



COUNCIL OF EUROPE CONSEIL DE L'EUROPE

26 September 2001

Advisory Committee on the Framework Convention for the Protection of National Minorities

Comments by the Republic of Croatia on the Opinion of the Advisory Committee on
the Implementation of the Framework Convention for the Protection of
National Minorities in Croatia

General remarks:

When considering the National Report of the Republic of Croatia on the implementation of the Framework Convention for the Protection of National Minorities, it has to be kept in mind that the first report was submitted in early 1999, and that the answers to additional questions were provided in July 2000. In the period between the initial report and the replies to additional questions, as a result of the policy of the new government, a large part of the Croatian legislation was revised. The process of revision and modification of legislation, including the legislation concerning the rights of national minorities, has still not come to an end. The Constitutional Law on the Rights of National Minorities aimed at fully regulating this issue is currently under elaboration.

It is important to note that the exercise of rights of any minorities in a given state is to be considered within specific circumstances in that state. When it comes to Croatia – consequences of war have to be taken into consideration – casualties, destruction of infrastructures and houses, ruined economy in the war-affected areas, the process of privatisation, and other circumstances which brought to the budget restrictions, high unemployment rate, and impoverishment of a large part of population.

Regardless of economic difficulties, the Croatian Government clearly expressed, on different occasions, its commitment to respect the highest international standards concerning the rights of national minorities, notably those set by relevant international instruments of the Council of Europe. This commitment has been implemented through the adoption of two important minority laws – on the education in the language of national minorities and on the use of minority languages. The third law, the Constitutional Law on the Rights of National Minorities, is currently under preparation and is intended to regulate this issue in a full and comprehensive manner. The Croatian commitment is also seen in the methods of the drafting of the Law in question (inclusion of all members of national minorities, as well as of the Council of Europe experts) and in its content (respect of all international standards, experience of other European countries). The Croatian Government has made and is making efforts to secure funds for the exercise of the rights of national minorities. In spite of restricted funding, and the decrease of funds in the state budget for many items, the funds provided for national minorities remained at the anticipated level.

As to the remark of the Advisory Committee that associations of national minorities were not sufficiently involved in the elaboration of the Report, it should be mentioned that deadlines for the elaboration of national reports were rather short for such a comprehensive exercise which requires a lot of additional information from the field. However, regardless of deadlines, all associations of national minorities registered at the state level were involved and received questions from the Government Office for National Minorities.

The comments on the specific articles of the Framework Convention:

Article 3

As to the comment regarding some cases of registering data concerning national affiliation, it should be noted that such declaration is optional and, when registering, citizens are familiarised with this option. Declaration or non-declaration of one's national affiliation does not have any legal effects.

Currently existing *lacunae* as to the use and protection of personal data shall be removed by the adoption of the Law on the Protection of Personal Data, which is underway. The draft of the said law is elaborated in cooperation with the Council of Europe experts.

Article 4

Within the project of the First Table of the Stability Pact for South-Eastern Europe, the Republic of Croatia has established a National Panel for Non-Discrimination Review of Legislation. This group shall make a thorough examination of current legislation in Croatia, and shall make proposals to the Croatian Government for possible amendments in respect of the legislative solutions which are not compatible with the existing standards.

Regarding the comments of the Advisory Committee on the need to adopt more comprehensive programme and strategy dealing with issues related to the position of Roma, it should be noted that the Croatian Government started to elaborate, in early 2000, a National Programme on Roma. The Office for National Minorities has the task of coordinating the elaboration of the National Programme while the respective working group includes all relevant ministries and registered Roma associations at the national level. Experts in certain areas as well as bodies of local self-government are also included in the elaboration of the Programme.

Article 5

The Republic of Croatia is constantly upgrading the system of the protection of the rights of national minorities in both legislative and practical sphere, and is trying to take into consideration the proposals and opinions of national minorities on the matter.

In the process of decision-making relating to the issue of financing of the programmes of associations and institutions of national minorities, representatives of these associations are directly involved. The Office for National Minorities holds consultations with all associations of national minorities which submitted a request for the financial support to the programme. This is to achieve the largest possible compatibility between associations' requests and the possibility of financing from the state budget. Programmes of national minorities having several associations are being harmonised, and efforts are made to reach an agreement as to the question of the financial and professional prerequisites for the use of a programme of a particular association.

The Croatian Government adopted a Model of the Exercise of the Rights of National Minorities which has been applied since 1998. The Model contains the criteria for determining financial assistance for programmes of associations and institutions of national minorities, the methodology of follow-up of the programme of associations and institutions of national minorities, as well as the Expert Council of the Office, which includes members of national minorities. After the new parliamentary elections, all members of the Expert Council are members of national minorities. The members are mostly persons with scientific or expert background in the field of human rights, in particular the rights of national minorities.

The members of the Expert Council are proposed by the associations of national minorities with the approval of the representatives of national minorities in the Croatian Parliament. The Expert Council of the Office gives comments to proposals concerning the allocation of funds for financing programmes of associations, monitors the follow-up as to the realisation of the programme, monitors the use of funds and considers associations' requests for reallocation of funds. With the Expert Council of the Office, impartiality and complete inclusion of national minorities in the allocation of funds for national minorities' programmes has been achieved since 2000.

Members of the Expert Council confirmed by the Croatian Government are the representatives of Slovak, Ukrainian, Jewish, Bosnian, Hungarian, Serb and Italian national minority, namely: Mr. Vilko Belak, Mr. Teodor Fricki, Mr. Ivo Goldstein, Mr. Alija Hodžić, Mr. Adam Jenő, Mr. Siniša Tatalović and Mr. Silvano Zilli. The Advisory Committee gave an incentive to the Expert Council of the Office to extend its membership to the representatives of all national minorities.

Article 6

With reference to the comments of the Advisory Committee on the cases of partial attitudes of relevant authorities in the processing of war crimes, we would like to point out that the relevant Croatian bodies (notably the police) are making significant efforts to find perpetrators of criminal acts committed towards the members of national minorities, including ethnically motivated crimes. The said efforts form part of a wider framework of activities of the Croatian Government directed at strengthening of tolerance and confidence-building between various ethnic groups, most notably in the war affected areas.

Article 7

As to the procedure for the establishment of the associations of national minorities, it should be noted that the draft of the new Associations Act has been submitted to the parliamentary procedure and is expected to be adopted during the autumn session of the Parliament in the second half of September 2001. The said law, based on opinions of experts of the Council of Europe, will provide for the additional liberalisation and modernisation of the procedure for the establishment of associations. However, it should be noted that the current legislation contains no restrictions as to the establishment of associations of national minorities.

Article 9

With reference to the implementation of the recently adopted Law on the Croatian Radio and Television, i.e. the implementation of provisions aimed at providing adequate information to and on national minorities, and their participation in the creation of the TV programme, it should be mentioned that, pursuant to Article 15 of the new Law on the Croatian Radio and Television, Mr. Ivo Goldstein has been elected as the representative of national minorities to the Croatian TV Council. The said Council held its first constituent session on 16 July 2001 and verified the structure of programmes for the so-called Summer Scheme. The Council is expected to approve the new radio and television programmes during September/October.

Article 10

The implementation of the Law on the Use of Language and Script of National Minorities in the Republic of Croatia is largely conditioned by the results of the population census which was carried out in the beginning of 2001 (results to be officially published at the end of the year), and the reform of local self-government. The said reform will significantly decentralise powers of central government bodies, which shall be delegated to the units of local and regional self-government. In this context, the official use of language and script of members of national minorities in the units of local and regional self-government, pursuant to current legislative provisions, is possible only after the adoption of new statutes of the said units, since they have to be harmonised with the provisions of the said Law as well as the Law on Local and Regional Self-Government. The process of the adoption of the new statutes of units of local and regional self-government is underway.

Articles 12 and 14

The education of members of ethnic communities or national minorities (Italians, Hungarians, Czechs, Slovaks, Serbs, Ukrainians, Ruthenians, Roma, Germans, Austrians, Jews and Albanians) is based on the Croatian Constitution, the Constitutional Law on Human Rights and Rights of Ethnic Communities or National Minorities in the Republic of Croatia, European Charter on Regional and Minority Languages (*Official Gazette*, No. 32/1992 and 45/1992), the Law on Primary Education, The Law on Secondary Education, and the Law on Education in the Language and Script of National Minorities.

The reform of the Croatian education system is underway and is intended to deal with all current problems. One of the pressing problems in the Croatian education system is the problem of textbooks. The textbooks for most of general courses do exist, but the problem is the lack of textbooks for certain professional courses, and for a large number of different subjects, mostly caused by small editions of these textbooks and the lack of funds. Therefore, the problem of providing relevant textbooks for members of national minorities should be considered primarily in this context.

The education of Roma is a serious problem caused by their way of life and their attitude towards the system, laws, rights and obligations of citizens and requires particular efforts and solutions. The Croatian Ministry of Education and Sports, in cooperation with the other ministries and state institutions, local administration and self-government, as well as non-governmental organisations, has initiated programmes to resolve this issue at two levels:

- a) programme of integration of Roma population into the education system of the Republic of Croatia,
- b) exercise of minority rights aimed at preserving their mother tongue and culture.

Regarding the pre-school education, the Ministry of Education and Sports, in cooperation with non-governmental organisations, initiated a programme of the inclusion of Roma children and their families, notably mothers, into the system, but only on voluntary basis, while at the moment there is no effective mechanism of obligatory inclusion.

At the level of primary and secondary education, Roma children attend courses together with the other children. Those children who do not speak the Croatian language well may be enrolled in special classes where they receive special attention with a view to learning the Croatian language. This practice is implemented only in the 1st and the 2nd grade of primary school, after which children attend classes together with children of other nationalities. Although this practice yielded some positive results, the priority is given to the organisation of a pre-school preparation helping Roma children to overcome the language barrier, the basic rules of school conduct, hygienic habits and needs, and strengthening of the feeling of affiliation and security in the school environment. The Ministry of Education and Sports, in cooperation with the local administration, has taken a number of measures for this purpose – additional assistance to overcome problems concerning the following and comprehension of school lessons, adaptation of curricula to the needs of Roma children, granting of accommodation for Roma pupils (attending secondary schools), follow up to the process of inclusion, assisting in the preparation of young Roma for the profession of teachers and trainers, providing free school meals and bus transport to and from school and so forth.

Article 15

With reference to the participation of members of national minorities in decision-making in the field of economy, we would like to note that such participation is guaranteed at the national level through the representation of members of minorities in the Croatian Parliament.

The previously mentioned reform of local and regional self-government strengthens the participation of members of national minorities in decision-making regarding the issues concerning the competencies of municipalities, cities and counties, as well as the issues related to the development of economic, social, communal and other activities. The powers of units of local and regional self-government increased in terms of disposal of property and funds, and members of national minorities may participate in economy management at local and regional level and in issues related to local and regional self-government.

With reference to the Advisory Committee's comments as to the representation of members of national minorities in bodies of public administration, it should be pointed out that a comprehensive reform of public administration in Croatia is underway and will result in further delegation of powers to the units of local and regional self-government, as well as in the reduction of employees in the governmental bodies. In this long-term process, measures have been taken to achieve better overall representation of members of national minorities in the bodies of public administration.

Articles 17 and 18

Considering the opinion of the Advisory Committee on the need of further regional cooperation for better protection of members of national minorities, it should be mentioned that during the past few years, and notably during this year, the Republic of Croatia concluded a number of bilateral agreements with the countries in the region. A strong bilateral cooperation has been established with Hungary, the Czech Republic, the Slovak Republic and Slovenia in terms of minority protection. Such agreements will certainly contribute to the further development of the protection of the rights of national minorities in Croatia and shall remove some of the negative aspects pointed out by the Advisory Committee. The Stabilisation and Association Agreement with the European Union also emphasises regional cooperation as one of the basic elements of the association process which is intended to contribute to further development of cooperation with the countries in the region and better representation of minorities in various sectors.

The active participation of the Republic of Croatia in the *Link Diversity Project* initiated by the Council of Europe under the Stability Pact for South-Eastern Europe, also witnesses increasing efforts of the Republic of Croatia in strengthening regional cooperation through the awareness- raising campaign on the promotion of multiethnic and democratic society.