transmission of religious, theatre and music happenings and educational program for studying of foreign language."

**State infrastructure****From the jurisdiction of Ministry of maritime affaires, transport and communications**

In accordance with the article 85, paragraph 1, of the Law on telecommunications, the Ministry is authorised for telecommunications; and performs supervision on the implementation of the Law. In accordance with the article 13 of the Law on the organisation and domain of the ministries and government administrations this is in Jurisdiction of the Ministry of maritime affaires, transport and communications.

Provision of the article 13 of the Law on telecommunications, regulates competence of the Council for telecommunications for giving concessions for performance of the activities of public telecommunications and this also being the activity of radio and television, its structure, announcement of resolutions which also convey other questions in relation to the work of this body.

Article 13.

"(1) The council for telecommunications is competent for giving concessions for performance of activities in public telecommunications.

(2) There are nine members of the Council who are nominated by public, educational, cultural, scientific and religious staff members.

(3) Members of the Council are appointed for the period of five years, and four members of the initial Council are appointed for a period of 3 years.

(4) Members of the Council are appointed and released by the House of Representatives of the parliament of the Republic of Croatia at the proposal of the Government of the Republic of Croatia.

(5) A person who is business or economic relation with a company performing functions in the public telecommunications shall not be a member of the Council;

(6) The President of the Council and his deputy are appointed by the Council.

(7) The Council introduces standing orders on its work.

(8) Council publishes annual report on its work and submit it to the Parliament of the Republic of Croatia.

(9) Resolutions of the Council in respect of the concessions are published in Official Gazette".

(10) The Council may constitute professional working bodies for the jobs from the 7., 8. and 9. of this article 14. paragraph 3., 10. and 11. article, article 70., paragraph 4. Of this Law.

(11) Expenses of the Council and compensation for work and expenses of the members of the Council and staff members of professional working bodies from the article 10 of this article are settled from the state budget.

It is to be noted, that the Council for telecommunications was constituted on 30 November 1994, while the members of the Council were appointed by resolutions of the House of Representatives of the Parliament of the Republic of Croatia.

### **Policy**

From jurisdiction of the Ministry of maritime affaires, transport and communications  
In respect of concession assignment and performance of the activities of radio and television, it has been pointed that this is not based on the policy, but the concessions are assigned in compliance with the Law on telecommunications, in accordance with which the agreements are concluded on realisation of concessions for performance of radio and television activities. Therefore there is no possibility that the advantage over concession assignment will be given to the nationality or certain national minority.

### **Factual**

#### **From jurisdiction of the Ministry of maritime affaires, transport and communications**

During implementation of cited provisions of the Law on telecommunications, on the basis of assigned concessions and concluded agreements on concession realisation, 110 trading companies perform activities of the radio and 10 of television. The owners shall be at least four legal or physical entities, among whom there certainly are members of national minority, although records are not kept in respect of that, since all the citizens have been equalised regardless to the nationality.

Paragraph 3.

### **Narrative**

#### **From the jurisdiction of the Office for National Minorities**

Refer for the answer under paragraph 1

#### **Croatian radio-television**

All national minorities are entitled under the same terms to access and freedom of expression in the program and broadcast of HTV.

### **Legal**

Refer to the answer under paragraph 2. and 4.

### **State infrastructure**

Refer to the answer under paragraph 2.and 4.

### **Policy**

Refer to the answer under paragraph 2.and 4.

**Factual**

Refer to the answer under paragraph 2.and 4.

Paragraph 4.

**Narrative**

Refer to the answer under paragraph 1.

**Legal*****From the Law on Croatian radio-television:***

Article 6. paragraph 2.

" Croatian radio-television is responsible to produce and broadcast the program intended for informing national minorities in Croatia.

Article 8.

"Croatian radio-television in its programs is obliged to respect principles of Journalistic ethic, pluralism of ideas and creed, tolerance in discussions, privacy and other freedoms and human rights."

**State infrastructure****Policy**

In accordance with the Constitution of the Republic of Croatia and the Law on public informing, freedom of press/media and other communication media are guaranteed. The Republic of Croatia guarantees all national minorities access to the mass media in accordance with the Constitutional law on human rights and freedom and on rights of ethnic and national communities or minorities.

**Factual****Croatian radio-television**

Croatian television produces and broadcasts the program intended to inform national minorities in Croatia which, in the form of special programs and supplements are broadcast mainly on the first and second program of Croatian radio- television.

Among the others, the informative program, the program of religious culture and partially the entertainment program, participate in the production, although all programs of Croatian television, profiled by its content, come in touch and deal with these topics when they are in the center of social happening.

### **Informative program**

Special programs for national minorities broadcasts a multinational magazine "Prizma" on Saturdays early afternoons on the second program of Croatian radio- television. The program lasts 50 minutes and in 1998 forty programs will be broadcast and this makes 2000 minutes of the program.

The data on the program "Prizma" are presented in a table for the period up to 28 November 1998.

<u>Name of the national minority</u>	<u>Number of supplements</u>	<u>Minutes</u>
Albanians	14	49.30
Austrians	11	37.00
Montenegrin	9	21.45
Czechs	60	181.23
Hungarians	59	183.30
Macedonians	31	97.50
Muslims-Bosnakians	23	102.30
Germans	25	63.35
Romanies	24	86.30
Rutthenians	14	43.00
Slovaks	38	143.20
Slovenians	33	105.30
Serbs	84	354.20
Italians	78	234.53
Ukrainians	20	71.05
Jews	49	127.17

Besides, there were also 72 talk shows with members of national minorities, the program lasts 50 minutes, and in the reported period there were 45 programs broadcast in total.

Croatian television in its program scheme for 1999, upon the proposal of the Committee for Committee for human rights and rights of national minorities of the House of Representatives of the Parliament of the Republic of Croatia and proposals of the representatives of national minorities, will broadcast independent TV-chronicles of national minorities which will be created and edited by them with assistance of television experts.

Daily informative program: short news, and supplements on the national minorities, contained within the informative daily programs are released in: "Dnevnik", "Motrista", "Vijesti" and program "Hrvatska danas".

Regional program "Zupanijska panorama" which is broadcast from Zagreb, Bjelovar, Varazdin, Rijeka, Osijek and Split during the year, release information. of regional importance differing in topics, informing the public on the activities of the representatives of

national minorities from the region. There were 2.120 programs broadcast in total, and this makes 53.160 minutes of the program.

At the end of 1997 television Danube has started broadcasting on Saturdays and Sundays, from Vukovar and Beli Manastir centres, one-hour show and half an hour informative program five days a week in Serbian language. The work of these media was supported in 1998 from the state budget.

### **Program of the religious culture**

The program observes life and work of all religious communities in the Croatian state, promotes civilisation heritage of all culturo-spiritual national values and religiousness. The main starting point of the program are inter religious tolerance, dialogue culture, ecumenism, diversity and specificity of certain confessions from the controlling Catholic church to other historic, less numerous religious communities in the Republic of Croatia (Jewish community, Islamic community, Evangelistic church, Baptist, Pentecostal, Adventist, Serbian Orthodox church).

The program "Mir i djelo" was broadcast within the program of religious informing and "Duhovni zov" in the part of religious programs and transmissions, but also directly transmitted were Muslim Kurban Bayram, Orthodox Good Friday and Jewish Jom Hasua.

"Mr idobro" is an informative program, inter confessional, lasts 30 minutes, and broadcasts among other things news, comments and reportage on national minorities and interviews with representatives of religious communities in Croatia. There are 52 programs per year, in total 1560 minutes of program.

Representatives of the religious communities: Jew, Evangelic, Muslims, Baptists, Orthodox appear in "Duhovni zov" which is an informative program, and we have broadcast 52 programs in the total duration of 364 minutes.

### **Entertainment program**

Entertainment – music program in folk music and customs shows, promotes Croatian cultural heritage and present the music and customs of the national minorities. Programs usually last 30 minutes, and there are 20 programs broadcast per year in the total duration of 600 minutes. Editorial board transmits directly the International survey of folklore which has traditionally been held during July in Zagreb, where besides folklore groups from all over the world, groups and KUDs of national minorities from all the regions in Croatia take part too. Besides the direct transmissions, there are almost 8 special programs on this event lasting 60 minutes, and this makes 480 minutes in total.

Mosaic program, the ransmission "Dobro jutro Hrvatska" (Good morning, Croatia), releases also among other things supplements related to the events on the national minorities in Croatia, according to the event importance. It is broadcast once daily during a week, except Sundays, a single program lasts 120 minutes and this is in total 35.880 minutes of program. The program "Dobar dan" has been initiated on the first program lately, which according to the planned content and diversity of the topics, come in touch among other things with the topics on national minorities.



### **Croatian radio**

Croatian radio - Studio Zagreb: broadcasts on its 1. Program once a week half an hour program under the name "From life of our national minorities " which speaks of everyday life, cultural tradition and heritage of the minorities.

Radio station Osijek will continue to inform Hungarian national minorities in 1999 in (heir mother tongue. For that purpose it will continue and intensify co-operation with Radio Pecuh from Hungary on realisation and transmission of joint programs, as well as on exchange of programs and phono material.

Radio station Pula pays special attention to the regular informing of Italian national minority in their mother tongue, as for example in local news at 2 p.m. Half an hour program in Italian language broadcast daily from 4.30 to 5 p.m. is also intended for that purpose.

Radio station Rijeka gathers four newspapermen who make Italian editorial board, preparing news m Italian language /Notiziario/ at 10.00 a.m., 12.00 noon and 02.00 p.m. Daily news are broadcast at 04.00 p.m./Giornale radio/lasting 15 to 20 minutes. Besides, Italian editorial board prepares special supplements from the life of Italian national minority and their associations, so the program in Italian language makes approximately one hour a day.

For the members of Czech national minority, there is a daily thirty- program on Croatian radio-station Daruvar, then two-week one hour and two- week half an hour program in Czech language. Broadcasting of a two-week half an hour program for Czech started in 1997 m Czech language on Croatian radio station Slavonski Brod.

For the members of Slovak national minority, there is a weekly one hour program in Slovakian language on Croatian radio station Vukovar, and on radio station Nasice they have weekly fifteen-minute mosaic program in Slovakian language.

For the members of Hungarian national minority, there is broadcast in Hungarian language on Croatian radio: on Radio station Vukovar one: hour program; on Radio station Daruvar two-week half an hour program and on Radio station Baranja daily half an hour and weekly one hour program in Hungarian language.

For the members of Ruthenians-Ukrainians national minority, half an hour program on five days of the week is broadcast in Ruthenian or Ukrainian languages on Croatian radio station Vukovar, and on radio station Slavonski Brod a thirty-minute two-week program "Ukrajinci u Hrvatskoj" (Ukrainians in Croatia).

For the members of Serbian national minority broadcasting of a daily twelve-hour program in Serbian language started on radio stations Vukovar, Borovo, Mirkovci and Beli Manastir.

In the meantime, association of Germans and Austrians filed their proposals for initiating their own program to Croatian radio, with headquarters in Osijek, and the same was applied for by Association of Slovaks. However appropriate funds have not been provided from the state budget yet.

### Article 10

1. The parties undertake to recognise that every person belonging to a national minority has the right to use freely and without interference his or her minority language, in private and in public, orally and in writing.
2. In areas inhabited by persons belonging to national minorities traditionally or in substantial numbers, if those persons so request and where such a request corresponds to a real need, the Parties shall endeavor to ensure, as far as possible, the conditions which would make it possible to use the minority language in relations between those persons and the administrative authorities.
3. The Parties undertake to guarantee the right of every person belonging to a national minority to be informed promptly, in a language which he or she understands, of the reasons for his or her arrest and of the nature and cause of any accusation against him or her, and to defend himself or herself in this language, if necessary with the free assistance of an interpreter.

Paragraph 1.

#### Narrative

##### **From the jurisdiction of the Ministry of public administration:**

The Constitution of the Republic of Croatia and Constitutional Law on human rights and freedoms of ethnic and national communities or minorities in the Republic of Croatia distinguishes private, public and official use of a minority language. Thus the official use is realised exclusively in the work of the bodies of local self-government units and administrative authorities, that is in procedures where individuals accomplish their rights and perform obligations in the procedures in front of the administrative bodies or in the courts.

The private and public use of the minority language is free on the basis of the provision of the article 7 paragraph 1. of the Constitutional Law on human rights and freedoms and on the rights of national and ethnic communities or minorities in the Republic of Croatia. This means that it is not a subject to any legal system or limitation.

In relation to the official use of the minority language it has been emphasized that a local self-government unit is authorised to introduce a minority language and script into the official use on its area and mode of its application shall be determined by the law. Since the law which shall resolve these questions has not been passed yet, although in the parliament procedure it is about to be passed, thus the local self-government units, for the time being, prescribe also the mode of its application. Therefore, for the time being, there are differences in the scope of rights which are realised by members of the national minority in individual local self-government units.

The importance attributed by the Republic of Croatia to the protection and affirmation of minority languages is obvious from the fact, that the Republic of Croatia was the fifth state to join the European chart on regional or minority languages and Croatia announced its decision to join that document when it came into effect already in 1992, when was not yet a member of the Council.

**Legal*****The constitution of the Republic of Croatia***

Article 12.

"The Croatian language and the Latin script shall be in official use in the Republic of Croatia".

In individual local units another language and the Cyrillic or some other script may, along with the Croatian language and the Latin script, be introduced into official use under conditions specified by law."

*The constitutional law on human rights and freedoms and on rights of ethnic and national communities or minorities in the Republic of Croatia.*

Article 7.

"The members of all ethnic or national communities or minorities in the Republic of Croatia are entitled to the free use of their language and script both publicly and privately. In those municipalities where members of a national or ethnic community or a minority represent the majority of the total population, the script and language of that national or ethnic community or minority will be officially used together with the Croatian language and the Latin script.

Article 9, paragraph 1.

"Possession and use of national or ethnic emblems and symbols of national or ethnic communities or minorities shall be free."

**Policy and factual**

From the jurisdiction of the of the Ministry of public administration:

The Republic of Croatia, both in its legal organisation and in practice promotes cultural autonomy of the members of national minorities. The funds for cultural and other programs of minority associations are provided each year by the state budget.

The Republic of Croatia guarantees to the members of national minorities all acquired rights in the official use of the language ensuring rights of the members of the national minorities for the official use of minority languages. For that purpose the Republic of Croatia Joined European chart on regional and minority languages and the Government of the Republic of Croatia proposed passing of the law which will grant the members of all national minorities the highest level of the rights to the official use of minority languages.

Paragraph 2.

### **Narrative**

#### **From the jurisdiction of the Ministry of the public administration:**

Regulatory co-ordination of the rights of the members of the minority to communicate with administration authorities in, the minority language has been cited in a large part in the paragraph 1.

Particular separate laws regulating procedure in front of the administrative or legal bodies (Law on the general administrative procedure, Law on civil procedure and Law on criminal proceeding) also co-ordinate the rights of the national minorities to communication with administration authorities in the language they understand, that is with assistance of an interpreter.

Difficulty emerges in respect of implementation of these solutions because an separate law has not been passed yet which would arrange mode of the official use of minority language, so certain vagueness occurs in practice during application of this minority right in front of the administration authorities or judicial bodies, when such court commitments cannot be applied consistently, as it is possible in front of administrative authorities of local self-government unit.

Actually, the resolution regarding implementation of minority language into the official use is passed by a representative body of the local self-government unit, which is not superior to the bodies of governmental administration which are organised on the level of counties, with its branch offices in individual towns and they perform the tasks of governmental administration in the first level. The bodies of the governmental administration are not responsible to act upon resolutions of the local self-government units, so the rights of the members of national minorities are achieved in front of them in the way determined by special administrative regulations which do not arrange these questions to a sufficient extent. This means that a member of national minority may use his language, but with assistance of a interpreter and handling of the procedure itself is not guaranteed in the minority language.

Since the law on the official use of language and script used by members of national minorities in the Republic of Croatia is expected to come into force shortly (the law is being in the process of passing), these problems will be eliminated by its coming into force.

### **Legal**

The majority of it has been cited with the paragraph 1.

*The law on general administrative procedure*

Article 15.

"(1) Administrative procedure is executed in the language and script which are in the official use with a body where the procedure is executed.

(2) The members of all nationalities and minorities are entitled to free use of their own language and script in the administrative procedure, under the terms determined by the separate law."

### **State infrastructure**

#### **From the jurisdiction of the Ministry of public administration:**

When the members of national minority in the individual local selfgovernment unit make the majority of the inhabitants, minority language and script along with Croatian language and Latin script, is in the official use, based on the provisions of article 7 paragraph 2 of the Constitutional law on human rights and on rights and freedoms of ethnic and national communities or minorities in the Republic of Croatia.

An individual local self-government unit is authorised to introduce minority language into official use, when the members of national minority make less than 50% of the inhabitants on the territory of the local self-government unit, on the base of the article 8 of the Constitutional law on human rights and freedoms and on rights of ethnic and national communities or minorities in the Republic of Croatia. The local self-government units regulate these questions by their statute.

The local self-government units were authorised to introduce minority languages into official use even before the passage of the Constitution of the Republic of Croatia, so that in certain areas members of national minorities traditionally achieve these rights.

Passage of the Law on the territories of counties, towns and municipalities, in the Republic of Croatia in 1992, founded instead of earlier 103 municipalities, 123 towns and 420 municipalities. In the areas where the members of national minorities achieved their rights to the official use of their language, this right was considered as acquired and new local self-government units arranged them by their statutes.

Application of the provision of the Law on the general administrative procedure is executed by Parliamentary commissioner in the Ministry of the public administration and he may undertake measures determined by separate law for the assurance of the application of the Law.

### **Policy**

#### **From the jurisdiction of the Ministry of Public administration:**

The Government of the Republic of Croatia performs on the legislation co-ordination with accepted international documents. Besides, by comprehending the significance of the official use of the minority languages in front of administrative and judicial bodies as a specially significant instrument for realisation of minority rights, the Government of the Republic of Croatia proposed to the Parliament of the Republic of Croatia passage of the separate law which will govern these questions. Proposed law is in the course of discussion and passage.

### **Factual**

(Previously cited)

Paragraph 3.

**Narrative**

Members of the national minorities are entitled to use their language in any court procedure while undertaking process actions, in civil procedure (civil lawsuit), extra-judiciary procedure and court proceedings.

**Legal*****From the Constitution of the Republic of Croatia***

"No one shall be arrested or detained without a written court order based on law. Such an order shall be read and served to the arrested person at the moment of arrest.

The police may without a court order arrest a person, reasonably suspected of having committed serious criminal offence defined by law, and shall immediately hand him over to the court.

The arrested person shall be immediately informed in a way understandable to him of the reasons for arrest and his rights determined by law.

Any person arrested or detained shall have the right to appeal to the court which shall without delay decide on the legality of the arrest.

***From the law on the civil proceeding***

Article 6.

"Civil proceeding is conducted in Croatian language and with use of Latin script if the other language or some other scripts has not been introduced by the law for the use in certain courts.

The stated principle has been worked out in the following provisions of this law:

Article 102.

"Parties and participants of the proceeding are entitled during participation in hearings and at oral undertaking of other proceedings in front of the court, to use their language. If the proceeding is not conducted in the language of the party, that is in the language of other participants in the proceeding, oral interpreting into their language of what is stated on hearing will be provided as well as oral interpreting of the documents which are used at the hearing as evidence.

Parties and other participants of the proceeding will be instructed on their right to follow oral procedure in front of the court in their own language with assistance of a interpreter. They may renounce the right to interpreting if they declare that they understand the language of the proceeding.

It will be recorded in the minutes that they received instructions, and statements of the parties, that is participants, will be recorded too.

The interpreters perform translations.

Article 103.

"The summons, judicial verdicts and other written documents are sent to the parties and other parties and other participants of the proceeding in the Croatian language and Latin script.

If other language or script is also in official use in the court, the court will submit on that language legal documents to those parties and participants in the proceeding who used this language in the proceeding, that is script. Parties and other participants in the proceeding may require for the legal documents to be supplied in the language of the proceeding".

Article 104.

"Parties and other participants of the proceedings lodge their claims, complains and other applications in the language which is officially used in the court".

Article 105.

"The expenses of translation into the language of people and minorities which emerge from application of provisions of the Constitution of the Republic of Croatia and this Law and other laws on right of the members of the people and minorities to use their language, will be settled from the court funds."

***From the court standing orders/rules/rules of procedures***

"Article 88. paragraph 2.

The first copies of verdicts, compromises and other documents are being kept in a corresponding file, and are supplied to the parties in an authorised copy, that is an authorised translation if request for issue of the verdict in the language of the national community or minority is based on the law or international agreement."

***From the law on criminal proceeding***

The use of a language of the members of national minorities has been standardised in details by the article 7. of the law on criminal proceeding, and infringement, that is denial of this right to use his language in the criminal proceeding, is determined as essential infringement of provisions of criminal proceeding, by the Law in the article 367 paragraph 1 point 3, because of which, the verdict may be refuted.

Article 6.

"(1) Anyone suspected or accused of a penal offence shall be immediately informed on the reasons of his arrest and shall be instructed not to testify against himself, and on the right to the professional assistance of the defence counsel chosen by him, and that the authorised body will inform his family on his arrest upon the request, or any other person whom he will identify".

## Article 7.

"(1) Croatian language and Latin script is used in criminal proceeding, if another language or an script has not been introduced by law in certain areas of the courts.

(2) Parties, witnesses and other participants of the proceedings have right to use their language. If the proceeding is not carried out in the language of that person, oral interpreting of the statement of the accused person or any other persons will be provided for, as well as translation of documents and other written evidence. An interpreter performs translations.

(3) A person will be instructed on his right to the interpreting from paragraph 2 of this article, which right he may renounce if he understands the language of the proceeding. It will be noted in the minutes that instructions were given and statement of the participants will be noted too.

(4) A court sends summons and verdicts in Croatian language and Latin script. Charges, claims and other requests are supplied to the Court in Croatian language and Latin script. If in an individual judicial area another language or script has been also introduced for the official use, requests may be submitted to a court in that language or script too. After the beginning of the primary hearing a submitter of the request may not without court approval recall his decision on the language which he will use in the proceeding.

(5) Translation of the summons, verdict and request will be sent to an arrested person, or a suspect who is detained as well as to a person who is imprisoned in the language which he uses in the proceeding.

(6) A foreigner who has been detained, may supply to the court, at a primary hearing a request in his language, and before and that, only under condition of reciprocity/mutuality."

## Article 367.

"Essential infringement of the provisions of criminal proceeding exists:

1) If the court was irregularly constituted or if a judge or a lay juror participated in pronouncement of judgement and he did not participate in the primary hearing or was exempted by the valid resolution from the trial;

2) if a judge or lay juror who should have been exempted, participated at the primary hearing (article 36. Paragraph 1.);

3) if a primary hearing was held without a person whose presence at the primary hearing is obligatory by the law or if an accuser, defender, damaged party as a prosecutor or private prosecutor, against his request, was doomed to use his language at the primary hearing and to follow the course of the hearing in his language (article 7.);

In respect of the paragraph 3 article 10. of the Frame convention, provision of the article 24, paragraph 2 of the Constitution and article 6 of the Law on the criminal proceeding should be noted too.



## **State infrastructure**

### In the jurisdiction of the Ministry of justice

#### **Policy**

In the jurisdiction of Ministry of justice:

The courts in the Republic of Croatia apply the cited provisions, bringing resolutions by application of rules of civil procedure (civil, lawsuit), extra-judiciary procedure and criminal proceeding, entitling the members of national minorities to use their language in court proceedings when undertaking oral process activities. It should especially be pointed out, that not meeting the request of a party to use his language and script and to follow course of the proceeding in his language in accordance with provisions of the Law on civil procedure represents absolutely essential infringement of the provisions of civil lawsuit, because of which complaint against the judgement may be lodged, on a occasion of which a court of appeals, if it determines that such infringement exists, will abolish first degree verdict and return a subject to I court of first instance for repeated resolution passing.

A question of application of the Law on general absolution/amensty shall be solved so that the courts and other administration authorities of the Republic of Croatia, each in its own domain, implement the stated Law consistently.

A question of so called "list of war crimes" for Croatian Podunavlje was solved in the way that the Ministry of justice informed UNTAES in a written way that there was no such "list of war crimes" for Croatian Podunavlje. There is only a list of 25 persons against whom effective procedure for punishable act of war crimes executed on the territory of Croatian Podunavlje was concluded, that is, persons who at the time of execution of crimes had their residence or whereabouts in that area. These proceedings were concluded at the county court in Osijek. The stated persons, who were sentenced effectively in their absence, are entitled, if they so request, to the restitution of the crime proceeding.

Besides, the Ministry of justice has provided to the Joint Municipal Council in Vukovar and to UNTAES resolution on the absolution of criminal penalty and proceeding for 13.575 persons from the area of Croatian Podunavlje and thus political intention of the Republic of Croatia for amnesty and reconciliation has been expressed.

The Parliament of the Republic of Croatia on its meeting held on 26 October 1997, accepted a Law on co-validation, which co-validates individual resolutions of various bodies and legal entities who have public authorisation passed in judicial and administrative matters on the areas which were, that is, are under protection of United Nations, if they are in accordance with the Constitution of the Republic of Croatia, Constitutional law on human rights and freedoms and on rights of ethnic and national communities or minorities in the Republic of Croatia and laws of the Republic Croatia.

## Factual

### From the Ministry of justice:

Croatian legislation has been applied from 1 June 1997 on the area of Croatian Podunavlje, and this also means application of constitution of the Republic of Croatia, as well as laws, international agreements and other regulations on that area.

Declaration between UNTAES and the Government of the Republic of Croatia was signed in Vukovar on 30 September 1997, on the terms of legislation reintegration of the region, which is under UNTAES supervision, into judicial system of the Republic of Croatia.

Upon signing of this Declaration work of the Croatian judicial bodies has started in Croatian Podunavlje and national constitution of head officials has been agreed upon and also officers and employees, 60% of Croats and others and 40 % of Serbs, and this representation will be applied also on future nominations of judicial head officials and admission of officials and employees.

State panel of judges appointed judges and state attorneys in accordance with Letter of Intent of the Government of the Republic of Croatia at the sessions held on 14 August and 29 November 1997, who are the members of Serbian national minorities for judicial bodies on the territory of Croatian Podunavlje, and the Parliament of the Republic of Croatia appointed a deputy to state attorney of the Vukovarsko-srijemska county on its session held on 30 January 1998, (head of the office in Vukovaru), and on 27 March 1998, also deputy of state attorney of Osječko-baranjska county (Branch office Beli Manastir), being also a member of Serbian national minority.

National structure of judges and other judicial head officials in Croatian Podunavlje, including also officers and employees is as follows:

JUDICIAL BODY	Total number of head officials	From that number - Serbiabs	Total number of officials and officers	From that number - Serbiabs
1	2	3	4	5
County court in Vukovar	9	3	48	21
Municipal court in Beli Manastir	5	2	42	18
Municipal court in Vukovar	11	4	60	22
Magistrate's court in Beli Manastir	3	1	5	3
Magistrate's court in Vukovaru	2	1	7	3
County state attorney's office in Vukovar	2	1	4	2

County state attorney's office in Vukovar	3	1	4	1
County state attorney's office in Beli Manastir	3	1	4	1

Accordingly, in all judicial bodies in Croatian Podunavlje in accordance with the Letter of Intent of the Government of the Republic of Croatia 40% representation of Serbian national minority has been attained.

We would like to note that the appointed deputy of the state attorney of Vukovarsko-Srijemska county (head of the office in Vukovaru) and deputy of the state attorney of Osjecko-baranjska county (Branch office Beli Manastir) are both the members of Serbian national minority and this has not been presented in the table.

### Article 11

1. The Parties undertake to recognise that every person belonging to a national minority has the right to use his or her surname (patronym) and first names in the minority language and the right to official recognition of them, according to modalities provided for in the legal system.
2. The Parties undertake to recognise that every person belonging to a national minority has the right to display in his or her minority language signs, inscriptions and other information of a private nature visible to the public.
3. In areas traditionally inhabited by substantial numbers of persons belonging to a national minority, the Parties shall endeavour, in the framework of their legal systems, including, where appropriate, agreements with other States, and taking into account their specific conditions, to display traditional local names, street name and other topographical indications intended for the public also in the minority language when there is a sufficient demand for such indications.

Paragraph 1.

### Narrative

#### **From the jurisdiction of the Ministry of public administration:**

Law on the first name "Official Gazette" no. 69/92, prescribes the procedure for determination of first names of Croatian citizens.

A child carries the surname of one or both parents and parents decide on the first name as a whole (name and surname) by agreement in accordance with provisions of the said Law. However the cited Law also determinates the right of the citizens to change the first name.

Provision of the article 6 of the cited Law prescribes that each person is entitled to change his first name.

The competent administration authority for general administration in the place of residence of the submitter of the request solves the request for the change of the first name.

It has been defined by the provision of the article 8. of the Law (which is cited in the legislative part) that change of the first name will be granted in the case of established justification of the request with appraisal of the body that the new first name does not oppose social rules and customs of the area where a person lives.

It is a fact that this Law does not specifically defines realisation of right to change the first name or determination of name for the members of national minority. However, in everyday life, and this is especially visible from the resolution on the change of first names in the Republic of Croatia, there have been some changes of first names on the basis of nationality. Actually, requests for the change of name were explained by a fact that they want to have the first name, common for national minority to which they belong, that is that they want writing of the first name in the original form. As an example, we are stating that there have been some changes of the first names of the members of Hungarian minorities. (Stjepan - Istvan, Horvat - Horvath, Laslo - Laszlo, Kovac - Kovats) change of a first name is more frequent for the members of Italian national minorities, where writing of the first name as a rule requires writing of the first names in Italian language. There were some cases when members of German minority effected change of the first name that is to the surname bored by their ancestors, for example, Vuk - Wolf; Glumac - Schauspiller; Heinzl etc.

We have no data available that any member of the national minorities has been denied a change of the first name based on affiliation to the national minority.

## **Legal**

### **Law on the first name**

Article 6.

"Each person is entitled to the change of the first name.

The request for the change of the first name should contain the reasons why change is requested and proposal of a new first name should point to the justification of the request.

The competent administration authority in the place of residence of the submitter of a request solves the request for change of the first name.

Article 8.

"Change of the first name will be granted in the case of established justification of the request with appraisal of the authority that a new name is not contrary to the social rules and customs of the surrounding where a person lives.

### **State infrastructure**

#### **From the jurisdiction of the Ministry of public administration**

Records in respect of the first name of the citizens are kept by registry office, being the authorities of governmental administration. Network of registry offices has been arranged by separate law.

The Ministry of the public administration decides on the claims of the citizens in respect of decision of registry office after which it is possible for an dissatisfied party to initiate proceeding with Administrative court. Besides, if all other legal means have been exhausted, it is possible to realise protection of rights by constitutional claim which is to be submitted to the Constitutional court of the Republic of Croatia.

**Policy**

(Cited in narrative part)

**Factual**

(Cited in narrative part)

Paragraph 2.

**Narrative**

**From the jurisdiction of the Ministry of public administration**

In relation to the paragraph 2. as stated under article 10.

**Legal**

(same)

**State infrastructure**

(same)

**Policy**

(same)

**Factual**

(same)

Paragraph 3.

**Narrative**

**From the jurisdiction of the Ministry of public administration:**

Content of the right of the local self government unit to arrange official use of minority language involves also use of the names of cities, streets, topographical indications etc, in the minority language. The local self government units arrange these questions by their statutes, in dependence with local circumstances and tradition on individual area. The state by its regulations or jurisdictions does not get in touch with this right of the local self government unit.

In respect to standardisation as stated by paragraph 1.

**Legal**

As stated under article 10.

**State infrastructure**

(same)

**Policy**

(same)

**Factual**

(same)

**Article 12**

1. The parties shall, where appropriate, take measures in the fields of education and research to foster knowledge of the culture, history, language and religion of their national minorities and of the majority.
2. In this context the Parties shall, inter alia, provide adequate opportunities for teacher training and access to textbooks, and facilitate contacts among students and teachers of different communities.
3. The parties undertake to promote equal opportunities for access to education at all levels for persons belonging to national minorities.

Paragraph 1.

**Narrative****From the jurisdiction of Ministry of education and sport**

Education of the members of minorities in the Republic of Croatia is part of the uniform pedagogico-educational school system. All the measures undertaken by governmental authorities for the promotion of this activity for the members of Croatian people as a whole are also applied to all pedagogico-educational institutions attended by the students, members of the national minorities. Because of certain specificity of education of the members of national minorities educational authorities on the level of the state, county and municipality perform possible additional activities which help in preservation and further development of minority specificity.

**From the jurisdiction of the Ministry of science and technology**

Based on the resolution of the government of the Republic of Croatia on the criteria for determination of financial help for the program of non- governmental associations for achievement of ethnic rights of the members of national minorities which are not realised by actions of regular institutions, funds from the state budget for implementation of research program and non-governmental associations of national minorities are remitted to the Ministry of science and technology of national minorities, which express requirements for preservation of ethnic, cultural and language identity, and at the same time means contribution to cultural, social and economic development of the Republic of Croatia and integration of national minorities into Croatian society. According to the data for 1997 and 1998 nine research projects have been approved which met usual criteria determined by a law, and which are valid for scientific and research in general (A list is given in the part "Policy").

## Legal

### *From the constitution of the Republic of Croatia*

Article 15.

"The Republic of Croatia guarantees equality to all national minorities. Members of all national minorities are entitled to the free expression of their nationality, use of their language and script and cultural autonomy."

*Constitutional law on human rights and freedoms and rights of ethnic and national communities or minorities*

Article 6., paragraph c)

"The Republic of Croatia is obliged to guarantee to all the members of ethnic and national communities or minorities: right to identity, culture, religion, public and private use of language and script and education".

Article 14.

"Members of ethnic and national communities or minorities living in the Republic of Croatia are educated in kindergartens and schools in their own language and script, with programs adequately presenting their history culture and science if such a wish is expressed.

Education in the part of school programs mentioned from Paragraph 1 of this Article not related to the student's national affiliation is provided in the range and content regulated by authorized agencies of the Republic of Croatia.

The part of the program related to the national affiliation of students should be designated by the agencies from Paragraph 2 of this Article following the suggestions from the Office of the Government of the Republic of Croatia for Inter-ethnic relations."

Article 15.

"In towns and other populated areas where national and ethnic communities or minorities represent a relative majority of the population, and if the number of students allows for it, separate educational institutions or school departments will be established with classes held in the language and script of the particular national or ethnic community or minority, if such a wish is expressed.

In cases when such schools or school departments cannot be established according to the criteria stated in paragraph 1 of this Article, due to a small number of students, the instruction of the subjects, which are related to the national affiliation of the students (language, literature, history, etc.) will be carried out within a separate school department by teachers of the same national affiliation if such a wish is expressed by the student's parents.

In towns and populated areas from which, during and after World War II, the native population of other ethnic and national communities or minorities banished into parent countries, or the policy of forced migration into parent countries pursued, teaching a foreign language can be introduced as an optional subject, beginning with fourth grade of elementary

education until the end of secondary education, that foreign language being the language of that ethnic and national community or minority, regardless of the percentage of the total population that those ethnic and national communities or minorities represent in that region.

In towns and populated areas, in order to protect collective rights of autochthonous ethnic and national communities or minorities, steps for special protection for taking part in public affairs shall be taken in education, culture, spiritual and religious life and in access to public media regardless of their share in the total population.

Measures from Paragraph 4 of this Article shall be undertaken until the re-establishment of the system of proper institutions aimed to foster and promote national particularities, culture and education institutions of the minority communities in the former scope."

Article 16.

"Besides municipal funds, the Republic of Croatia provides adequate funding for the realization of the programs enumerated in Article 14 of this Law."

### **State Infrastructure**

This area of education is under the jurisdiction of the Ministry of Education and Sport, culture under the jurisdiction of the Ministry of Culture, and sciences under the jurisdiction of the Ministry of Science and Technology.

### **Policy**

#### **From the jurisdiction of the Ministry of Education and Sport**

The Republic of Croatia, helps members of national minorities financially, organizationally and in other ways in acquiring knowledge in the areas of culture, history, language and religion of particular minorities. Other Ministries are included in educational programs and programs for the preservation of the identity of national minorities, especially the Ministry of Science and Technology. Project managers are numerous scientists, either members of national minorities or Croatian scientists.

In addition the state budget provides funding for organizations and institutions of national minorities which research their history, language and culture.

The right to schooling and education in which the language, script, history and culture of specific minorities is taught as an essential part of preserving their identity and existence, is regulated by the Constitution of the Republic of Croatia, the Constitutional law of Human Rights and Freedoms and the Rights of National and Ethnic Communities or Minorities, and the Law on Education in the languages of the minorities from 1979. The Law is obsolete in some provisions and is not in accordance with the above stated constitutional Law.

In an effort to specify the main articles of the Constitutional Law in a contemporary manner the Ministry of Education formulated the law and the Government accepted it and sent it to the Parliament to be enacted. During the discussion in the Parliament some objections were made so that on voting for the adoption of this law it did not get the needed two-thirds majority vote from the representatives in the House of Representatives, and there for wasn't passed.



The new legislative proposal will be referred to the legal procedure for acceptance in 1999.

Legal provisions from the schooling system of the Republic of Croatia are applied on the educational organizations which are attended by minorities, if it is not otherwise regulated by provisions which enable the development of specific qualities in education of the minorities. From the jurisdiction of the Ministry of Science and Technology

PROJECT NAME	INSTITUTION	PROJECT MANAGER	DATE: SIGNING OF THE AGREEMENT
Zrinski and Europe	The Association of Hungarian Scientists and Artists in Croatia, Zagreb	D.Sc. Jadranka Damjanov	Nov. 10, 97
Demographic indicators of Hungarian minorities in the Republic of Croatia	The Association of Hungarian Scientists and Artists in Croatia, Zagreb	Prof. D.Sc. Andrija Bogar	Feb. 6, 98
Serbian Schools and Distinguished Primary Teachers in Croatia before 1941	Serbian Cultural Association, Prosvjeta Zagreb	D.Sc. Milan Matijevic	Sept. 19, 97
A Bibliography on Serbs in Croatia in the 19 <sup>th</sup> and 20 <sup>th</sup> century	Serbian Cultural Association, Prosvjeta, Zagreb	D.Sc. Veselin Golubovic	Feb. 6, 98
Demographic Changes amongst Serbs in Croatia in the period of 1941-1996.	Serbian Cultural Association, Prosvjeta, Zagreb	D.Sc. Svetozar Livada	Sept. 9, 97
The Repercussions of War on the Health and Social Welfare of Hungarians in the Republic of Croatia	The Association of Hungarian Scientists and Artists in Croatia, Zagreb	D.Sc. Arpad Barath	Sept. 19, 97

The Development of Distributed Interaktiv Cooperation	The Association of Hungarian Scientists and Artists in Croatia, Zagreb	D.Sc. Karolj Skala	Feb. 6, 98
Perojski bot & zoo range/ Istra- in the past and Present Time	The Montenegrin Association, Montenegro-Montenigrina	Prof.D.Sc. Milorad Nikcevic	Mar. 4, 98 still not signed and has no financing for now
The Social and Development Status of Romanies in Croatia in the 90's	Institute for Social Studies "Ivo Pilar"	Ph.D Ivan Rogic	March 18, 98
Minorities and Cross Border Cooperation	Institute for Migrations and Nationalities	Ph.D Mirjana Domini	

## Data

### From the Jurisdiction of the Ministry of Education and Sport

In order to create the possibility of systematically researching the language, script, history and culture of national minorities an adequate number of educators, teachers and professors, primarily from the members of the minorities are being schooled for that purpose.

Continuance of their education takes place either in the Republic of Croatia, when there are adequate colleges and departments with tuition in the language of the respective minority (e.g. for Italians, Germans, Hungarians, Ukrainians, Czechs and Slovaks) or in the parent country.

With the intention of forming the greatest possible opportunities for contact and cooperation of the minorities from the Republic of Croatia with their parent countries, which is especially significant in the area of education and culture, the Government of Croatia stipulated bilateral agreements with states reinforcing the protection of minorities. In most cases those agreements insure, amongst other things, scholarships for a certain number of minority students in their parent countries .Other forms of help have also been agreed upon in education and acquiring professional skills of the primary teachers and professors (e.g. seminars under the guidance of an expert from the mother nation in the Republic of Croatia or in the mother country itself, cooperation between specific regions or schools, etc.)

The above stated bilateral agreements on education and culture were signed with all the mother countries of minorities living in Croatia except with the Federal Republic of Yugoslavia.

The level and intensity of cooperation in the area of education mostly depend on the interest mother countries show for such cooperation.

## Paragraph 2

See also Article 6. Paragraph 1.

### **Narrative**

#### **From the jurisdiction of the Ministry of Education and Sport**

The education of minorities is organized through different models of schooling through other means of professional training of primary teachers and professors, specific additions in the teaching programs relevant to their nationalities, textbooks which are written in the language of minorities and have special subject matter additions pertinent to the minorities. Subsequently a smaller number of pupils is tolerated in classes than the required number for classes attended by pupils of Croatian nationality. Teachers in these classes are usually members of national minorities and have an adequate degree for the corresponding school level. The Ministry financially covers the so called increased costs for minority schools.

#### **From the jurisdiction of the Ministry of Science and Technology**

At the universities in the Republic of Croatia and on the School of the Humanities and Social Sciences at the University in Zagreb the following languages are taught: Russian language and literature, Czech language and literature, Italian language and literature, German language and literature, the Hungarian language, Serbian language and Serbian history as part of the studies involving Slavic languages and history. Some of the above mentioned languages are also studied at the Teacher- training Colleges in Rijeka and Pula.

Members of the national minorities have the same access to higher education as members of the Croatian nationals.

There is an undergraduate school for primary teachers in Pub. In the school year of 1998/99, 14 students attended classes. In the same year 27 students attended classes for acquiring a degree in teaching preschoolers. The classes are conducted in Italian, for the specific needs of the Italian minority.

The Ministry of Science and Technology expressed a desire to support the development of specific teaching programs for schooling teachers for the needs of the Serbian minorities in the undergraduate Training College in Osijek. Study groups for research concerning subject matter of interest to the Serbian national minorities were supposed to be formed. The minimum number of required students for forming the study groups was 20. Since the number was not met for the school year 1998/99 the program was not realized.

A competition shall be announced for the next school year, and if a sufficient number of students apply a study group will be formed for the research of subjects of interest of the Serbian national minority groups, and in their language. Guaranties have also been given that the Budget of the Republic of Croatia shall provide financing for the above mentioned and a certain number of scholarships, through the Ministry of Science and Technology.

The following individuals have been notified of the above said: Mr. Gerard Fischer, the Interim Administrator for East Slavonia Baranja and West Srijem, and Mr. Milos Vojnovic President of the Joint Council of Municipalities.

## **Legal**

The above mentioned is in agreement with the Law on Education and in the languages of the nationalities ("The Official gazette" no 25/79) Article 13., which states the following: The education of teachers for the needs of Educational institutions whose professional work is conducted in the language of the nationalities is performed in higher education work organizations primarily in the language of the nationalities, or in other ways enables students to master the terminology of their profession in the language of the nationalities.

In agreement with the Law of the Confirmation of the European Charter on Regional or Minority Languages ("The National Gazette" Inter. Agreements 18/97), there is no obligation for the Republic of Croatia to organize higher education level studies in regional or minority languages, because Croatia is exempt from Article 8, paragraph 1, subsection i.

According to the above mentioned Charter the Republic of Croatia is obliged to "in regions where minority languages are in use, in accordance with the state of each of those languages and without damage to the official language" (Article 8.): make provisions for studying minority languages as subjects at the University Level, offer those subjects as a supplementary form of education or Adult education, take measures to insure that the teaching of history and culture represent the real meaning of regional and minority languages and enable basic and supplementary education of teachers needed to insure the realization of the above mentioned.

According to the Law on Higher Education ("The National Gazette" 59/96) universities have full autonomy in deciding on their curriculum The curriculums in the Language and Literature Departments were designed according to that right.

The National Council for Higher education gives expert opinion, suggestions and recommendations to Universities, Ministries and other state bodies with the goal of ensuring the quality and successful functioning of the Higher Education System. Furthermore with the consent of the Minister, it gives recommendations on basic guidelines for the education of elementary school teachers .The National Council gives the Ministry expert opinion and the initiative for implementing new or abolishing old study programs, studies or universities. It also gives expert opinion on new study programs that are being introduced. (Article 132. of the Law)

## **State Infrastructure**

Preschool education. Elementary and High School education are in the domain of the Ministry of Education and Sport.

The Ministry of Science and Technology supervises the regularity of Higher Education Institutions, which also includes supervision of their curriculums which they adopt with full autonomy.

## **Policy and Data**

### **From the jurisdiction of the Ministry of Education and Sport**

For the successful realization of the statutory teaching programs high quality textbooks are needed, for all subjects both in Croatian and minority languages.

The national minorities receive some books from the mother countries, and others are published in the Republic of Croatia as original textbooks - mostly in their native language.

Specialized Publishing Houses (Newspaper Publishing House "Edit", Rijeka for the Italian national minority, "Jednota", Daruvar for the Czech national minority, Serbian Cultural Association "Prosvjeta", Zagreb, for the Serbian national minority) or Associations of particular national minorities ( Matica Slovacka- for the Slovaks, Union of Romany Associations- for work with the Romany population, etc.) print textbooks in the Republic of Croatia.

For all students of elementary schools obligatory textbooks were free of charge in 1996/97 and 1997/98.

The same refers to textbooks for the members of national minorities substantially more expensive than textbooks in Croatian, because of the small number of books in print editions Those textbooks are subsidized by the Ministry of Education and Sport from the State Budget.

The usage of textbooks in elementary and high schools is regulated by the Constitution and is further enacted by the Minister for each school year in exactly the same manner for Croatian textbooks and those of the national minorities.

The provision from Article 9. of this Law which is still being implemented and concerns financing of textbooks for the needs of national minorities states that:"...part of the publishing costs for textbooks for education on the languages of different nationalities and publishing costs for students with development disability, when such textbooks are required".

Paragraph 3.

## **Narrative**

### **From the jurisdiction of the Ministry of Education and Sport**

The Law of Preschool Education, the Law of Elementary Schools and the Law of High Schools doesn't address in details the education of minorities. But it is unambiguously clear that everybody no matter what race, color of skin, national or ethnic origin or religious beliefs , has a right to education and professional training according to their abilities and under the same conditions.

## **Legal**

Article 65., par. 2. Of the Constitution of the Republic of Croatia states: everyone shall have access , under the same conditions to secondary and higher education in accordance with his abilities.

Note: Primary schooling is compulsory and free.

Article 58 on the Law of Higher Education ("The National Gazette" 59/96) states that: "everyone has a right to enroll into college under the same conditions citizens of the Republic of Croatia and members of Croatian nationality with residence out of the Republic of Croatia as well as foreign citizens and people without citizenship if they have permanent residency in the republic of Croatia".

**State Infrastructure**

The same applies as quoted under par. 2 of this Article.

**Policy**

The answers are given under par. 1 of this Article.

**Factual**

(the same)

**Article 13**

1. Within the framework of their education systems, the Parties shall recognize that persons belonging to a national minority have the right to set up and to manage their own private educational and training establishments.

2. The exercise of this right shall not entail any financial obligation for the Parties.

Paragraph 1.

**Narrative****From the jurisdiction of the Ministry of Education and Sport**

The formation of elementary schools is based on the so called net of institutions, which are proposed by the municipalities, passed by the county and approved by the Government of the Republic of Croatia. All schools are financed from the State Budget.

Pre school institutions are founded by the local self-government and local government (municipalities and cities). They are financed partly by the parents and partly by the founders. They can also be founded by religious institutions and other corporate bodies or individuals.

Pre school institutions, elementary schools and high schools may be founded by private persons. This also refers to the above mentioned institutions for members of national minorities.

On the foundations and management of preschool institutions and schools in which history and culture are taught in the language of the minorities the adequate legal provisions from the Croatian school systems are applied. For problems which are specific for schools of national minorities specific provisions which address these particularities are applied.

It should be said that minorities are consulted in all relevant questions concerning education, either directly through the students parents , or through minority associations and representatives. This enables members of national minorities to participate and be involved in decision making in models of educational institutions and their work.

**From the jurisdiction of the Ministry of Science and technology**

This Ministry has not received any requests for forming a Private University open to the public which would organize studies in the domain of language and history of any national minority.

**Legal*****From the Constitutional Law on Human Rights and Freedoms and the Right of Ethnic and National Minorities***

Article 17.

"Members of national and ethnic communities or minorities may found private kindergartens, schools and other educational institutions."

***From the Law of Higher Education***

Article 8.

"The university, and junior college may be founded by a physical or corporate person".

**State Infrastructure**

( Stated in Article 12.)

**Policy****From the Jurisdiction of the Ministry of Education and Sport**

In schools in which all classes are held in the minority language (except for classes in the Croatian language) more than half of the members of the school board are members of the relevant minority, and in schools with bilingual classes the number of members of the school boards are proportional.

In areas where the Law and Municipality Statutes demand obligatory bilingual classes i.e. the official use of the Croatian language and script of national minorities, students which attend classes in the Croatian language , also take obligatory classes in the language of the relevant minority.

**Factual**

(stated in the descriptive unit)

Paragraph 2.

As in Paragraph 1.

**Article 14**

1. The Parties undertake to recognize that every person belonging to a national minority has the right to learn his or her minority language.

2. In areas inhabited by persons belonging to a national minority traditionally or in substantial numbers, if there is sufficient demand, the Parties shall endeavor to ensure, as far as possible and within the framework of their education systems, that persons belonging to those

minorities have adequate opportunities for being taught the minority language or for receiving instruction in this language.

3. Paragraph 2 of this article shall be implemented without prejudice to the learning or the official language or the teaching of this language.

Paragraph 1.

### **Narrative**

#### **From the jurisdiction of the Ministry of Education and Sport**

Answers are given as part of Article 12.

#### **From the jurisdiction of the Ministry of Science and Technology**

The Teacher Training College in Pula organizes and executes teaching programs in the Italian language. The courses are: teacher and educator of preschool children, and studying the Italian language and literature.

At the faculty of Humanities and Social Sciences in Zagreb some of the languages of the national minorities are taught as separate as described in the narrative unit of Article 12 par. 2. The legislative unit cited with Article 12 par. 2 also applies to this Article.

### **Legal**

Legal unit cited under Article 12.

### **State Infrastructure**

(Cited under Article 12.)

### **Policy**

(Cited under Article 12.)

### **Factual**

(Cited under Article 12.)

Paragraph 2

### **Narrative**

#### **From the jurisdiction of the Ministry of Education and Sport**

*The level of development of preschool institutions, elementary schools and high schools, and even institutions of higher education is different in different national minorities although they all have the same legal possibilities. The level of development of educational institutions is defined by different factors: beginning with the number of members of a certain minority, their concentration in some smaller region (or place) so that teaching can be organized, up to a whole list of other factors which had in the past and still have today a great influence on the fact whether schooling can be organized in the mother country language of the national minority, or other adequate forms of teaching and cultural activities should be developed.*



Particularities of each national minority caused the development of different forms of teaching and the implementation of different additional teaching programs.

Teaching is performed through four models:

1. A teaching program which includes, apart from the subject matter and school conducted in the Croatian language, additional subject matter in their mother country language, literature, history, geography and art and music. Everything is taught in the mother country language,:
2. The teaching program includes all the elements as in number 1, but teaching is conducted bilingually (in Croatian and the mother country language):
3. The teaching program consists of studying the mother country language, culture and history of the said national minority as optional subjects.
4. The teaching program which is implemented through summer schools, consists of the basic subject matter in the mother country language, culture and history of the national minority. The students are able to master this program during the summer vacation, usually in 15 days.

The choice of the curriculum which will be taught in the schools for national minorities depends on the choices parents of the students who are members of the national minorities, make. Those choices are accepted by the authorized County Office. The Ministry of Education and Sport gives its agreement congruently to the existing- legal provisions.

Which model and forms of teaching shall be implemented in particular schools that students members of the national minorities attend, are regulated by the statute of the school.

Students, members of those national minorities that don't have additional teaching organized, attend the same schools as students of Croatian nationality without any problems, and under the same conditions.

## **Legal**

Legislative unit cited under Article 12.

## **State Infrastructure**

Cited with Article 12.

## **Policy**

Funds for teachers salaries and other employees of the school, and all other expenses necessary for the regular functioning of the school are allocated in accordance with the standards and criteria which are defined for schools taught in the Croatian language as well.

For the so called enlarged expenses of schooling of the national minorities ( seminars for teachers, bilingual school documentation, publishing costs for textbooks, etc.) the Ministry of Education and Sport insured 3,200.00 kuna in 1998.

In 1997 and 1998, apart from the regular funds necessary for the regular maintenance of school buildings, funds were acquired for the building of a School Center in Osijek for members of the Hungarian national minority. Elementary School in Josipovac for members of

the Slovak national minority, the expansion of the elementary school "J. akomensky" in Daruvar for the needs of the Czech national minority, and a decision was made to build a new high school in Pula for the members of the Italian national minority. The greatest part of the funds for these schools was insured in 1998. Part of the funds are acquired through the mother countries of national minorities, except for the Center in Osijek for which the funds are fully supplied by the Republic of Croatia. The school in Josipovac is finished and in use, and the school in Daruvar is in its final phase.

Some funds for the needs of schools teaching in the languages of national minorities are supplied by the local government and self-government. The Ministry on Education and Sport does not have the exact sum of these funds, since such data is not collected.

Representatives of national minorities that have organized teaching in their mother country language project a need for educational counselors from their ranks in order to give expert counseling to schools and teachers. In the legislative proposal of the Law on Education in the languages of national minorities which the Government of the Republic of Croatia referred to the Croatian Parliament for discussion and enactment and is expected to pass, it is regulated as an obligation of the Ministry of Education and Sport to fulfill that request. The Law is expected to pass.

### **Factual**

Teachers that teach in schools in minority languages are schooled and trained in the Republic of Croatia as well as in the mother country. In accord with legal provisions, and former experiences, teaching in these schools is performed by teachers which are members of the same national minorities as the students attending school, only rarely. If such are not available teachers who are proficient in the language of the relevant minority are engaged although they don't belong to the same group. These provisions apply to the school Principle.

In general it can be said that professional representation of teachers in schools of national minorities is satisfactory and improving each year, although not amongst all national minorities (e.g. Ruthenians- Ukrainians).

There is a great deficit for teachers, for example in the Italian national minority caused, among other factors by smaller wages in the Republic of Croatia than in the Republic of Slovenia and the Italian Republic. Because of that some teachers which are Croatian citizens have left Croatia and found jobs in the above mentioned countries, causing a great need for a certain number of elementary school teachers and professors in high schools with tuition in the Italian language. This problem is being solved by temporarily engaging the needed number of teachers from the Italian Republic, after going through the legislated procedure for employing foreigners.

After the reintegration of the schooling system in the Croatian region of Podunavlje into the Croatian School System a new network of schools have been made for this region for the needs of national minorities: Hungarians, Ruthenians, Ukrainians, Slovaks, Serbs; Germans and Austrians.

Members of the above mentioned national minorities, except Serbs which till 1991 didn't have separate schools, expressed their desire and need to have a network of educational institutions in that region, in which teaching would be conducted in their language in the places and forms (models) in which it existed till the year 1991. Members of the German and Austrian minority

have expressed their wish for the first time, for organizing and conducting bilingual schooling for their members, it has been achieved.

Some of the national minorities have developed educational institutions (kindergartens, elementary and high schools) in accordance with their projected needs. From the data given below it is clear that the level of development of these institutions is different, and that each minority develops that educational level and forms of teaching which best meets the needs of other minority.

### Italians

a) Children members of the Italian national minority attend 24 kindergartens in which work with the children is organized and conducted in the Italian language :they include 745 children, and 39 teachers that work with them.

b) Teaching in the Italian language is conducted in 17 elementary schools, 11 are central schools and 6 are regional departments: 2285 students attend these schools in 62 classes, while the tuition is conducted by 175 primary teachers.

c) There are 4 high schools. Teaching is conducted in the Italian language for 852 students; they can enroll in about ten educational programs; 148 professors are employed in these schools.

Primary teachers and professors that work in these schools attend different kinds of seminars for professional improvement in Italy or the Republic of Croatia.

d) At the Teacher Training College in Pula there are three Departments taught in Italian (class teaching studies, Italian language and preschool educational study). There are 46 students enrolled in these studies.

The department for publishing textbooks for the needs of the Italian national minorities is part of the Newspaper - Publishing Institution "Edit" in Rijeka.

Each year they publish 10 - 15 textbook titles, some original some translated from the Croatian language into the Italian language.

### Czechs

a) For the needs of the Czech national minorities there are 2 kindergartens in which the Czech language is used in working with the children; they are attended by 160 children and employ 6 kindergarten teachers.

b) Teaching in the Czech language is performed in 4 elementary schools which are attended by 456 students; there are 7 additional schools in which Czech language and culture are taught in order to preserve their national identity

c) Czech language and culture is taught in one high school. It is attended by 30 students in Daruvar.

The Newspaper- Publishing Institution "Jednota" in Daruvar works for the needs of the Czech national minority Apart from printing news papers it also publishes textbooks for the Czech national minority. In the year 1998 it published five textbook titles.

For the needs of training primary teachers and professors of the Czech language there is a special Department at the Faculty of Humanities and Social Sciences in Zagreb. Teachers attend professional training in the Czech Republic and attend adequate seminars in the Republic of Croatia.

### Slovaks

Students that are members of the Slovak national minority attend schools in the Croatian language and study their mother country language additionally. They also study subject matter from their history and culture.

Teaching was performed in four schools and attended by 490 students in the school year of 1998/99.

Since the school year 1997/98 the Slovak language and culture have been taught in the elementary school in lick according to the Croatian Teaching Program.

Primary school teachers are educated in the republic of Croatia and the Slovak Republic. They attend a professional training seminar on the Slovak language and culture every year in the Slovak Republic. This was stipulated by an Agreement between the Republic of Croatia and the Slovak Republic.

### Hungarians

The greatest number of the Hungarian national minority members live in the Baranje and East Slavonia area. These areas were under occupation, so classes had to be canceled for students of this national minority that stayed in the area.

The possibility of organizing classes in Hungarian arose only after the process of reintegration of that area into the Constitutional-Legislative System took place.

In 1998 there were two elementary schools (Zmajevac and Lug) and four district schools (Suza., Kotlina ,Vardarac and Kopacevo) in the area of the Osjecko- Baranjske county. All classes were taught in the Hungarian language except classes in the Croatian language. The school was attended by 243 students.

Organizing and conducting all classes in the Hungarian language was planned in the town of Korod, Vukovarska Srijemska County, in which such classes existed until 1991. During the occupation of the town classes were prohibited. The town is being rebuilt and the refugees are returning, so there are plans to reopen schools again during the year of 1999.

For the members of the Hungarian national minority bilingual classes are organized (in the Croatian and Hungarian language), in two kindergartens in Osijek and Zagreb which are attended by 45 children, and in three elementary schools (Osijek, Novi Bezd, Zagreb), which are attended by 46 students.

In 17 elementary schools which students members of the Hungarian national minority attend by choice of their parents in addition to classes in the Croatian language students attend classes in Hungarian and study Hungarian culture.

These classes are attended by a large number of students from mixed marriages and two Croatian students that wish to learn Hungarian and get to know their culture. The number of students attending the above mentioned classes is 500-550.

Up to 1991 only one school offered bilingual classes to high school students of the Hungarian national minority. About 30- 40 students attended those classes.

In the year 1998, classes were organized in two high schools (Beli Manastir and Osijek), and in 2 other trade schools in Belo Manastir about 80 students attended these schools.

Since an educational center is being built in Osijek for the needs of the Hungarian minority (with a kindergarten, elementary school, high school and student housing) and it is expected to be in function by the middle of 1999, it was planned to transfer classes from the two high schools into the new educational center. The classes organized in the trade schools shall remain there.

Members of the Hungarian national minority have the possibility of studying the Hungarian language at the faculty of Humanities and Social sciences in Zagreb. Classes teaching the Hungarian language at this University is attended by students of different nationalities.

A large number of members of the Hungarian national minority attend Colleges in the Republic of Hungary on the basis of an Agreement on the Protection of the Croatian Minority in the Republic of Hungary and the Protection of the Hungarian Minority in the Republic of Croatia from 1996. An Agreement on educational and cultural cooperation is in the process of being signed. Each country provides 10 scholarships a year for members of their minority for different universities. It also provides different forms of cooperation in the field of professional training of the teachers (lectures, seminars, study travels etc.).

### Serbs

For the members of the Serb national minority classes are organized and performed according to these models:

1. All classes are held in the Serbian language; classes in the Croatian language are obligatory (as an official language).
2. There are class departments in some schools in which classes are taught in the Serbian language, and the Croatian language is taught separately. There are also departments with classes in Croatian.
3. Classes are held in the Croatian language, with additional classes in the Serbian language, culture and history.

All three models are in use in the Croatian area of Podunavlje which was under the temporary administration of UNTAS-a until Jan. 15 1998. Only the third model is used in areas that were not under occupation.

Preparations for organizing and implementing the third educational model for members of the Serbian national minority began in 1996 when the process of developing teaching plans and programs for additional schooling began. In 1997 needed organizational preparations for the implementation of teaching through this model were accomplished in particular schools, as was writing of the textbooks needed for additional classes. All this was accomplished in

cooperation with the Ministry of Education and Sport and experts from the Serbian cultural association " Prosvjeta " in Zagreb.

These classes have been held since 1997/98. In seven (7) schools, and are attended by approximately 250-300 elementary school students. In the recent past Associations of the Serbian national minority have expressed a desire to organize and conduct classes in some places where it has not been organized before (e.g. Zagreb, and others). Parents need to sign a statement regarding the choice of attending classes.

The process of reintegrating the educational institutions (kindergartens, elementary schools and high schools) in the Croatian Podunavlje into the educational system of the Republic of Croatia began in 1997.

The above mentioned process was burdened with many difficulties, which were gradually overcome through joint efforts of the Republic of Croatia, representatives of local Serbs and the help of the International Community and their representatives in that area.

Apart from trauma and numerous difficulties caused by the war and occupation of that area many specific problems surfaced in the field of education, which needed solving, e.g.:

- a) The problem of hired teachers - many were without obligatory qualifications, some of them did not have formally recognized diplomas. Some of them became surplus because refugees from that area were returning to their former homes thus causing the number of students of the Serbian national minority to drop. At the same time a certain number of students of Croatian nationality were returning to area, as were Hungarians and members of other national minorities which required classes in their mother country language.. The existing hired teachers were not able to perform classes according to the above mentioned nor did the parents of students of other national minorities want them to;
- b) The school documentation as well as the work and functioning of the school in its entity had to be coordinated with relevant regulations of the Republic of Croatia (school statutes, bilingual signs, bilingual documentation, school seals, etc.);
- c) Develop and implement teaching plans and programs for teaching the mother country language, culture, history and geography, which are added to the Croatian teaching programs in schools that are attended by students of the Serbian national minority.
- d) Solve the problem of textbooks for elementary schools and high schools, since the textbooks and teaching programs used in the Croatian Podunavlje region up to then were from the Republic of Serbia.

Resolving this problem is possible by translating textbooks to the Serbian language in natural science subjects. The textbook with subject matter related to national differences should contain subject matter specified by additional teaching programs.

The following school institutions of elementary schools and high schools which are attended by members of the Serbian national minority and in which classes are held in the Serbian language are in operation in the Croatian Podunavlje region in 1998/99.

There are 8 elementary schools in the Osijecko - Baranjskoj region (Beli manastir, Darda, Jagodnjak, (with district departments Ugljes and Bolman), Knezevi Vinogradi (with a district

department in Karanac) Bijelo Brdo, Dalj (with a district department in Erdut), Ernestinovo (with district departments in Sodovci and Palaca) and Tenja. 1436 students attend classes in these schools. In the area of this county three schools organize additional classes in the Serbian language (the so called nourishing of the language and culture). These are in Dalj, Secerana and Popovac and are attended by 28 students.

The Serbian language is used in two kindergartens (Beli Manastir - 37 children and Bjelo Brdo - 20 temporarily not in function).

For the members of the Serbian national minority classes are held in their native language in four high schools (Middle School Beli manastir, First High School Beli Manastir, Second High School Beli manastir and the High School Dalj). Classes are attended by 329 students.

The Serbian language is spoken in three kindergartens attended by 334 children in the area of Vukovarsko - Srijemska county. Classes in the Serbian language are held in six elementary schools and seven district departments Trpinja, IV. Elementary school Vukovar, Borovo, Bobota (with district departments Vera, Pacetin, Klisa and Ludvinci), Markusica (with district departments Gabos and Ostrovo) and Negoslavci (with a district department in Sviinjarevac. In the above mentioned schools classes are attended by 1663 students.

In this county classes are held in the Serbian language in four high schools: The Middle School in Vukovar, and I., III. and IV. High School in Vukovar. The classes are attended by 1730 students.

#### Germans and Austrians

For members of the German and Austrian national minorities in Osijek a bilingual group in Croatian and German has been organized as part of the kindergarten "Mak". It is attended by 25 children.

In addition, for these minorities, bilingual classes have been organized as part of the elementary school "Sveta Ana" in Osijek. These classes are attended by students of I., II., III. and IV grades of elementary schools. The classes are held by two primary school teachers, and are attended by 49 students.

#### Ruthenians and Ukrainians

A Summer School is organized every year for students of elementary schools and high schools, members of the Russian and Ukrainian national minorities. The Summer School lasts two weeks, and is attended by about 180 students. All expenses are covered by the Ministry of Education and Sport, they include costs involved in organizing the classes, accommodation and meals, and travel costs.

Apart from classes held in the Summer School for students of the Russian and Ukrainian national minorities, classes in which they study their home country language, and culture are also organized in their place of residence. These classes are held during the whole year in three towns (Lipovani, Vinkovci, Sumece). At the moment classes are not held at all or not held regularly in Zagreb, Slavonski Brad, and Osijek, due to an insufficient number of students or a deficit in teachers. The main reason for the low numbers as far as the students are concerned is that they live very far away from the location the classes are held at, so they have to be brought there by their parents.

After the reintegration of earlier occupied areas of East Slavonia and West Srijem the Ruthenian and Ukrainian refugees are returning to their former place of residence and bringing back their children with them- today's students. The last preparations are in progress for starting with bilingual classes in Petrovci. They were expected to start at the end of January 1999 In addition to that there are plans to organize additional classes for students of the Ukrainian minority in Vukovar, probably in September 1999.

### Jews

Kindergarten "Mirjam Weiler" operates as part of the Zagreb Jewish Municipality for the needs of the Jewish national minority. It is attended by 27 children. This municipality also holds courses that teach the Hebrew language and religion for students of elementary and high schools.

### Romanies

The Ministry of Education and Sport and the Romany Associations of Croatia organize a Summer School each year under the name "Summer School of the Romany Children in Croatia". All costs are covered by the Ministry of Education and Sport. The school is attended by about 100 elementary and high school students. Upon the recommendation of the Union of Romany Associations of Croatia a specific form of work with the Romany children has been organized. Students. Children from 7-10 years of age are being prepared for a successful start of class teaching, which they hadn't attended before.

The schooling of Romany children is specific and encounters many problems not characteristic for other national minorities. Even today the main problem of Romany children is in not knowing the subject matter of their language and culture, but in not attending class teaching. That part of the Romanies is illiterate, and because of that have a harder time in becoming a part of a civilized society.

Part of the Romany students are incorporated into the regular schooling system in the Croatian language, and successfully become part of the social environment in which they live. There are a number of societies, that function as part of the Romany associations, that keep alive cultural amateurism, Romany culture and conventions.

Occasionally seminars are organized for teachers that work with Romany children, whether they are Romanies or not, with the purpose of enhancing their work. Papers on these issues are prepared and published for the seminar In the year 1998, the Government reserved special funds for the Program of integrating Romany children into the educational system of the Republic of Croatia.

More about this is said in Article 4. Par. 2. (Text of this Program is enclosed).

### School Religion

Since the year 1991/92 schools have introduced confessional religion as an optional subject. Classes in this subject are performed according to programs suggested by religious associations and approved by the Ministry of Education and Sport, which is authorized in passing all teaching plans and programs.

The teaching programs for School Religion are a result of proposals of many different religious associations. Namely: The Catholic Church, The Serbian Orthodox Church, The



Islam Community The Advent Christian Church, The Baptist Church, The Evangelical Church, The Church of Jesus Christ Saints of the Last Day, The Jewish Synagogue, etc.

Classes in Religion are taught in schools in the language of their national minorities according to the curriculum of the confession the students and parents belong to.

Classes in school religion in elementary schools are attended by students based on their parents decision, in high schools the consent of the students is also required. Classes are organized for no less than 7 children of a certain religious community. In specially justified cases they can be organized for less than 7 students.

Classes are usually held in schools but if an agreement is reached amongst the school, teachers, students parents and the catechist they can be held on the premises' of religious communities. This is usually the case with small religious communities because their number of students is too small for organizing class teaching in each school during the regular school hours.

Classes are held by catechists which hold the required qualifications and are members of the given religious community.

Students which attend classes in religion are graded in that subject. This is applied to the so called small religious communities.

Parents of students in elementary schools that attend classes in religion can give a statement in the beginning of the school year in which they state that they do not want their children to attend these classes, in which case the obligation ceases. In the same manner a student that did not attend classes of school religion in the past year can attend them if the students parents or guardian require them to do so.

The state finances the cost of a catechist applying the same criteria as for teachers in other subject matters.

Since the school year 1995/96 a new subject. Ethics, is taught in high schools, as an alternative to school religion. Students freely choose one of the two classes.

### Paragraph 3

Descriptive unit

As mentioned earlier

Legislative Unit  
(same)

State Infrastructure  
(same)

Policy  
(same)

Factual  
(same)

### **Article 15**

Parties shall create the conditions necessary for the effective participation of persons belonging to national minorities in cultural, social and economic life and in public affairs, in particular those affecting them.

#### **Narrative**

In accordance with the entire Legal System of the Republic of Croatia members of national minorities have equal rights with other Croatian citizens in participating in the cultural, social and economic activities and public affairs.

In addition to that, members of the national minorities are entitled to cultural autonomy in order to preserve their national, ethnic, cultural, religious and other identity. In the area of political representation they have guaranteed seats in the Croatian Parliament -Sabor, and in the Assembly on the local and regional level.

#### **From the jurisdiction of the Ministry of Public Administration**

The question of representation of national minorities in the Parliament of the Republic of Croatia .as well as representative bodies of units of local self- government and administration was fully resolved by the electoral regulations of the Republic of Croatia, namely the Law on the Election of Representatives in the Parliament (Sabor) of the Republic of Croatia ("The National Gazette", No 1/92, 22/92, 30/93, 11/94, 68/95 and 108/96), and the Law on the Election of Representative Bodies of Local Self- Government and Administration Units. ("The National Gazette", No.90/92, 69/95 and 59/96).

Members of the national minorities elect 8 representatives to the Croatian Parliament - Sabor .Members of national minorities with the share of the population exceeding 8% according to the population census from 1981, are entitled to being proportionally represented in the Croatian Parliament The basis for the computation of their proportional representation in the House of Representatives shall be the number 120 representatives in the House. Members of national minorities whose participation in the population of the Republic of Croatia is below 8% shall be entitled to elect at least of five representatives to the House of Representatives of the Parliament of the Republic of Croatia, and one of them shall have to be elected by the members of each: Hungarian, Italian, Czech, Slovakian, Russianian and Ukrainian, and German and Austrian minorities

We also draw attention to Article 58a. from the Law on the Elections of Representatives in the Parliament (Sabor) of the Republic of Croatia by which it is legislated that 127 representatives shall be elected in the House of Representatives in the Croatian Parliament Sabor, until the results of the population census are published.

Until the results of the population census are published members of national minorities shall elect 8 representatives, 3 from members of the Serbian minority. The other five representatives shall be elected from the members of Hungarian, Italian, Czech, and Slovakian, as well as Ruthenian and Ukrainian, German and Austrian minorities, in special electoral units which are determined by the Law on Electoral units constituency for the House of Representatives Sabor.

If elections for the representatives in the House of Representatives of the Parliament of the Republic of Croatia don't achieve proportionality of national minorities which is required the number of representatives in the House of Representatives would increase by one, to provide proportional representation.

It is very difficult to determine the exact number of members of national minorities in the Republic of Croatia because of the demographic changes, and gradual depopulation mostly of Croatian nationalities. After the elections for the County Assembly of the Croatian Parliament (Sabor) which took place on April 13, 1997, the President of the Republic of Croatia appointed two representatives to the County Assembly exercising his right to appoint five representatives to the County Assembly of the House of Representatives.

The Constitutional Law on Human Rights and Freedoms and the Rights of National and Ethnic Communities or Minorities in the Republic of Croatia in Article 19., legislated that members of national and ethnic communities or minorities are entitled to be represented in the bodies of local self- government in proportion to their share in the total population of a particular local self- governing unit. Since Paragraph 2. Article 19 of the Constitutional Law on Human Rights and Freedoms and the Rights of National and Ethnic Communities or Minorities in the Republic of Croatia legislates that these rights shall be guaranteed by the Law which regulates local self- government and by the Unit Statute of the Local self- government provisions on ensuring proportional representation of national minorities in representative bodies of local self- government that is units of local administration and self- government, they are incorporated in the Law on the Elections of Representative Bodies of Local Self- Government and Administration Units.

The representation of national minorities in representative bodies of municipalities, cities and counties is ensured by the number of national minorities in the electoral bodies and whether the share of the national minority in the population of Croatia is above or below 8%.

Both political parties and constituents can participate in the election of representative bodies. In order to be able to participate in elections, nominate their own candidates and party voting lists Political parties have to be registered in the Republic of Croatia. Voters have to have residency in the Republic of Croatia and have to be entered on voting lists in there place of residency whether they are nominating a candidate or list.

If there are 8% or more than 8% of Croatian citizens .members of national minorities in the electoral bodies of the local self- government units or local administration units they shall have a right to be represented in the representative bodies of that same local self- government unit or local administration unit.

Article 28 of the Law on the Election of Representative Bodies of Local Self- Government and Administrative Units regulates completing the number of representatives in the units of local self- government or local administration units till the required representation is realized, in cases where the required proportionality is not achieved during the elections for the representative bodies of local self- government and administration units.

Full protection against all forms of racial discrimination is ensured through the Constitution, the Constitutional Law on Human rights and freedoms and the Rights of National and Ethnic Communities or Minorities in the Republic of Croatia, Criminal Law of the Republic of Croatia, Principle Criminal law of the Republic of Croatia and other Laws (e.g. the Law on Local Self- Government and Administration, the Law on the Elections of Representatives in the parliament (Sabor) of the Republic of Croatia, the Law on the Election of Representative

Bodies of Local Self- Government and Administration Units, the law on the Government of the Republic of Croatia, the Law on Croatian Radio and Television, the Law on Elementary Schools, the Law on High Schools, the Law on Education in the Languages of Nationalities, and numerous other Regulations.

It's a matter of free will of every individual whether they want to take an active part in the public life of the community as a member of a national minority or like other citizens, and contribute in solving problems with which the community is confronted.

#### **From the jurisdiction of the Ministry of Culture**

Some of the cultural activities of the minority communities are financed from the state budget as part of the entire state activities in this area through the Ministry of Culture.

#### **From the jurisdiction of the Office for National Minorities of the Government of the Republic of Croatia**

The greater part of cultural activities of the associations of national minorities are financed from the state budget, through this Office.

#### **Legal**

##### ***From the Constitution of the Republic of Croatia***

Article 15.

"Members of all nations and minorities shall have equal rights in the Republic of Croatia.

Members of all nations and minorities shall be guaranteed freedom to express their nationality, freedom to use their language and script, and cultural autonomy."

##### ***From the Constitutional Law on Human Rights and Freedoms and the Rights of National and Ethnic Communities or Minorities in the Republic of Croatia.***

Article 1.

The Republic of Croatia "... pledges to respect and protect national and other fundamental human rights and freedoms, the rule of law, and other supreme values of its constitutional and international legal system for all its citizens "

Article 2.

The Republic of Croatia fully recognizes and protects human rights and freedoms, and especially ....

lj) "all other rights provided by the international instruments, from Article 1 of this Law, depending only on the exceptions and restrictions enumerated in those instruments, without any discriminations based on sex, race, colour, language, religion, political and other beliefs, national and social background, cultivating links with a national minority, property, status achieved by birth or otherwise (Articles 14 and 17, paragraph 3 of the Constitution)"

## Article 3.

"The Republic of Croatia protects the equality of national and ethnic groups or minorities and thus encourages their universal development."

## Article 11.

"Members of national and ethnic communities or minorities are free to found cultural and other societies aimed at preserving their national and cultural identity. These societies are autonomous and the Republic of Croatia and local self- governing bodies provide financial support in accordance with their financial resources."

## Article 18.

"Members of national and ethnic communities or minorities whose share in the population of the Republic of Croatia is below 8% are entitled to electing a total of five representatives to the House of Representatives of the Croatian parliament."

Representatives from paragraph 2 of this Article are representatives of all ethnic and national communities and minorities which elected them, and are therefore obliged to protect their interest.

"The procedure of electing and recalling the representatives from 1 and 2 of this Article will be regulated by electoral laws and other provisions regulating elections in the Republic of Croatia."

## Article 19.

"Members of national and ethnic communities or minorities are entitled to be represented in the bodies of local self-government in proportion to their share in the total population of a particular local self- governing unit.

The right stated in Paragraph 1 of this Article is guaranteed by the Law which regulates local self- government and by the Unit Statute of the Local Self- government."

## Article 20.

"In order to apply the provisions of this Law of the rights of ethnic and national communities or minorities on culture, education, access to media and to realize their proportional representation in public agencies and other institutions in these areas, the Government of the Republic of Croatia has its Inter- ethnic Relations Office.

For the territory of one or more municipalities where the number of the members of national minorities and their interests require so, the Government of the Republic of Croatia will establish local Inter ethnic Relations Offices."

## Article 59.

"The Republic of Croatia shall cooperate and seek counsel, directly or through the mixed committees with governments and other institutions of interested states for full realization of human rights and the rights of the national and ethnic communities or minorities."

The Law on the Elections of Representatives in the Parliament (Sabor) of the Republic of Croatia

Article 10.

"Members of ethnic and national communities or minorities, with the share of the population of the Republic of Croatia exceeding 8% as per the population census from 1981, shall be entitled to be represented in the Parliament proportionally to their respective participation in the overall population in the manner as provided by the Law. The basis for the computation of their proportional representation in the House of Representatives shall be the number of 120 representatives in the House.

Members of ethnic and national communities or minorities whose participation in the population of the Republic of Croatia is below 8% shall be entitled to elect at least 5 representatives in the House of Representatives of the Parliament of the Republic of Croatia, and one of them shall have to be elected by the members of each Hungarian, Italian, Czech and Slovakian, as well as Russianian and Ukrainian, German and Austrian minorities."

Article 19.

In the period of the electoral campaign, the Croatian Radio- Television shall be obliged, within the framework of its radio and television programs, to enable all political parties, minority communities from Article 10, Paragraph 2 hereof, participating in the elections for representatives, to present their electoral programs in equal portions of time.

All mass media shall be obliged to enable all political parties and minority communities from Article 10 paragraph 2 hereof, participating in the elections for representatives, and candidates for representatives, to present their programs and conduct their electoral campaign under equal conditions."

Article 22.

"124 representatives shall be elected into the House of Representatives of the Parliament of the Republic of Croatia (hereinafter referred to as the House of Representatives).

The number of the representatives of the House of Representatives may be increased in conformity with the conditions from Article 26 hereof."

Article 23.

"32 representatives shall be elected in the House of Representatives in electoral units, and one representative shall be elected in each of them.

Twenty-eight representatives shall be elected in electoral units, and one shall be elected in each of them on the approximately equal number of electors.

One representative in the House of Representatives shall be elected by the members of each, Hungarian, Italian, Czech and Slovakian, Ruthenian and Ukrainian, as well as German and Austrian minorities in special electoral units which are defined by the Law on Electoral Units for the House of Representatives of the parliament of the Republic of Croatia.

Regardless whether one or more candidates take part in the elections, the candidates obtaining the largest number of votes of the voters who have cast their ballots shall be elected representative. If two or more candidates obtain equal number of votes, the elections shall be repeated."

Article 26.

If the representation of ethnic and national communities and minorities, as required under Article 10 hereof, is not reached for the elections for the representatives in the House of representatives, the number of the representatives of the House of Representatives shall increase up to the number which is needed for the required representation to be attained, and the members of a certain community or a minority, who have been put up on state list, but have not been elected; shall be considered as elected representatives in the order corresponding to the proportional success of each individual list in the elections.

If it is impossible to attain the required representation of communities or minorities in the manner as provided by the preceding Paragraph, the President of the Republic of Croatia shall call By-elections in that number of special electoral units as required for the attainment of the proportion. By- elections shall have to take place within 60 days from the date of the first session of the newly elected houses of parliament."

*The Law on the Changes and Amendments to the Law on the Elections of Representatives in the Parliament of the Republic of Croatia*

Article 27.

Following Article 58., under the subtitle "Transitional and Final Provisions" a new Article 58a is added. It reads as follows:

Article 58a.

Until the results of the elections of the Republic of Croatia are announced Article 10, Article 22., Article 23. Paragraph. 1 and 3. And Article 26. of this Law are not applied.

In the House of Representatives, in the period from Paragraph 1 of this Article 127 representatives are elected.

In elections for the House of Representatives in the period from Paragraph 1 of this Article members of ethnic and national communities or minorities are entitled to elect 8 representatives to the House of Representatives.

Members of the Serbian ethnic community or minority elect 3 representatives in such a manner that the territory of the entire Republic of Croatia makes one electoral unit. Between all candidates in the electoral unit the 3 that received the largest number of votes of the voters, and in that order, shall be elected representative. If it is impossible to determine which 3 candidates got elected because of an equal number of votes, the elections shall be repeated.

One representative in the House of Representatives shall be elected by members of each, Hungarian, Italian, Czech and Slovakian, Ruthenian and Ukrainian, as well as German and Austrian minorities in special electoral units for the House of Representatives of the parliament of the Republic of Croatia in conformity with the conditions specified in Article 23. Paragraph 4 of this Law.

If the representation of ethnic and national communities and minorities as required under Paragraph 3. of this Article is not reached in the election for the representatives in the House of Representatives, the number shall increase for one in order to obtain the required representation. The member from the state list that received the most votes but was not elected shall be considered the representative in the House of representatives.

*Tine Law on Electoral Units for the Election of Representatives to the House of Representatives of the republic of Croatia (Sabor)*

Article 3.

Seven Representatives to the House of Representatives of the Republic of Croatia are elected by the members- of national minorities, determined by this Law, in separate electoral units.

Article 7.

1. Electoral unit Buje- Italian national minority
2. Electoralunit Osijek-Hungarian national minority
3. Electoral unit Daruvar- Czech and Slovakian national minority
4. Electoral unit Osijek- Ruthenian and Ukrainian, as well as German and Austrian
5. Electoral unit - The entire territory of the Republic of Croatia- members of the Serbian minority elect three representatives.

### **State Infrastructure**

#### **From the jurisdiction of the Ministry of Public Administration**

The Constitution guarantees human rights and freedoms of each individual. The Constitution designated a significant role to the Constitutional Court of the republic of Croatia in the area of protection of human rights and rights of the national minorities. According to rights and freedoms of its citizens.

The Constitutional Court has a significant role in supervising the legality of the implementation of parliamentary, local and presidential referendums and elections. Individuals that consider their rights to have been violated, especially the rights of members of national minorities, (e.g. the right to vote for their representative), can submit a constitutional complaint to the Constitutional Court in order to establish the violation and realize their rights.

### **Policy**

The Republic of Croatia is the signatory of International Agreements and Conventions which guarantee human right and freedoms. In addition, with the acceptance of rights and liabilities which are derived from the membership in the European Council, Croatia has accepted other mechanisms for the protection of human rights and freedoms, which include the protection of the rights guaranteed to national minorities

#### **From the jurisdiction of the Office for National Minorities**

see answer to Articles 5. And 10.



**From the jurisdiction of the Ministry of Culture**

During 1998 the Ministry of Culture financed part of the Programs of national minorities. Their participation was follows:

Cultural Association Salom Freiburger, Zagreb	
- Activity	30.000.00
- Concert musicians	3.500.00
- Periodical	20.000.00

The Association of Hungarian Scientists and Artists, Zagreb	
- Collective Works	11.000.00
- Z. Gabor "Narration"	5.000.00
- Chamber Choir from Subotica, performance	10.000.00
- Appearance M.V.Kimf from Pecuh	7.000.00

Croatian Jewish Association, Zagreb	
- Exhibition in the Gallery Salom	10.000.00

Jewish Municipality Zagreb	
- Exhibition in the gallery "M. and I. Steiner"	20.000.00
- Purchase of Memorial material	20.000.00
- Exhibition of the Zagreb Synagogue	10.000.00
- Exhibition: J.Agam	50.000.00

Club of Romanies, Croatia, Zagreb	
- Cultural week of Romanies in Croatia	10.000.00

The alliance of Czechs in the Republic of Croatia, Zagreb	
- Program of cultural activities	10.000.00

Cultural and Performing Society of Romanies - "Heart" Zagreb	
- Trip to Italy	1.220.00

Serbian Orthodox Monastery -Gomirje	
- Renovation of the Church St. Nicholas in Karlovac	70.000.00
- Renovation of the Monastery in Gomirjr	100.000.00

The Serb Orthodox Municipality Pula	
- Renovation of the church St. Nicholas in Pula	40.000.00

Restoration and Conservation Institute, Zagreb

- Icons 25.000.00
- Icons of the Serb Orthodox Church V.Poljanac 20.000.00

According to the Decision of the Government of Croatia from September 24,1998, an additional sum of 1,323.000,00 was allocated for investment programs and for the financial rehabilitation and re- establishment of cultural institutions of national minorities.

### **Factual**

In the Croatian Parliament one representative of the national minorities was elected as Chairman of the Committee for Human Rights and National Minorities in the House of Representatives of the Croatian Parliament (representative of Ruthenians and Ukrainians, Germans and Austrians), while the representative of the Serbian minority performs the duty of Chairman of the Subcommittee for National Minorities in the Committee for Human Rights and National Minorities in the House of Representatives of the Croatian parliament.

### **From the Jurisdiction of the Office for national Minorities Of the Government of Croatia**

In 1997 members of national minorities elected their representatives to the Council of National Minorities, coordinated their Decision on founding the Council, and began functioning as such. That permitted an open dialogue between national minorities and the Government. The Council of the minorities as an non-governmental organizations (NGO) cooperates with representatives of national minorities in the Croatian Parliament. It is a complementary and not an alternative institution to the elected representatives of national minorities in the Croatian Parliament. The Council watches over the implementation of the policy regarding the preservation and promotion of the protection of national minorities and presents its point of view on all legislative proposals and regulations for the protection of national minorities. It sends its opinions, demands and suggestions to the Croatian Parliament and Government and to the bodies of these institutions for consideration and resolution, it also cooperates with other state and international institutions.

The Council elected the representative of the Jewish minority for its president, and the representative of the Czech minority for its vice president.

### **Article 16**

The parties shall refrain from measures which alter the proportions of the population in areas inhabited by persons belonging to national minorities and are aimed at restricting the rights and freedoms flowing from the principles enshrined in the present framework Convention.

### **Narrative**

#### **From the jurisdiction of the Ministry of Public Administration**

As in other contemporary democracies, the Croatian Constitution includes and reinforces basic human rights and freedoms, determines essential questions regarding inter relations between governmental institutions of the Republic of Croatia, and among other things establishes the elements of the system of local self- government.

The main principles of local self- government in the Republic of Croatia are defined and established in the sixth chapter of the Constitution under the title "The Law on Local Self-Government and Administration". The right guaranteed by the Constitution to self-government, includes the right of every citizen to make decisions based on their needs and interests on the local level, especially the right to make decisions concerning the renovation of residential areas and urban planing, neighborhood facelift on communal activities, regarding matters concerning the care for children, welfare, cultural matters, physical activities, sport and technical culture and the protection and improvement of the environment.

The Constitution of the Republic of Croatia regulates that in accordance with the Law, units of self-government can be municipalities, districts or cities but requires the opinion of citizens on this subject. The procedure is the same for any subsequent changes.

The area of a district as a local self- governing unit is defined by the law as a combination of historical, transportation and economic factors shaped into a unique natural and social environment within the territory of the Republic of Croatia. The Constitution does not require the opinion of its citizens in defining its area.

The basic provision which regulates the new district organization of the Republic of Croatia is the Law on District Areas, Cities and Municipalities in the Republic of Croatia, which was passed on December 30, 1992. It went through a number of amendments. During the deliberations on the district organization utmost thought was given to respecting the homogenous of the area in which national minorities are the majority. For instance, while establishing new municipalities or cities extra care was taken to ensure that those which are inhabited by national minorities stay undivided and part of the same municipality or city after the reorganization. In that way it was possible to preserve the cultural, historical and every other form of national identity, and the will of the citizens and their connection to earlier gravitational centers. According to the law citizens give their opinion on matters of territorial organizing, which was done in this case to in different forms, including an advisory referendum.

The territorial organization was revised before the second local elections in the Republic of Croatia by passing the Law on the Territories of Counties (Zupanije), Cities and Municipalities in the Republic of Croatia. The law was passed by the House of Representatives of Croatia on January 17, 1997, and published in "The National gazette" No. 10/97, on January 30, 1997 and went into effect on February 7, 1997.

The Law from 1997 founded a large number of new municipalities, primarily those whose economic, financial, transportation development and human resources enabled them to function independently and execute all legislated regulations and obligations which they have as a unit of local self- government, according to regulations of the Republic of Croatia. A number of Municipalities, mostly those that did not start functioning in the period 1992 to 1997, were canceled by the new Law in agreement with the will of the majority and the electoral bodies,

## **Legal**

### *The Constitution of the Republic of Croatia*

#### Article 129.

In agreement with the law, units of local self-government can be municipalities, districts or cities. Their area is determined by law after acquiring opinions from the population in that area.

The organization and scope of activities of the bodies of local self- government are defined by their statute in accordance with the law.

Citizens can actively take part in governing in local activities, in accordance with the law and statute of the local self- government organization.

Citizens have the right, in accordance with the law, to form other types of local self-government organizations in municipalities, districts or cities or in parts of municipalities, districts or cities.

## **State Infrastructure**

### **From the jurisdiction of the Ministry of Public Administration**

Only the House of Representatives of the Croatian Parliament can decide on changes in the area of local units- municipalities, cities or districts.

According to the law changes in the area can be proposed by representatives of the House of representatives and the working bodies of the House, the Chamber of Counties of the Croatian House of Representatives, and the Government of the Republic of Croatia. Each adviser of changes has to abide by the constitutional obligation and provide the opinions of the local population before initiating changes. Due to that it is possible to ensure, among other things, respect for the homogenous territorial spread of the national minorities, respect for their traditional, historical and cultural achievements and characteristics, and to insure better realization of other rights of national minorities.

## **Policy**

### **From the jurisdiction of the Ministry of Public Administration**

The Republic of Croatia is committed to respecting the rights of the minorities and to insuring the implementation of cultural, social, economic and other rights of national minorities, which is also clear from the way areas of local units in which the minorities live are determined. The Decision of the Constitutional Court of the Republic of Croatia (No. U-I- 103/1997) from March 31 1998, published in "The National Gazette" No. 50, from April 8, 1998, is of extreme importance.

The above mentioned Decision of the Constitutional Court canceled part of the legislative provision of Article 9 of the Law on the Territories of Counties, Cities and Municipalities in the Republic of Croatia from 1997 concluding that the process of obtaining and determining opinions of the population which came before the territorial changes were made was in

contradiction with the provisions of Article 129 of the Constitution of the Republic of Croatia, and the provisions of Articles 9 and 10 of the Law on the Territories of Counties, Cities and Municipalities in the Republic of Croatia from 1992. The need determined by the Constitutional Court of the Republic of Croatia is of great importance for insuring respect of the Constitutionally regulated obligation on acquiring the opinions of the population, when planning changes or making changes in territorial local units.

## **Factual**

### **From the jurisdiction of the Ministry of Public Administration**

The Republic of Croatia is divided into twenty counties and the City of Zagreb, the capital city with a special status.

Inside the borders of the counties there are 420 municipalities and 121 city, in agreement with the Law on the Territories of counties. Cities and Municipalities in the Republic of Croatia

## **Article 17**

1. The Parties undertake not to interfere with the right of persons belonging to national minorities to establish and maintain free and peaceful contacts across frontiers with persons lawfully staying in their States, in particular those with whom they share an ethnic, cultural, linguistic or religious identity, or a common cultural heritage.

2. The parties undertake not to interfere with the right of persons belonging to national minorities to participate in the activities of non-governmental organizations, both at national and international levels.

Paragraph 1.

## **Narrative**

### **From the jurisdiction of the Ministry of Culture:**

The Republic of Croatia encourages free and peaceful contacts of national minorities with home countries and people they share their cultural heritage with. The cooperation is especially intensive with the Czech Republic, Slovakia, Hungary, Poland and Slovenia. Cooperation has been established with new counties like Bjelorussia and Macedonia.

## **Legal**

*From the Constitutional Law on Human Rights and Freedoms and the rights on national and Ethnic Communities or Minorities in the Republic of Croatia.*

Article 4.

"The Republic of Croatia shall assist the development of the relations between national and ethnic communities or minorities with the nationality of their parent country in order to promote their national, cultural and language development

Ethnic and national communities or minorities have the right to self- organization and association in order to realize their national or other rights in compliance with the Constitution of the Republic of Croatia and this Law."

## **Policy**

### **From the jurisdiction of the Ministry of Culture**

The largest number of activities takes place through exhibitions, travel and participating in mutual gatherings, and also in the exchange of experts and artists.

The following International Agreements and Programs of Cooperation have been signed: the Agreement on Educational, Cultural and Scientific Cooperation between the Government of the Republic of Croatia and the government of the Republic of Albania, signed in Tirana February 1 1994, the Agreement on Educational, Cultural and Scientific Cooperation between the Government of the Republic of Croatia and the Government of the Republic of Romania, signed in Zagreb, May 19, 1993, the Agreement on Cultural and Educational Cooperation between the Government of the Republic of Croatia and the Government of the Republic of Slovenia, signed in Zagreb February 7, 1994, the Program for Cultural Cooperation between the Ministry of Culture of the Republic of Croatia and the Ministry of Culture of Slovenia for 1996, 1997 and 1998 the Agreement on Cultural and educational Cooperation between the Government of the Republic of Croatia and the Government of the Republic of Macedonia, signed in Skoplje on December 4 1995, the Agreement on Cultural, Educational and Scientific Cooperation between the Government of the Republic of Croatia and the Government of the Republic of Bulgaria, signed in Zagreb June , 13 1995., the Agreement between the Government of the Republic of Croatia and the Government of the Republic of Poland on Cultural and Educational Cooperation, signed in Zagreb, September 14 .1995., the Agreement between the Government of the Republic of Croatia and the Government of the Republic of Slovakia on Cultural, Educational, Scientific and Sport Cooperation signed in Bratislava, May 5 .1995, The Agreement on Cultural Educational and Scientific Cooperation between the Government of the Republic of Croatia and the Government of the Republic of Hungary, signed in Zagreb ( in the process of ratification).

## **Factual**

(see under policy)

Paragraph 2.

## **Narrative**

The right to found organizations of the members of national minorities is addressed in the answer to Article 8.

### **From the jurisdiction of the Office for National Minorities of the Republic of Croatia**

Associations of national minorities cooperate with other associations and organizations and other states with which they have same cultural, linguistic, religious and other interests. It is especially characteristic for members of the Jewish, Italian, Hungarian, Serbian, Czech, Ruthenian and Ukrainian, Slovakian German and Austrian national minorities and for Romanies. Some of these meetings have become traditional and international and are manifested through exhibitions, book fairs, world meetings and events, for instance: the Jewish World Conference, the Meeting of Germans from the Danube- basin, and other

international meetings of Romanies, Hungarians, Rutthenians and Ukrainians. For this cultural activity national minority associations besides receiving aid from the state budget receive donations, financial and other aid from their respective mother countries and various international foundations.

**Legal**

(see Paragraph 1.)

**Policy**

(see Paragraph 1.)

**Factual**

(see Paragraph 1.)

**Article 18**

1. The Parties shall endeavor to conclude, where necessary, bilateral and multilateral agreements with other States, in particular neighboring States, in order to ensure the protection of persons belonging to the national minorities concerned.

2. Where relevant, the parties shall take measures to encourage transfrontier cooperation.

Paragraph 1.

**Narrative**

**From the jurisdiction of the Ministry of Foreign Affairs**

Multilateral international agreements on human rights especially rights of members of national minorities of which the Republic of Croatia is a contracting party are listed in clause 2. in the I part, and in this part with Article 1.

Concerning bilateral international agreements which ensure the rights of persons belonging to national minorities we state as follows:

In 1992 the Republic of Croatia and the Italian Republic signed a Memorandum on mutual understanding between Croatia, Italy and Slovenia on the protection of rights of the Italian minority in Croatia and Slovenia, and in 1996 an Agreement between the Republic of Croatia and the Italian Republic on the rights of minorities.

In 1992 the Republic of Croatia and the Republic of Hungary signed a Protocol between the Government of the Republic of Croatia and the Government of the Republic of Hungary on the principles of cooperation and guaranties for national minorities. In 1995 they signed an Agreement between the Republic of Croatia and the Republic of Hungary on the protection of the Hungarian minority in the Republic of Croatia and the Croatian minority in Hungary.

The Republic of Croatia and the Federal Republic of Yugoslavia signed an Agreement on the normalization of relations in 1996.

Besides signing bilateral international agreements, the Republic of Croatia, with the participation of the international community signed in 1996, The Principle Agreement on Eastern Slavonia, Baranja and West Srijem, and in 1997 Proclaimed the Letter of Intention of

the Republic of Croatia on the completion of the peaceful reintegration of the said area, under Interim -administration and the Program of establishing trust, ensuring the rapid return of refugees and the normalization of every day life on the war devastated areas of the Republic of Croatia.

## **Legal**

### ***From the Constitution of the Republic of Croatia***

Article 134.

"International agreements that were stipulated and confirmed in accordance with the Constitution of the Republic of Croatia, and are valid, constitute part of the internal legal system of the Republic of Croatia, and are by force of law above laws. Their provisions can be changed or canceled only according to legal conditions and methods stipulated by them, or in agreement with the basic provisions of international law."

## **State Infrastructure**

The Ministry of Foreign Affairs is authorized in all matters concerning international agreements in this area.

## **Policy**

### **From the jurisdiction of the Ministry of Foreign Affairs**

The Ministry of Foreign Affairs of the Republic of Croatia gives great importance to bilateral agreements on the protection of national minorities with the Federal Republic of Yugoslavia, The Slovak Republic, The Republic of Slovenia and others which are in preparation .An outline of an agreement on the protection of minority rights was sent to the Federal Republic of Yugoslavia in 1996, we are expecting a statement from them in that regard. It was agreed upon in bilateral meetings that it would be of great importance to sign an agreement for the protection of human rights with the Slovak Republic. Croatia would also like to sign the above mentioned agreement with the Republic of Slovenia, but unfortunately, Slovenia does not want to regulate the question of the protection of national minorities through a bilateral agreement, stating that she is a signatory of the Framework Convention of the Protection of Human Rights, and will abide to the protection of the minorities in that way.

## **Factual**

### **From the jurisdiction of the Ministry of Foreign Affairs**

The International Mixed Council for the implementation of the Agreement on bilateral protection of human rights between the Republic of Croatia and the Republic of Hungary suggested to the signatories of this Agreement, to work on the realization of specific projects which were also adopted by the Government of Croatia ( the realization of a border road crossing in Kotoriba- Mlinarci, finishing the construction of a schooling center in Osijek, etc., but these projects either haven't been started or haven't been finished to date. The situation is similar in Hungary (the Parliamentary Representative of the Croatian minority still has not been elected to the Hungarian Parliament, the Theater in Pecuh has not received anticipated funding, neither did the Catholic Backa - Croatian Library in Baji, etc.)



The Croatian minority in Italy (Molise), has not received expected financial aid either, all though it was announced in the Italian Parliament. An assessment of the protection of the Croatian minority in Italy, which is based on provisions from the Agreement between the Republic of Croatia and the Republic of Italy, shows there has been no major improvement

Paragraph 2.

**Narrative**

(see Paragraph 1.)

**Legal**

(see list of bilateral agreements)

**State Infrastructure**

(same as under Paragraph 1.)

**Policy**

(see Paragraph 1.)

**Factual**

(same)

**Article 19**

The parties undertake to respect and implement the principles enshrined in the present framework Convention making, where necessary, only those limitations, restrictions and derogations which are provided for in international legal instruments, in particular the Convention for the Protection of Human Rights and Fundamental Freedoms, in so far as they are relevant to the rights and freedoms flowing from the said principles.

**Narrative**

With the ratification of the Framework Convention for the Protection of National Minorities, the Republic of Croatia has proved her intentions to fully respect and implement the provisions it is based on.

The ratification of the Convention is a formal act for the Republic of Croatia, because it is apparent from that act that Croatia already implements principles of her internationally expected obligations from the Framework Convention for the Protection of National Minorities based on her legal system and internal and external politics.

**Article 20**

In the exercise of the rights and freedoms ensuing from the principles enshrined in the present framework Convention, any person belonging to a national minority shall respect the national legislation and the rights of others, in particular those of persons belonging to the majority or to other national minorities.

One of the intentions of the Constitutional Law on Human Rights and Freedoms and the Rights of National and Ethnic Communities or Minorities in the Republic of Croatia (preamble) is to "enable less numerous ethnic and national communities or minorities of the same, religion, race and language, a free development of their distinctive characteristics

within the majority citizen community or majority communities without abuses by either the majority or the minority".

#### **Article 21**

Nothing in the present framework Convention shall be interpreted as implying any right to engage in any activity or perform any act contrary to the fundamental principles of international law and in particular of the sovereign equality, territorial integrity and political independence of States.

#### **Article 22**

Nothing in the present framework Convention shall be construed as limiting or derogating from any of the human rights and fundamental freedoms which may be ensured under the laws of any Contracting Party or under any other agreement to which it is Party.

In accordance with Paragraph 63 of the Constitutional Law on Human Rights and Freedoms and the Rights of National and Ethnic Communities or Minorities in the Republic of Croatia the legislation and authority defined by the law "can not be implemented in a way which would endanger the main principles of human rights and freedoms and the rights of ethnic communities or minorities which are protected by this Constitutional Law."

#### **Article 23**

The rights and freedoms flowing from the principles enshrined in the present framework Convention, in so far as they are the subject of a corresponding provision in the Convention for the Protection of Human Rights and Fundamental Freedoms or in the Protocols thereto, shall be understood so as to confirm to the later provisions.

#### **Article 30**

1. Any state may at the time of signature or when depositing its instrument of ratification, acceptance, approval or accession, specify the territory or territories for whose international relations it is responsible, to which framework Convention shall apply.
2. Any state may at any later date, by a Declaration addressed to the Secretary General of the Council of Europe, extend any application of this framework Convention to any other territory specified in the Declaration. In respect of such territory, the framework Convention shall enter into force on the first day of the month following the expiration of three months after the date of receipt of such a declaration by the Secretary General.
3. Any declaration made under the two preceding paragraphs may, in respect of any territory specified in such a declaration, be withdrawn by a notification addressed to the Secretary General. The withdrawal shall become effective on the first day of the month following the expiration of a period of three months after the date of receipt of such notification by the Secretary General.

The Republic of Croatia deposited its instrument of ratification of the Framework Convention for the Protection of national Minorities without placing any restrictions on its implementation on any part of the territory of the Republic of Croatia.