

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

COUNCIL OF EUROPE



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

(received on 30 May 2016)

GOVERNMENT OF THE REPUBLIC OF CROATIA

**RESPONSE TO THE FOURTH OPINION ON THE IMPLEMENTATION OF THE FRAMEWORK  
CONVENTION BY CROATIA PROVIDED BY THE COUNCIL OF EUROPE ADVISORY COMMITTEE**

Zagreb, May 2016

## INTRODUCTION

Government of the Republic of Croatia welcomes the Fourth Opinion on Croatia provided by the Council of Europe Advisory Committee on the Framework Convention for the Protection of National Minorities, presented in Strasbourg on November 18, 2015, and considered as the evaluation of the Fourth State Report of the Republic of Croatia in accordance with the obligations pursuant to the Framework Convention. The Government of the Republic of Croatia, also, thanks the Advisory Committee for acknowledging the efforts made to adhere to the provisions of the Constitutional Law on the Rights of National Minorities.

The Croatian Government kept a constructive approach to the monitoring process as provided by the Framework Convention and committed to supplying all the necessary information to the CoE Advisory Committee during the site visit of the Advisory Committee members in July 2015, and organized meetings with representatives of competent bodies for the implementation of the Framework Convention for the Protection of National Minorities.

With the EU accession, the Republic of Croatia committed to the respect and protection of human rights and rights of national minorities and continued to enhance the respective institutional and legislative framework, with maximum possible consideration of the opinions of persons belonging to national minorities.

The execution of the Constitutional Law, in fact, presents the fulfilment of the obligations deriving from international agreements to which the Republic of Croatia is a party, primarily the Framework Convention for the Protection of National Minorities.

The Office for Human Rights and Rights of National Minorities, acting as the expert advisory service to the Government of the Republic of Croatia, organizes annual seminars on the Framework Convention implementation, most recently, such seminar was held on May 3, 2016, in cooperation with the Council for National Minorities. The recommendations of the Council of Europe Advisory Committee to the Fourth State Report for Croatia on the Implementation of the Framework Convention for the Protection of National minorities were the topic of the seminar. The Seminar was organised with the aim to encourage public debate on the Convention implementation, and, in the light of the current events, during the discussion, the right to equal and official use of minority language and script guaranteed by the Framework Convention for the Protection of National Minorities and the European Charter on Regional and Minority Languages, as binding documents, was addressed with special attention. The members of parliament, representing national minorities in the Croatian Parliament, addressed this issue, as well as the experts of the Council of Europe, who mentioned that the scope of the realisation of the right to official use of languages and script of national minorities should not be restricted, because the Republic of Croatia, as the party of the Framework Convention for the Protection of National Minorities and the European Charter on Regional and Minority Languages, committed to the respect and promotion of these rights.

In addition, the Office organised a series of conferences, round tables and seminars which created a platform for the participation of the representatives of national minorities in finding new guidelines for enhancing rights of national minorities in the Republic of Croatia.

It should be highlighted that the implementation of the Framework Convention for the Protection of National Minorities contributed to the realisation of national minority rights in the Republic of Croatia and that the Croatian Government shall continue to support the implementation of this internationally binding document. It should be mentioned that, beside the implementation of international agreements to which the Republic of Croatia is a party, numerous bilateral agreements on protecting national minority rights contributed to the enhancement of the rights of national minorities.

In the reporting period, several strategic documents were adopted with multi-annual implementation. One of the most significant ones was the National programme for the protection and promotion of human rights, adopted for the three-year period 2013-2016. The Anti-Discrimination Act, also, plays an important role in protecting rights of national minorities. The Office for Human Rights and Rights of National Minorities is the main beneficiary of the project "Creating the draft of the new National Plan for Combating Discrimination for the period 2015-2020". More information on the Project will be provided in the chapter on the Article 4 of the Convention (paragraph 21).

The amount of funds allocated from the Croatian State Budget for the needs of national minorities, is, also, an indicator of progress in the realisation of the programmes for national minorities aiming at protecting and promoting cultural and national identity. In 2014, under the framework of execution of the Constitutional Law on the Rights of National Minorities, the Croatian Government carried out numerous activities aiming at achieving the highest possible level of realisation of national minority rights and 144.360.358,26 kunas were spent for this purpose, which, despite of the budgetary cuts, presented an increase compared to the previous year.

We emphasise the commitment of the Republic of Croatia to the respect of fundamental human rights and freedoms, the rule of law and protection of civil rights, in accordance with the highest values of its constitutional and international legislative. Since the protection and development of minority rights, as well as inter-ethnic tolerance, are an important prerequisite for stability, democratization and progress of any society, in the upcoming period, numerous activities will be conducted in order to promote minority rights.

# **Responses and comments of the Government of the Republic of Croatia to the assessment referring to the Part I, Part II and Part III of the Fourth Opinion on the implementation of the Framework Convention for the Protection of National Minorities by Croatia provided by the Advisory Committee**

## **CHAPTER 1**

### **KEY FINDINGS**

#### **General overview of the present situation**

Although the Advisory Committee found that, in the reporting period, the general atmosphere towards minorities deteriorated, we would like to reiterate that the Republic of Croatia persists in its commitment to the improvement of the inter-ethnic dialogue and insists on consistent and full execution of regulations which guarantee the protection of national minority rights.

Individual incidents of hate speech, which were present in the public discourse, both in the media and political discourse, were addressed through continuous awareness raising about such rhetoric being unacceptable and about the available legal remedies against hate speech available to citizens.

Regarding the statement and concern expressed by the Advisory Committee that "during the official commemoration of Operation Storm in August 2015, the celebration of victory was prioritised over the remembrance of the many civilian victims, despite the fact that the International Criminal Tribunal for the former Yugoslavia clearly ruled that "the Croatian military forces and the Special Police committed acts of murder, cruel treatment, inhumane acts, destruction, plunder, persecution, and deportation ... in a widespread and systematic attack against (the) Serb civilian population" of the Krajina region", we highlight the fact that the purpose and the aims of the Operation Storm was to liberate the occupied Croatian territory and to re-establish the constitutional and legal order of the Republic of Croatia in the areas that were occupied for four years. In the occupied areas, the Serbian paramilitary forces and the Yugoslavian People's Army carried out a predatory and criminal policy of Great Serbia, led by Slobodan Milošević, as well as ethnic cleansing of Croatian and other non-Serbian population. The International Tribunal for the Former Yugoslavia, quoted by the Advisory Committee, explicitly confirmed the aforementioned in its final convicting ruling in the *Prosecutor v. M. Babić and Prosecutor v. Milan Martić* cases. The same Tribunal, in the *Prosecutor v. Ante Gotovina and others* dealt with the Operation Storm and passed the final acquitting verdict for Croatian generals. The Republic of Croatia acknowledges the fact that the listed crimes were committed, during and immediately after the Operation Storm, with respect to that fact, the Croatian officials expressed regret for all the victims during the commemoration held in 2015. We deem that all states have a right to celebrate legitimate liberation of its illegally occupied territory while paying attention to express piety for all the victims, which the Republic of Croatia did.

### **Assessment of measures taken to implement the recommendations for immediate action from the third cycle**

With regard to the measures taken in the area of housing care, i.e. the recommendation 26. Regarding the positions of the Advisory Committee referring to the increased efforts necessary to achieve speedier and full resolution of pending applications for housing care and reconstruction, as well as to the accessibility of realistic and just purchase of allocated apartments for housing care beneficiaries in cities, we stress that the State Office for Reconstruction and Housing Care accelerated the turnover rate of repossession and reconstruction cases and continued with the efforts directed to the decision-making which would ensure more favourable purchase conditions for housing care beneficiaries in the cities, which remained unsuccessful until now. We note that the fruitful cooperation between the State Office and UNHCR shall continue for the purpose of achieving this goal, based on the new concept of return which supports all the options for resolving refugee issues in their openness and interconnectedness.

According to the official data of March 2016, provided by the State Office, 3,082 cases of former tenancy right holders were pending. Out of 5,505 received, a total of 2,423 applications of former tenancy right holders were resolved. We note that the Committee welcomed the reports on the acceleration of the case turnover rate in 2015, but also, noted that in June 2015, 3,900 cases of former tenancy right holders were still pending.

One of the new approaches applied by the State Office is the selection of field workers engaged on the Regional housing care programme. By employing young unemployed people who participated in various initiatives and have experience in the area of human rights and humanitarian issues, for example in the aid programmes after the flood disaster, with refugees from the Middle East, volunteering in the Red Cross or working as research assistants in "Documenta - the centre for dealing with the past".

The public call, issued as part of the Regional housing care programme, referred to the Memorandum of understanding signed by the Ministry for Human Rights and Refugees of Bosnia and Herzegovina and the State Office for Reconstruction and Housing Care, defining the coordinated procedures between the two parties, for the purpose of housing care provision to the persons affected by war. All the activities mentioned were conducted under the scope of the agreed cooperation between the Republic of Bosnia and Herzegovina, the Republic of Monte Negro, the Republic of Croatia and the Republic of Serbia.

Regarding the statement of the Advisory Committee presented in item 6, regarding the position about the Criminal Code "containing three provisions related to hate crime" (Articles 87, 125 and 325 of the Criminal Code), we would like to remind the Committee that the Croatian legislative, apart from the criminal offences of hate crime, breach of equality and public incitement of violence and hatred, provides for a series of other offences motivated by hate as a qualification circumstance, and the statistics of reported cases of hate crime and court practice on listed cases, as well as measures taken by the Republic of Croatia in this area, will be described in more detail in the response to the recommendation 50 referring to the protection against hate crime.

With regard to the statement presented in item 7, the position on underrepresentation of national minority representatives in the public administration and judiciary, can be found in the response on the Article 4 of the Framework Convention (paragraph 31), in relation to representation in the judicial bodies and Article 15 of the Framework Convention (paragraph 91), in relation to the representation in the state administration bodies.

### **Assessment of measures taken to implement the further recommendations from the third cycle**

Regarding the statement of the Advisory Committee presented in item 8, the position that access to citizenship or dual citizenship is still significantly more difficult for persons belonging to national minorities than persons considered as ethnic Croats, we find the provision of the Article 16, of the Croatian Citizenship Act, which regulates the acquisition of Croatian citizenship for the members of the Croatian people with no permanent residence in the Republic of Croatia, is not discriminatory on the grounds of ethnic origin. The Article 16 of the Croatian Citizenship presents only one, out of several prerequisites for granting Croatian citizenship to foreigners under favourable conditions. It is the granting of Croatian citizenship with the aim to support preservation of language and cultural identity of the Croatian people in the state of their residence, according to the constitutional obligations of the Republic of Croatia.

In addition, with respect to the Article 8 of the Croatian Citizenship Act, regulating the regular procedure of granting Croatian citizenship by naturalization, the Article 19 of the Act on Amendments of the Croatian Citizenship Act (Official Gazette, number 130/11), returnees to the Republic of Croatia are entitled to the acquisition of Croatian citizenship under favourable conditions, which is mentioned in the item 23 of the respective Opinion. According to the same Article, for the persons who were permanent residents of the Republic of Croatia on October 8, 1991, the full duration of residence required for granting Croatian citizenship was recognised, with a condition that their permanent residence in the Republic of Croatia was officially approved. In addition, the Croatian citizenship, granted under favourable conditions, may be acquired, irrespective of the nationality, for the persons born in the Republic of Croatia the knowledge of Croatian language and Latin script is not required, nor the eight years of residence period, the approved residence is the single requirement. For persons married to Croatian citizens, release from the foreign citizenship is not required.

As was mentioned in the Opinion of the Advisory Committee, with a purpose to improve living conditions of the Roma people and their access to rights, significant efforts were continuously made within numerous, various programmes and projects, and special efforts were invested in the education of Roma children by ensuring preschool education and the highest possible enrolment rates in the primary and secondary education, reducing dropout, etc. The results achieved in this area and measures implemented by the Republic of Croatia will be discussed in detail in the second chapter covering the Article 12 of the Convention.

The government bodies, both on the central and local level, continue to show readiness for consultation and coordination with all relevant stakeholders, and especially the Roma themselves in order to improve the position of the persons belonging to the Roma national minority.

With respect to the item 9 of the Opinion mentioning the burst of protests against the use of Cyrillic script for signs on public buildings in the City of Vukovar, we reiterate that the state authorities condemned such incidents unambiguously and publicly, and qualified the hate speech against the persons belonging to Serbian national minority and the lack of support for the realisation of their rights guaranteed by the law as unacceptable.

After the events in Vukovar the Ministry of Public Administration invested significant efforts to secure that the local self-government units apply the valid national legislative on the use of languages and scripts of national minorities.

Raising awareness on the rights of national minorities, including the right to post signs in the languages and scripts of the national minorities on the local level is, also, planned by the IPA TAIB 2012 Project "Support to the effective execution of the Constitutional Law on the Rights of National Minorities".

## **CHAPTER 2**

### **ARTICLE-BY-ARTICLE FINDINGS**

*Note: Responses are provided only with regards to the issues which have not been addressed previously.*

#### **Article 3 of the Framework Convention**

##### **Scope of application**

*Paragraph 11.*

Regarding the call of the Advisory Committee to the government authorities to apply a flexible case-by-case approach to requests for the enjoyment of minority rights by non-citizens belonging to national minorities, we emphasize that the only criterion for granting Croatian citizenship is the fulfilment of legal requirements, regardless of the ethnic or any other origin of the person.

##### **The census**

*Paragraph 15.*

Regarding the call of the Advisory Committee to the state authorities to ensure that the rights to free self-identification, including as regards multiple affiliations, we highlight that the principle of free self-identification of national affiliation is guaranteed by the Constitution of the Republic of Croatia and the Constitutional Law on the Rights of National Minorities which stipulates that all Croatian citizens have a right to freely express their affiliation to any national minority.



Since the right to express affiliation to a certain nationality is strictly personal, the Criminal Code in its Article 126, paragraph 1, provides that any person who denies or limits the right to freedom of expression of nationality or cultural autonomy to the person belonging to a national minority shall be punished.

The Act on the Census of population, households and housing in the Republic of Croatia, 2011 (Official Gazette, number 92/10) regulates the matters of free self-identification of national and religious affiliation (Article 7, paragraph 2 of the Act), and stipulates that the persons belonging to national minorities hold a right to preview of templates of the Census form and the Questionnaire for households and apartments in the language and script of the minority they belong to (Article 8, paragraph 2 of the Act).

In the cities and municipalities, where a certain percentage of persons belonging to national minorities reside, engagement of the corresponding ratio of census workers belonging to national minorities is possible.

Regarding the recorded "irregularities in the actual census enumeration process that appear to have particularly affected persons belonging to the Serb and Roma minorities", and the reports that some census workers suggested that a specific minority affiliation should be marked and the lack of sufficient number of questionnaires on minority languages in certain areas, one could conclude that these were isolated cases caused by lack of information provided to the citizens who belong to national minorities because the Advisory Committee "is pleased to note that the Bureau of Statistics appears to have reacted promptly and adequately to rectify such shortcomings".

The main census questionnaires (The census form and the Questionnaire for households and apartments) were translated into languages of all national minorities in the Republic of Croatia. In addition, the questionnaires were printable upon request of the census centres and download was available from the Central Bureau of Statistics web page. The census workers, also, had access to booklets with translations of the census questionnaires into the minority languages, made for use during the enumeration.

The Central Bureau of Statistics will take into account the recommendation of the Advisory Committee and invest additional efforts to enhance the census data collection methods (such as self-enumeration via internet, adding certain modalities within specific variables, etc.) and, according to the (UN/EUROSTAT) Recommendations for the Census 2020, allow the so-called open ended responses to the questions on nationality, religion and mother tongue.

*Paragraph 16.*

Regarding the recommendation by which the Committee is inviting to close cooperation with representatives of national minorities during analysis of the 2011 census results, and with respect to the fact that the realisation of minority rights depends on the thresholds reached in the Census, the Central Bureau of Statistics will make further efforts to improve cooperation with the

representatives of national minorities in the Republic of Croatia during the next Census of the population, households and apartments in 2021.

#### **Article 4 of the Framework Convention**

##### **Legal and institutional framework for the promotion of equal access to rights of persons belonging to national minorities**

###### *Paragraph 20.*

Regarding the recommendation to increase the support for the activities of the Ombudsman Office, in terms of adequate human and financial resources and by promptly implementing the recommendations made by the institution, we would like to reiterate that in the past several years, a significant extension of powers and strengthening of the role of the Office occurred. This resulted with the increased accessibility of the Office to the citizens, and the record number of received cases during 2015 bears witness to that. According to the Ombudsperson's report for 2015, the opening of the branch offices and intensified communication with the public contributed to this increase. By the end of 2014, the branch Ombudsperson's Offices in Osijek and Rijeka were opened and, in September 2015, the branch Office in Split. This marked the finalisation of the branch office network development project, the offices are located in the centre of the cities, equipped and furnished, and have an IT connection with the central office in Zagreb.

In the past two years, the operation of the Office with regards to its internal organisation was directed to achieving three goals: strengthening of capacities for practising all the powers of the institution, establishment of the branch offices network in order to boost accessibility and development of the IT system for efficient case management and business process monitoring. With regards to human resources, in that period the Office employed 12 new civil servants, eight of them transferred from other state institutions. Out of 43 civil servants and employees, 36 hold a university degree, two hold a higher education degree and five finished secondary education. Four interns finished their internship without employment programme, by July 2015, and after that 11 new ones, out of which three in branch offices, started internship.

The Ombudsman's Office, apart from performing the traditional Ombudsman's functions, also acts as the central anti-discrimination body, the National prevention mechanism for protection and promotion of human rights in accordance with the obligations deriving from the A UN status. Accordingly, during 2015, budgetary funding allocated to the Office increased and this increase fulfilled basic prerequisites for the normal functioning of the Office.

In 2015, a new case management system was developed. Apart from the installation of the new application and the purchase of the IT equipment, the development of the IT system required the amendment of internal acts and business processes.

A series of meetings was held, throughout Croatia, with police administration, professional bodies, institutions and associations who discussed the legislation, best practices, tackling deficiencies and

operational cooperation. Public awareness raising about discrimination continued, as well as information dissemination to the citizens, employers and many other key stakeholders about the ways how to recognize and/or prevent discrimination, the Office anti-discrimination telephone line contributed to this process as well. This is the only telephone line specialized for the problem of discrimination available in Croatia, last year 167 citizens used it and called the Office.

Pertaining to the realisation of the Ombudsperson's recommendations to the competent authorities, we underline that the Report on the Implementation of Ombudsperson's Recommendations in 2014 is in the Government adoption process.

*Paragraph 21.*

Regarding the recommendation to the public authorities to proactively promote the awareness of the anti-discrimination standards through targeted training within the judiciary as well as amongst society at large, to encourage affected individuals for applying available legal remedies, we emphasise that, according to the data of the Ombudsperson's Office, acting as the central anti-discrimination body, the number of reports of discrimination is gradually growing, which may lead to the conclusion that the citizens were better informed on what discrimination was and on the ways how to seek protection against it. All state administration bodies have a duty to make the information about the possibility of contacting the Ombudsman available and visible on their web page, which contributed to the reporting increase as well.

The Office for Human Rights and Rights of National Minorities, as part of their regular activities, provides support to the implementation of the Anti-Discrimination Act. In 2015, the Office held a series of trainings for civil servants on the prevention and combating discrimination, both as part of the regular trainings provided by the program of the State School for Public Administration and under the scope of various project activities. The Office, also, participated in the preparation, creation and provision of workshops for civil servants on the topic of combating discrimination, as part of the so-called ex ante prerequisites for the implementation of EU projects. In 2015, educational material was created, and the workshops will start in the first half of 2016. The workshops were designed in cooperation with the Ministry of Regional Development and EU Funds and apart from the Office, the representatives of the Gender Equality Office, Ministry of Social Policy and Youth, Ministry of Agriculture and the Ombudsperson's office will also participate.

In addition, the Office for Human Rights and Rights of National Minorities initiated the development of the new strategic document for combating discrimination and in cooperation with the Ombudsman's Office, under the scope of the Community Programme for employment and social solidarity (PROGRESS) implemented the project "Development of the National plan for combating discrimination". The project duration was 12 months, from Sept. 1, 2014 to Sept 1, 2015, and its planned value was 119,655.00 Euro. Within this project, the draft National programme for combating discrimination and the corresponding Action plan was developed for the period 2015 to 2017. The Office for Human Rights and Rights of National Minorities and the Ombudsman's office, as well as all other relevant stakeholders from the state administration bodies, regional and local self-government, scientific and academic community, and the civil society organisations participated

in its development. During the drafting process expert analyses were used, as well as, the data provided by the state authorities, reports of human rights institutions and civil society organisations as well as the recommendations of international bodies for Republic of Croatia.

As part of the project activities a series of conferences and seminars was held and a large portion of the Croatian expert public was informed about the drafting process. The project objective was to develop the strategic document and the corresponding Action plan, however, additional guidelines were, also, developed for the implementers of the National plan for combating discrimination entitled "Anti-discrimination Step by Step" which covers the topic of the National plan implementation management, coordination of the implementers, impact evaluation, reporting and communicating progress. The new National plan rests on the challenges which the competent authorities encountered during the implementation of the Anti-discrimination Act and will continue to encourage implementation of various measures aimed at combating discrimination, thus providing for wide areas of life encompassed by the Act (labour and labour conditions, education, science and sports, social security, health protection, judiciary and administration, housing, public information and media, access to goods and services, syndication and activity in the unions, civil society organisations, political parties or any kind of other organisations and participation in culture and arts). The National plan follows the structure of the Anti-Discrimination Act and will cover all grounds for discrimination provided by the EU Directives (race, religion, disability, age and sexual orientation). The Draft of the document is currently being prepared for the adoption by the Croatian Government.

Regarding the funding for the projects of civil society organisations, based on the Decision on grants for civil society projects implementation in the area of protection, respect and promotion of human rights in 2015; the Office has distributed a total of 35,000.00 kunas for the priority area combating discrimination and hate crime, especially against the citizens belonging to national minorities.

With regards to the training of judicial officials and civil servants, the Judicial Academy, as the institution competent for the creation of prerequisites for the implementation of initial training programmes for interns in judiciary bodies and candidates for the positions of judges and deputy state attorneys (the programme of the State School for judicial officials), provides permanent professional development for judicial officials, advisers, interns in the judiciary bodies and other staff in the judiciary.

In 2015, a round table was held for judges on combating and prevention of discrimination against transgender persons. In 2014, the workshops on the Anti-Discrimination Act and round tables for judges and state attorneys continued. A series of seminars and other types of trainings were held on combating discrimination and similar topics in cooperation with ERA.

The Judicial Academy recognizes the importance of trainings for judicial officials and staff on combating discrimination, and will take into account the recommendations of the Advisory Committee Fourth Opinion on Croatia in planning of future educational activities.

Regarding the problem of inadequate access to free legal aid for the most disadvantaged members of society, we note that the free legal aid system reform, i.e. the new Free Legal Aid Act, which entered into force on January 1, 2014, provides new legal solutions aiming at lessening the burden of the judicial and administrative system. This includes the systematic integration of the civil society organisations, legal clinics and state administration bodies into the system of free legal aid and legal consultation, which increased territorial access to expert legal aid. The new functioning of the primary legal aid is based on project financing of civil society organisations and legal clinics which provide legal aid to citizens, this approach enabled a more constructive and active development of the free legal aid system, because the change of financing schemes for the primary legal aid resulted with active involvement of non-governmental organisations into the free legal aid system in the Republic of Croatia. In addition, such approach maximally simplified the access to the primary legal aid, because a complex administrative procedure of approving free legal aid was abandoned. Since the NGO's, which act as authorised providers, also work in the area of human rights protection and combating discrimination, these activities were separately assessed in the evaluation process in the Call for primary legal aid provision. The free legal aid system is established and fully functional, and possible increase of access to free legal aid providers will depend on the available funds in the State Budget.

With respect to the statement that "the costs of the other party have to be covered by the plaintiff in the event of a ruling against him or her", it is important to note that the listed legislation treats all parties equally, irrespective of their nationality, religious affiliation, sexual or any other affiliation, and that it does not discriminate national minorities on any grounds.

National prevention project "Living a life without violence" is carried out since 2010. The project is managed by the Ministry of Interior in partnership with the Ministry of Science, Education and Sports and the civil society organisations (Youth association "Status M" and "Riječi/Prave/Predstave") combined with active participation of public figures. The project has 3 components (1. "Interactive workshop", 2. "Artistic and educational programme" and 3. "Interactive debate") all components are implemented in the course of one school year in educational institutions of all Counties in the Republic of Croatia.

The Project targets prevention of family violence, violence against women and among the youth, and entails empowerment of the target group of pupils attending the 7<sup>th</sup> and 8<sup>th</sup> grade of primary school, and encourages them to make positive choices of social values, among others, especially non-discrimination, non-violence and tolerance. In the school year 2014/2015 the project included 35 primary schools in all Counties, and the film "I am living my life without violence" was presented in all of them.

The project activities and the promotion of the educational film targeted 10,000 children in 2014/2015, including the pupils belonging to the Roma national minority.

## **Stateless persons and returnees belonging to national minorities**

### *Paragraph 25.*

Regarding the recommendation referring to the resolution of the legal status of a continuously high number of stateless persons, based on close cooperation between the UNHCR and representatives of respective communities, we note that as part of implementing measures aiming at improvement of living conditions of the Roma national minority, the resolution of requests placed by the persons belonging to Roma national minority for entering into Croatian citizenship was set as a priority and they were continuously receiving appropriate legal aid. If the persons, de facto, do not have a regulated legal status in the state of their birth, this does not automatically mean they are stateless, these persons are, therefore, transferred to competent foreign authorities to resolve their status and rights. Also, if, as the prerequisite for granting Croatian citizenship, the ex-ante registration of the person in the birth register in Republic of Croatia is required, the Ministry of Interior contacts and cooperates with competent registry offices in State administration offices regularly.

A cooperation was established with the representatives of the Roma and other national minorities, as well as with UNHCR in relation to the training and assistance in resolving status issues, and this cooperation will continue. However, in each individual request for reception into the Croatian citizenship, irrespective of the nationality of the applicant, the legal prerequisites are determined by the Croatian Citizenship Act (Official Gazette, number 53/91, 28/92, 113/93, 130/11 and 110/15), which include the type and duration of residence, respect of the laws of the Republic of Croatia and other, and must be fulfilled for the Croatian citizenship to be granted.

Regarding to the recommendation referring to non-discriminating granting of Croatian citizenship to persons belonging to national minorities, a detailed opinion was provided in the Chapter I, on the measures taken for the purpose of implementing further recommendations from the Third cycle of monitoring.

## **Equal access to justice for persons belonging to national minorities**

### *Paragraph 30.*

With respect to the recommendation referring to the effective equality of persons belonging to national minorities in their access to justice, especially regarding the recognition of status and rights of civil victims of war, we emphasise that the Republic of Croatia remained committed to investigation, processing and prosecution of all war crimes, irrespective of the nationality of the perpetrator or the persons who ordered the crime, and that it carried out many specific measures to ensure integrity, impartiality and efficiency of the criminal procedure. Criminal prosecution of war crimes is based on clear and objective criteria, relying exclusively on the principle of legality, regardless of who is the perpetrator and who is the victim. It is important to mention that the State Attorney's Office does not keep statistics of war crimes by nationality, neither of the perpetrator or

the victims. Despite of that fact, motivated by many complaints that only persons belonging to the Serb national minority are being prosecuted, statistical data was gathered on the prosecution of crimes committed by the Croatian army and police forces.

In addition, impartiality was ensured by the legislative framework and establishment of four specialized courts for war crimes, which allowed hearings to be transferred from local courts in order to avoid public pressure. The State Attorney's Offices and Police administrations are organised in the same way, and guarantee specialization for proceeding in cases of war crimes. In order to ensure uniform procedure in all cases, the State Attorney's Office issued special guidelines (directions) to the state attorneys in order to set the standardized procedure for identifying perpetrators and the offence prosecuted as war crime, as well as the type of evidence needed for indictment in cases of war crime, thus, the obligation of equal application of standards for prosecuting war crimes was met.

Regarding the statement that the "service in the "defence of the homeland" is reportedly still considered a mitigating circumstance for war crimes allegedly committed by members of Croatian military formations", we underline that in the past, the courts in the Republic of Croatia considered it a mitigating circumstance if the defendants were participants of the Homeland war, however this was not done without reservation, but rested on other circumstances decisive for determining type and scope of penalty. Although the evidence of the Homeland war participation was appreciated as one of subjective factors forming the personality of the defendant, this fact did not have a leverage which could influence the lowering of the sentence. On the other hand, in some cases, the participation in the Homeland war was assessed as an aggravating circumstance, because the members of the Croatian army were expected to have some specific knowledge linked to the activities of defence.

Regarding the victims of war, it is important to mention that the victims of war crimes were taken care of in various ways, not only by reparation of damages. For example, housing care was ensured, housing units were reconstructed and so on, relevant issues are regulated by the Law on the protection of military personnel and civilians disabled because of the war. The Law on the rights of victims of sexual violence during the armed aggression against Republic of Croatia in the Homeland War, provides special protection to the war victims of sexual violence, the reparation of damages and other forms of care. Special attention is paid to ensuring that the victims of war crimes committed by Croatian military forces receive additional compensation according to the Law on the responsibility of the Republic of Croatia for the damages caused by the Croatian military and Police forces during the Homeland war.

Regarding the urging to the authorities to proactively address the inequalities experienced by persons belonging to national minorities with respect to their access to justice, we would like to draw attention to the Article 6 of the Criminal Procedure Act (Official Gazette number 52/08, 76/09, 80/11, 121/11, 91/12, 143/12, 56/13, 145/13 i 152/14) which explicitly stipulates that discrimination on the grounds of race, ethnicity, colour of skin, gender, language, religion, political or other beliefs, union membership, education, social status, marital or family status, health

condition, disability, genetic heritage, gender identity or sexual orientation is prohibited in the criminal procedure.

*Paragraph 31.*

With regard to the recommendation that the persistent and disproportionate underrepresentation of national minorities in the judiciary should be addressed as a matter of priority to ensure that persons belonging to national minorities regain trust in the judiciary and are encouraged to address the courts when experiencing unequal treatment, we underline that this issue was predominantly linked to the possibility of employment in the civil service, more on that topic will be described in the chapter covering the Article 15 of the Framework Convention (paragraph 91).

According to the provision of the Article 22 of the Constitutional Law on the Rights of National Minorities (Official Gazette number 155/02, 47/10, 80/10 and 93/11) a person belonging to a national minority has a preferential status in the employment procedure in the judiciary bodies according to the provisions of the special law, taking into account the ratio of national minorities in the total population on the level of state administration or judiciary body establishment and acquired rights. This right is specially highlighted in the text of the job opening add for civil servants in state bodies, and the national minority affiliation is not subject to any verification or evidence provision.

However, given the negative trends in the economy of the Republic of Croatia, it is important to mention that the Government of Republic of Croatia adopted the Decision on the prohibition of new employment of civil servants and staff in state administration bodies, expert services and offices of the Government of Republic of Croatia (Official Gazette, number 114/14) and the volume of new employment decreased in general.

The Ministry of Justice regularly records the number of persons belonging to national minorities employed in judicial bodies. In the previous years, numerous activities have been realised with a purpose to encourage persons belonging to national minorities to consume their right to preferential treatment for employment, such as round tables, dissemination of informative posters, analysis of representation of national minorities in the judiciary compared to the ratio in the general population and in the Counties.

**Measures to promote the full and effective equality of persons belonging to national minorities**

*Paragraph 34.*

Regarding the recommendation of the Advisory Committee on the collection of disaggregated data in line with international and national personal data protection standards, and to the development of appropriate methods for obtaining a comprehensive assessment of the access to rights of persons belonging to national minorities, in consultation with their representatives, we stress that a transnational project "Mind the GAP", started on Jan 1, 2016, the Government Office for Human Rights and Rights of National Minorities is an implementing partner with the Centre for Peace



Studies as the main beneficiary, a "Platform for (in)equality data" will be formed, and the work group comprised of relevant ministry representatives, non-profit organisations, unions and the academic community will create internal rules for gathering "sensitive" data and an operative action plan in order to enhance and unify the approach of gathering "sensitive data" for the purpose of monitoring application of legislation and public policies focused on empowering vulnerable groups who experience discrimination.

*Paragraph 35.*

Concerning the recommendation that increased attention should be paid to the effective implementation of the National Roma Integration Strategy (NRIS) and corresponding Action Plans by enhancing the co-operation among the various ministries and by allocating the necessary resources to support concrete measures at all levels, in close consultation with Roma representatives, we note that the Office for Human Rights and Rights of National Minorities, at the end of 2014, and beginning of 2015, conducted the external evaluation of the strategic and implementing document, and the findings of the evaluation have been used to, among other things, revise the Action Plan for the NRIS implementation.

The evaluation findings have shown that, despite of the attention paid, both in the National strategy and the Action plan, to monitoring and evaluation, a comprehensive data gathering system was not established for recording information on the realisation of the planned measures and achievement of strategic objectives. The evaluation report, in its recommendations, highlights the need for setting baseline data that will allow drawing of conclusions about the level of realisation of the objectives, defined both by the implementing and the strategic document, and for the capacity building for monitoring and evaluation by providing training to the relevant stakeholders with a special focus on raising capacities of the persons belonging to national minorities (i.e. councils and representatives of the Roma national minority and of the Roma civil society). This will be realised through the IPA 2012 programme by a project that, by the end of 2018, plans to carry out activities of research and analysis, educational activities, and the activity of design, set-up and testing of a web based interface for the implementation monitoring of the National Roma Integration Strategy and the corresponding Action Plan, in order to fulfil the requirements for the integration of Roma at the local, regional and national level.

In the process of creating the new Action Plan, the Office for Human Rights and Rights of National Minorities will address all identified problems, collect baseline data and draft an enhanced document which should, in consensus with a wide circle of stakeholders, respond to the existing challenges in the implementation and take into account the way how the Action plan contributes to the main objective of the National Roma Integration Strategy 2013-2020, and improve the position of the Roma national minority in the Republic of Croatia by reducing the multidimensional socio-economical gap between Roma and the remaining population and in a harmonised, open and transparent way achieve full integration of Roma in all segments of the society and the community. The Roma representatives will be included at all levels, at the central level (member of parliament, Committee for monitoring NRIS realisation, the umbrella association and coordinations), at the local level (representatives in representative and executive bodies of Counties, cities and municipalities,

County, city and municipal councils and representatives of Roma national minority and their coordinations, civil society associations), and the strengthening of their capacities will continue.

Drafting of the new Action plan will partly be conducted by the project of the National platform for Roma, during the period from May 2016 to May 2017. The project aims to open space for dialogue, consultations and participation of all stakeholders, and especially the Roma, in the NRIS realisation. In addition, the Platform will allow exchange of good practice at the national and the European level through working meetings and regional discussions. Special activities are planned for women and youth.

The National prevention project "I have a choice" is implemented by the Ministry of Interior from the school year 2013/2013. In the school years 2014/2015 and 2015/2016 it continued its regular implementation in primary schools. Among other children, it was also attended by children belonging to the Roma national minority in the Međimurska County. The implementation was coordinated with the Police Directorate of the Ministry of Interior.

This project established a good cooperation with the Roma non-governmental associations, civil society organisations and educational institutions. The project has 8 components and targets the prevention of peer violence and vandalism, as well as family violence and violence against women, risk and other socially unacceptable behaviour of children and youth, substance abuse and addiction, diminishing risk from human trafficking and improvement of the traffic culture. Pupils in the age of 10 and 11, their parents and teachers are the target groups.

## **Article 5 of the Framework Convention**

### **Support for the preservation and development of national minority identities and cultures**

#### *Paragraph 39.*

According to the recommendation of the Advisory Committee to continue and expand the provision of financial support for the cultural activities of national minorities, while ensuring that the diversity within minority communities is duly taken into account in the decision-making processes, and that particular attention should be paid to enhance the visibility and prestige of Roma cultures and traditions in Croatia, we note that the Office for Human Rights and Rights of National Minorities of the Government of Croatia, based on the National Roma Integration Strategy 2013-2020 and the Action Plan for the realisation of the National Roma Integration Strategy 2013 2015 (measure 6 and 4), according to the available funding in the State budget of the Republic of Croatia, publishes an annual call for distribution of financial support for the realisation of programmes contributing to the preservation of Roma tradition and culture. The Selection Committee proposes the allocations and the distribution of the financial support for the realisation of programmes contributing to the preservation of the traditional Roma culture annually.

The grants support the purchase of traditional instruments, maintenance of existing traditional instruments, purchase of traditional Roma folklore garments, equipment for drama groups and materials and tools for art workshops.

The associations and associations active in culture and arts, which are prominent in promoting and preserving traditional Roma culture and achieved significant results in their work, are given priority in the selection process.

In the past two years (2014 and 2015) programmes of 13 Roma associations were financed and a total of 133.722,60 kunas was distributed for the preservation of Roma culture.

*Paragraph 40.*

Regarding the recommendation referring to the call to integrate the promotion of minority cultures into the general cultural policy as an integral and valued part of Croatia's diverse heritage and allowing access to general funding opportunities in the field of culture, we note that according to the Act on Financing of Public Needs in Culture (Official Gazette, number 47/09, 27/93 and 38/09) and the Ordinance on the selection and identification of public needs programmes in culture (Official Gazette number 69/12, 44/13, 91/13 and 72/15) the Ministry of Culture continuously finances public needs programmes in the Republic of Croatia.

The public needs in culture which are of interest to the representatives of national minorities are also promoted and financed under the scope of this Call for proposals for public needs programmes in culture. The eligible beneficiaries are individual artists, artistic organisations, cultural institutions, associations, legal and natural persons which are registered for activities in culture and the media, and legal and natural persons registered in the area of protecting and preservation of cultural assets and archaeological heritage.

In addition, the Ministry of Culture systematically encourages national minorities to contribute actively and equally to the Croatian cultural life by supporting them in the process of founding institutions and associations registered for cultural, publishing, museum and library activities.

Numerous associations and institutions were founded by persons belonging to national minorities with the aim to preserve, develop, promote and express their cultural identity which indicates a high level of realisation of the right to cultural autonomy of national minorities.

The cultural autonomy programme contributes and continuously co-finances programmes of associations and national minority institutions from the State Budget through the Council for National Minorities. In addition, associations and institutions of national minorities receive support and training in the area of proposal writing for the EU Funds which support programmes for minorities.

## **Article 6 of the Framework Convention**

### **Tolerance and inter-cultural dialogue**

#### *Paragraph 45.*

Regarding the Advisory Committee appeal for a systematic and prompt condemnation of all instances of anti-minority rhetoric in public discourse, particularly when stemming from public figures and voiced as part of the political discourse, it is important to note that the Criminal Code includes several provisions which identify criminal offences that can be committed by communicating to the public: public incitement to violence and hatred, which is prosecuted ex officio because it impacts the wider society and is characterised as hate speech in a more narrow sense, as well as some other offences, such as the ones against honour and reputation. Unacceptable discriminatory speech which, in the wider sense, could be categorised as hate speech does not create grounds for criminal liability, instead it is treated as a misdemeanour and/or produces civic, professional or public liability or condemnation.

Statistical data on the criminal offence of public incitement to violence and hatred (Article 325 of the Criminal Code), include the data on hate crime, which are gathered by the Ministry of Justice, according to the obligation deriving from the Anti-Discrimination Act and the Office for Human Rights and Rights of National Minorities, according to the Protocol for procedure in cases of hate crime. According to the data provided by these authorities, in 2015, two final judgements were passed for the criminal offence of public incitement to violence and hatred, six criminal reports were dismissed and nine procedures are ongoing.

These data show that the hate speech remains underrecognized as a criminal offence, and that the unacceptable public discourse in Republic of Croatia is mainly penalised as a misdemeanour. Motivated by incorrect decisions and proceedings of the subordinate State Attorney Offices, in the context of this statistics, the State Attorney's Office of the Republic of Croatia, in the end of 2015, started an analysis of the rulings passed from Jan 1, 2013 to Sept 1, 2015. More on this topic will be presented in the response to the recommendation referring to item 50 of the Opinion.

Regarding the recommendation with respect to the education of the journalists and media experts, we would like to point out that, in 2015, the Office for Human Rights and Rights of National Minorities organised the seminar "Media and national minorities in the Republic of Croatia - Protection of minorities and the role of the media in the democratisation of the Croatian society". The representation of minority topics in the radio and television programmes, regional and local level and printed media, and the importance of the role of the media in maintaining socio-cultural values of minority identities, were discussed. Main significance was put on the importance of combating stereotypes and hate speech in social and electronic media, as well as, on the role of the media in promoting respect and understanding of the others and the different, tolerance, sensitivity for cases of discrimination and disrespect of constitutional and legal rights of persons belonging to national minorities in the Croatian society.

As the central body competent for combating discrimination, the Ombudsperson's Office participated in the work group established by the Ministry of Culture for the purpose of creating the Draft of the RC media policy for the period until 2020. During the process, the Office pointed out to the issues referring to the unacceptable public discourse, and the responsibility of the media when certain minority groups are concerned, including their rights and problems with unacceptable, discriminatory and hateful comments on the Internet and social networks. In addition, the importance of self-regulation was mentioned with regards to the professional codes of conduct and sanctions which could be the most effective mean for combating and condemning unacceptable media discourse.

*Paragraph 46.*

Regarding the recommendation to intensify the efforts to promote respect and intercultural understanding among the different groups in society overall, including through comprehensive measures in the spheres of education and media to enhance the majority population's openness towards diversity with a view to furthering integration of society as a whole, we note that a series of activities in the area of education and upbringing have been included in the Curriculum of Civic Education and Upbringing associated to the combat against stereotypes and prejudice deriving from discrimination, in accordance to the Decision on experimental implementation of the civic education and upbringing curriculum, in the school years 2012/13 and 2013/14 the experimental implementation was carried out in 12 primary and secondary schools.

The social and cultural dimension of the civic competence of this Curriculum, covering the period from the first grade of primary school to the last grade of secondary school, contains learning outcomes related to social and communication skills, awareness and eliminating stereotypes and prejudice in interpersonal relations, the media, etc.

Furthermore, the Lesson plan and programme of the health education for primary and secondary schools includes the lesson on combating sexual and gender related violence, as well as the information on various grounds of discrimination, according to the definitions in the Anti-Discrimination Act.

In the first half of 2014, the Expert Commission for the preparation of the realisation of the civic education and upbringing in the school year 2014/2015 amended the Curriculum of the civic education and upbringing and a public consultation followed.

After the public consultation on the Curriculum the Commission for the Preparation of the Launching of the Civic Education and Upbringing adopted the following conclusions on June 27, 2014: 1) The Civic education and upbringing will be launched in schools in 2014/2015 as a compulsory, interdisciplinary theme in all grades of primary school, from the first to eighth grade and in the secondary schools, 2) Civic education and upbringing will be introduced as a special compulsory subject in the 8th grade of primary school and 1st and 2nd grade of high school in the school year 2015/2016, or upon fulfilment of all legal and curricular prerequisites, 3) Experimental implementation of Civic education and upbringing will be continued as an optional subject in schools which express interest and in secondary schools as a facultative subject.

After that, the Minister of science, education and sports issued a Decision on the program and the Program of Interdisciplinary Themes of the Civic Education and Upbringing for Primary and Secondary Schools (Official Gazette, number 104/14). Following the adoption of this Decision, the Agency carried out the informative activities and professional training of educators. In the school year 2014/15 compulsory implementation of the Civic Education Programme started in primary and secondary schools, and it continued in 2015/2016.

In 2014, 193 state, inter-regional and regional conferences were held for headmasters, teachers and expert advisers in primary and secondary schools, on the topic of the realisation of the Civic education and upbringing programme and 5 state festivals were held in the area of CEU for pupils of primary and secondary schools.

Furthermore, in the same year, the Education and Teacher training agency organised 88 conferences on the topic of prevention programmes, namely, the programmes related to combating racial and other types of discrimination.

The Ministry of Interior, in cooperation with all Police Directorates, carried out a series of prevention activities (workshops, lectures, information dissemination...) on the occasion of the European Day Against Human Trafficking, the International Day of Combat Against Racism, the International Roma Day, International Day Against Racial Discrimination and the International Day for the Elimination of Violence Against Women.

The Republic of Croatia according to the Article 5 of the Media Act (Official Gazette, number 59/04, 84/11 and 81/13) supports production and publishing of programme content related to the realisation of the right to public information and notification of the persons belonging to national minorities in the Republic of Croatia, informing the public on national minorities and matters of realisation of minority rights in the Republic of Croatia and the promotion of tolerance and the culture of dialogue. Information regarding the production of programme content for national minorities and educational activities is presented in more detail under Article 9 of the Framework Convention

### **Protection from hate crime**

#### *Paragraph 50.*

The recommendation of the Advisory Committee to the authorities was to intensify efforts to raise public awareness of the legal remedies available against hate crime and to ensure that relevant law enforcement authorities are adequately trained so that all cases brought to their attention are effectively investigated and appropriately sanctioned in line with the applicable legal framework.

With regards to that, it should be mentioned that the Article 38 of the Constitution of the Republic of Croatia (Official Gazette, number 56/90, 135/97, 8/98, 113/00, 124/00, 28/01, 41/01, 55/01, 76/10, 85/10, 05/14) guarantees freedom of opinion and expression of thought. The freedom of expression of thought encompasses the freedom of press and other media, freedom of speech and public presentation. Freedoms and rights, according to the Article 16 of the Constitution may be

limited only by the law in order to protect the freedom and rights of others, the legal order, public morality and health, any limitation of a freedom or right must correspond to the nature of the need for limitation in each individual case. The Article 39 of the Constitution of the Republic of Croatia, prohibits any call for or incitement to war or use of violence, racial, national or religious hatred or any other type of intolerance, while the Article 14 of the Constitution prohibits discrimination in general, stipulating that "All persons in the Republic of Croatia shall enjoy rights and freedoms, regardless of race, colour, gender, language, religion, political or other conviction, national or social origin, property, birth, education, social status or other characteristics. "

The protection of listed constitutional rights is partially realised by the provisions of the Criminal Code (Official Gazette number 125/11, 144/12, 56/15 and 61/15), which incriminates xenophobic, homophobic and discriminatory behaviour in general. The Criminal Code in the basic provisions qualifies hate crime as a criminal offence (Article 87, paragraph 21) motivated by race, colour of skin, religious affiliation, national or ethnic origin, disability, gender, sexual orientation or gender identity of another person. Furthermore, it stipulates that such behaviour shall be considered as an aggravating circumstance in cases when the Criminal Code did not explicitly provide for a more stringent penalty. The legislator provided explicit directions for the courts to consider crimes committed by any of the listed grounds as an aggravating circumstance while setting the penalty for any criminal offence, except in cases when hatred is already defined as a qualification for a certain criminal offence. The criminal offences for which hatred is defined as a qualification are: first degree murder, mutilation of female genitals, physical injury, serious physical injury, severe physical injury, serious crimes against sexual freedom, indecent acts and initiation of riots. The grounds for heavier punishment is the discriminatory motive manifested as violence against a certain group which could cause severe social consequences. This penalty from the Special Section of the Act contains the reference "originating from hatred", which needs to be considered in the context of the definition of hate crime provided by the basic provision of the Criminal Code and are, as such, applicable to the provisions in the Special Section. Since the basic provisions of the Criminal code contain the hate crime definition and the discriminatory grounds, the legislator found it superfluous to specify the list of discriminatory grounds contained in the general definition of hate crime which is applicable to the provisions of the Special Section of the Criminal Code.

Furthermore, the Criminal Code in its Special Section provides for the criminal offence of breach of equality (article 125), which incriminates the deprivation, limitation or conditioning of the right to gain assets or accept services, perform activities, employment and professional advancement based on any of the discriminatory grounds (difference in race, ethnic affiliation, colour of skin, gender, language, religion, political or other conviction, national or social origin, property, birth, education, social position, marital or family status, health status, disability, genetic heritage, expression of gender identity, sexual orientation or other traits), or provision of privileges or favours with respect to the realisation of listed rights based on the differences stated above. The penalty for the basic form of this criminal offence is three years of imprisonment.

Apart from the listed offences, the specific offence linked to the motive of hatred is public incitement to violence and hatred (hate speech) according to the Article 325 of the Criminal Code. According to this provision public incitement of violence and hatred against a specific group of

people is incriminated. This criminal offence is punishable on grounds of organisation or leading groups which are consisted of three or more persons for the purpose of committing the criminal offence and participation in such association. The penalty is punishable even in cases when the offence is committed by use of the information system. Furthermore, the public approval, incitement or minimising of certain criminal offences (genocide, aggression, crime against humanity or war crimes) directed against a group of people or members of a group on the grounds of their racial, religious, national or ethnic affiliation, origin or colour of skin, is also incriminated in cases when it could encourage violence and hatred against such a group or members of such a group. Criminal offence in attempt, according to the Article 325 of the Criminal Code, is also punishable, although it would not normally be punishable as attempt according to general rules of punishment, given the duration of the prescribed sentence of three years. The criminal offence of public incitement to violence and hatred is fully harmonised with the Framework Council Decision 2008/913 of 28 Nov, 2008, on combating certain forms and expressions of racism and xenophobia by means of criminal law.

The system of monitoring hate crime was developed in 2010, when the Work group was established for the monitoring of hate crime, comprised of representatives of 10 bodies/organisations competent or active in the area of prevention and combating hate crime and the Office for Human Rights and Rights of National Minorities as the coordinating body. For the purpose of improving the monitoring system and protection of hate crime victims, the Government of the Republic of Croatia adopted, in April 2011, the Protocol on procedure in cases of hate crime. The activities of the Work Group relate to the coordination of the process of data collection, analysis and monitoring of the execution of the Anti-Discrimination legislation with a focus on hate crime, analysis of the need for legislative amendments regarding hate crime and coordination of inter-sectoral cooperation in prevention of hate crimes.

The Office for Human Rights and Rights of National Minorities, as the central body for collection and publishing of data on hate crime, gathers data on hate crimes from competent authorities semi-annually and annually and publishes it on its web page. Given the similarity of the hate crime and other discriminatory grounds and social consequences, the Office for Human Rights and Rights of National Minorities monitors and includes the cases of public incitement to violence and hatred in the data reports. According to the data collected in 2015, the Ministry of Interior recorded 24 cases associated to hate crime, and the State Attorney's Office of the Republic of Croatia acted in 47 cases, which included the unresolved cases from the previous period. According to the data provided by the Ministry of Justice, in 2015, the Courts passed 7 final judgements in cases of hate crime. The comparison of data on hate crime gathered by the Office for Human Rights and Rights of National Minorities in 2014 and 2015, shows that the number of cases in which the State Attorney's Office acted is decreasing (61 in 2014 and 47 in 2015).

The Work group for monitoring hate crime, analysed the data on hate crime at their meetings and planned activities for the upcoming period directed to reversing recognized trends and protection of the most vulnerable groups which could potentially be exposed to hate crime, as well as, to general awareness raising about the damaging and devastating effects of this crime on the society.



According to the records of the Ministry of Justice on criminal procedures related to hate crime for 2014, a total of 12 cases were finalised, out of which 6 with a convicting judgement, 3 acquittals and 3 were resolved in a different manner.

The records of the same Ministry, also, show that in 2015, a total of 9 unresolved cases were transferred from the previous period, while a total of 8 new cases were received. In total, 8 cases were finalised, out of which 7 convicting and one resolved in a different manner. In three cases the procedure took up to 12 months, and in 5 cases the duration exceeded 12 months. A total of 19 persons were convicted, 14 were given suspended sentence, and one person was acquitted.

According to the State Attorney's Office records, in 2015, 41 new cases were received. It should be highlighted that the State Attorney's Offices reacted to acquittals and suspended sentences if they found them inappropriate, and made an effort to amend them by asking for a more stringent penalty in the appellation procedure.

Furthermore, we stress that the State Attorney's Offices reacted immediately upon gaining knowledge or receipt of information of a hate crime and perform verification in order to determine if elements of criminal offence are present which should trigger further actions.

Regarding the statement that "a call for a boycott in April 2014 against 35 shops and small businesses owned by ethnic Serbs in Vukovar was published by a national web portal without any legal action being taken by the authorities, apart from a warning issued by the Agency for Electronic Media", we would like to inform the Committee that the competent State Attorney's Office is conducting all necessary activities regarding the mentioned case in order to determine relevant facts and circumstances, a State Attorney's Office decision will issued upon the finalisation of these activities.

Regarding the events in January 2014, in Vardarac, the competent State Attorney's Office, upon gaining knowledge of the event, requested a report about the event from the competent police station, the submitted report drew to a conclusion that the recorded actions could be qualified as a misdemeanour, and the misdemeanour procedure was initiated against the perpetrators, in this case the first instance judgement was passed on grounds of committing misdemeanour, according to the Articles 6 and 13 of the Act on Misdemeanours Against Public Order and Peace.

The State Attorney's Office, in 2006, issued the Operating instructions for procedures regarding criminal offences motivated by hatred and keeping of records on hate crime, with the amendment of the same instructions of 7 Nov, 2007, when the instruction was included regarding the factual and legal description of the criminal offence motivated by hatred, and established the obligation to the State Attorney's Offices to keep the records of hate crimes, and regularly submit data to the State Attorney's Office General of the RC which harmonises it with the data gathered by the Ministry of Interior and sends it to the Ministry of Justice.

The State Attorney's Office pays special attention to hate crime and hate speech, trainings, round tables and other meetings were held regularly on the topics of hate crime, and it was also, one of

the topics of the conference organised by the Crime Department of the State Attorney's Office of RC, held in November 2015.

Regarding this recommendation, the Judicial Academy carried out a workshop Combating hate crime and a series of trainings with the topic of hate crime and hate speech for judges and state attorneys and continues to plan and carry out further trainings on this topic.

In 2014, the Office for Human Rights and Rights of National Minorities published the Call for financial support to projects of civil society organisations in the Republic of Croatia working in the area of protection, respect and promotion of human rights. The Call included five priority axes, and under the priority axe Combating discrimination and hate crime, the Office financed four civil society organisations with a total amount of 80,000.00 kunas.

*Paragraph 51.*

Regarding the call of the Advisory Committee to prioritise the active recruitment of persons belonging to national minorities into the police force in order to address the increasing fears among minority communities, and increase their trust in the ability and willingness of the police to protect them, we reiterate that the provision of the Article 22 of the Constitutional Law on the Rights of National Minorities guarantees to the persons belonging to national minorities, the right of preferential treatment during employment procedure in all state administration bodies, including the police. However, as it was noted in the Fourth Opinion of the Advisory Committee, in the previous period, some objective circumstances prevented the increase of employment of civil servants belonging to national minorities in the Ministry of Interior because of the fact that the Decision of the Government of the Republic of Croatia limited employment in the civil service in general.

Regarding the assessment that the representation of national minorities in the police forces is inadequate, and that the Serb national minority is underrepresented, especially in the areas of return, and that the number of Roma in the police is still negligible, we point out to the following: The Ministry of Interior takes into account the right to preferential treatment during employment procedure for persons belonging to national minorities, according to the Constitutional Law on the Rights of National Minorities and keeps records of the number and the structure of civil servants and employees belonging to national minorities, compares their employment rates to the previous periods and monitors the trends of their employment.

In addition, the Ministry acts in accordance to the Article 42 paragraph 2 of the Act on Civil Servants (Official Gazette, number: 92/05, 107/07, 27/08, 49/11 and 150/11, 34/12, 49/12, 37/13, 38/13, 01/15 and 138/15), and includes the appropriate ratios of employment of persons belonging to national minorities in the Employment plan.

The employment of new civil servants in the Ministry of Interior is carried out by public job competitions, according the Act on civil servants and following the finalisation of the Programme of secondary education for the profession police officer. Also, when persons are engaged for internship

without employment, attention is paid to the nationality of candidates, despite of the fact that this form of employment is not permanent the beneficiaries of this measure enjoy the same rights according to the Article 22 of the Constitutional law.

In order to increase the number of civil servants who belong to national minorities the Ministry is conducting the measure of continuous informing of potential candidates who belong to national minorities of the preferential treatment they are entitled to regarding employment. The application form contains a section which allows persons belonging to national minorities to express their affiliation to a national minority. Also, the training on the execution of the Article 22 of the Constitutional Law on the Rights of National Minorities is held for the members of the Commission for the implementation of the public or internal job competition on each occasion when a call is published.

Since it is evident that candidates rarely use the opportunity to express their affiliation to a national minority, on several occasions it has been pointed out that there is a need for encouragement of persons belonging to national minorities to express their national affiliation and to inform them of their right to preferential treatment in the selection procedure if they choose to do so.

Furthermore, we note that when new employment occurs in the Ministry of Interior, according to the currently valid regulations, candidate selection procedures are carried out, which include written tests of knowledge and competences, which is followed by an interview with the members of the Commission, each section of the testing procedure is graded. The candidates for the enrolment in the Programme of secondary education of adults for gaining a qualification to become a police officer undergo psychological testing, physical and health checks, which make it harder for the candidates who enjoy a right to a preferential treatment on any grounds, to fulfil all of the criteria.

## **Article 9 of the Framework Convention**

### **Radio and television broadcasting in minority languages**

#### *Paragraph 55.*

The Advisory Committee called on the authorities to enhance their support for independent and small media outlets, including in remote areas of the country and through electronic means, and to promote a pluralist media environment through the training and recruitment of persons belonging to national minorities in mainstream public service broadcasting, including at senior level.

According to the Article 63 of the Electronic Media Act (Official Gazette, number 153/09, 84/11, 94/13, 136/13), the Fund for promoting pluralism and diversity of electronic media (hereinafter: The Fund) is managed by the Agency for Electronic Media. The financing of the Fund is ensured by the provisions of the aforementioned Act and the Act on Croatian Television. One of the categories broadcasters can apply for is the category National minorities in the Republic of Croatia. We

highlight that the amount of distributed funds depends exclusively on the broadcaster's applications and the number and the quality of proposed programmes.

About the procedure, based on the Notification about the intention of granting a concession number 1/05 for the radio media services in the area of the City of Pakrac, we reiterate the following: According to the provisions of the Electronic Media Act, the Council for Electronic Media (hereinafter: The Council) decided to publish the aforementioned Decision in the Official Gazette on February 4, 2015. One proposal was received based on the Notification about the intention to grant a concession for the city of Pakrac, submitted by the Serbian democratic forum (SDF).

According to the Article 73, paragraph 4 of the same Act, the criteria for granting concessions for the provision of radio and television media services were:

- program requirements according to the Act, primarily the quantity of in-house production, European audio-visual works and works of independent producers,
- time of broadcasting,
- quality and diversity of audio-visual and/or radio programmes,
- special technical, financial (the amount requested funds and financial guarantees) and staff.

The Council evaluated if the programme requirements were fulfilled according to the criteria for granting concessions. During the evaluation of the local programme, news programme was assessed separately, with respect to the method of production and quantity of relevant news which the tenderer offered in its programme proposal, the selection of topics of public interest are contained in the feasibility study the Council encloses with the tender documentation. In the assessment of other parts of the programme, and depending on the area of concession, attention is paid to assessing pluralism of the media and the diversity of content available in the area of the concession, as well as to the quality of the programme, creativity, originality and usefulness of the program for individuals and the community

We highlight that the main complaint regarding the respective offer referred to the fact that, based on the described program framework, it was impossible to determine the programme direction. Therefore, an assessment was made that the programme framework does not ensure the level of quality sufficient to create radio programme that will satisfy the needs of the entire local community. A relatively small share of the news programme and in-house production was, also, listed as one of the reasons, having in mind that this was a non-profit radio, doubts were expressed about the consistency of the financial plan, and the co-funding needed for the beginning of the operation, which was ensured exclusively from the State Budget of the Republic of Croatia and the Republic of Serbia, without any support from other institutions, organisations or private investors.

It should be noted that the respective Notification about the intention to grant a concession was published for the purposes of the provision of radio media services realised in the form of a general programme, and that the Serbian Democratic Forum was not eligible for submitting the offer for a specialized-minority radio, thus it was not appropriate to use the alleged breach of minority rights as a justification for not getting the concession.

Finally, we emphasize that in this specific case the Council for Electronic Media acted, same as in all previous cases, according to the laws and subordinate legislation.

*Paragraph 56.*

About the recommendation referring to ensuring that quality programmes of interest to national minority communities are effectively available in all public service broadcasting at all levels and to integrate issues of interest to national minorities in mainstream media, we stress that in the past several years a progress was achieved in the area of realisation of right to access to public media and coverage of minority themes. This is particularly true for the radio programme.

However, persons belonging to national minorities indicate that it remained insufficient in the programme of the Croatian radio-television on the national, regional and local level and in the newsrooms and that broadcasting in the languages of national minorities does not exist.

The concern was expressed by the Advisory Committee that minority interests were not sufficiently integrated in the mainstream media, which is based on the information provided by the persons belonging to national minorities, the CRT will try to mitigate this with a clearly presented, continuous presence of topics related to minorities in the regular programme, according to the obligation deriving from the Agreement signed with the Republic of Croatia for the period from January 1, 2013 to January 31, 2017 and the Annex to the Agreement of November 2015.

The role of the media is essential for the promotion of equality of national minorities, creating tolerance, promotion of coexistence with the majority people and preservation of the cultural identity of persons belonging to national minorities, and the public media are obligated, in line with programme principles, to contribute to the promotion and respect of fundamental human rights and freedoms, understanding, respect of diversity, democratic achievements and development of the culture of dialogue. On this account, it is important to emphasise that the Croatian radio-television submits annual reports to the Council for National Minorities on the productions, broadcasting and reporting about persons belonging to national minorities in the Republic of Croatia.

As it was highlighted in the Fourth Opinion of the Advisory Committee, the television programmes of the Croatian television dedicated to minority topics Prizma and Minority mosaic were appreciated amongst national minority communities. Regarding the programme Prizma, we note that it has 45-minute duration and not 30-minute, as it was presented in the Opinion. In addition, the Prizma programme produced documentaries, as permanent products, which were rebroadcasted several times, and the Minority mosaic programme was also rebroadcasted continuously.

In 2015, the multinational magazine Prizma covered a series of topics and broadcasted interviews regarding the problems of persons belonging to national minorities, ranging from the realisation of their legal rights to political participation, education on minority languages and increasingly lower interest of the younger generations for the matters of identity. In the previous years special attention was paid to the problems of returnees belonging to the Serbian national minority, who often faced problems with the reconstruction of their houses and employment upon return. The civil victims of war, the commemoration of the suffering and the phenomena of dealing with the

past were topics of the programme constantly. Large part of the programme content was dedicated to the Roma national minority, ranging from social and status issues to daily discrimination they face. In the course of the year, many reports were broadcasted related to the cultural autonomy of minority communities, motivated by the fact that significant budgetary funds allocated for the minorities were used for supporting minority culture.

As for the change of the airing time of the programme, the new programme leadership will conduct an analysis and use it as the basis for their decision on the probable options for change, whether to the previous time, maintaining the current time or rescheduling to a different more favourable time.

It should be noted that the CRT participated actively in multicultural documentary productions and promoted minority rights on the international level.

In the upcoming period, the Croatian radio-television, plans to intensify the education of journalists and editors on the professionalism and ethics in the media, in order to make the reporting more objective, this was clearly stated as the main aim of the new programme and business leadership. Relevant training will, also, be organised on raising sensitivity of journalists and editors for minority issues.

The Croatian radio-television established a branch in Vukovar and plans to establish one in Bjelovar in order to cover the areas populated by a large number of national minorities and create preconditions for increased coverage on activities of national minorities in their communities.

It should be highlighted that CRT is in the process of strengthening human resources, in the Sector for national minorities, emigration and civil society and that it plans to employ additional journalists who belong to national minorities.

## **Article 10 of the Framework Convention**

### **Use of minority languages at local level**

#### *Paragraph 60.*

On the recommendation relating to the use of minority languages on the local level, by the provision of the Article 12, paragraph 1 of the Constitutional Law on the Rights of National Minorities (Official Gazette number 155/02,47/10, 80/10 and 93/11) it is stipulated that equal use of languages and script used by persons belonging to national minorities is realised in the local self-government units where the ratio of national minority population makes for at least one third of the total population of the unit.

This provision sets the threshold which obligates all local self-government units to ensure the conditions in which the persons belonging to national minorities if they consist at least one third of the population are entitled to the realisation of the right to equal and official use of language and script of the respective national minority.

Apart from the provision which sets the threshold, equal official use of languages and script used by persons belonging to national minorities is realized if it is part of an international agreement, which according to the Constitution of the Republic of Croatia (Official Gazette, number 85/10 - consolidated text and 5/14 - the Decision of the Constitutional Court number: SuP-O-1/2014 of January 14, 2014), became part of the internal legislative of the Republic of Croatia or if it is regulated by the Statute of the local or regional self-government unit in accordance with a special law regulating the use of languages and script of national minorities in the Republic of Croatia and in accordance to acquired rights.

The Constitutional Law allows local and regional self-government units to regulate this issue independently by their Statutes in accordance with the provisions provided by a special law on the use of languages and script of national minorities in the Republic of Croatia, equal official use of languages and script of national minorities is allowed, even if the minorities do not meet the threshold, but the local or regional self-government units, due to their specific local circumstances and reasons, by the will of the representative body, choose to provide for this right in their Statutes and enable the persons belonging to national minorities the realization of the right to equal and official use of language and script.

In the Fourth Report of the Republic of Croatia on the Implementation of the Framework Convention for the Protection of National Minorities, all local and regional self-government units were listed which, in their Statutes, independently regulated equal and official use of language and script of national minorities living on their territory. The data show that numerous local and regional self-government units used this opportunity and allowed persons belonging to national minorities to use their language and script irrespective of the numerical threshold.

Furthermore, the Ministry of Public Administration will, in 2016 and 2017, implement the IPA TAIB 2012 Project " Support to effective execution of the Constitutional Law on the Rights of National Minorities", No. 2012-01-36-0101, and one of the objectives of the project is the comprehensive realization of the rights of national minorities in the Republic of Croatia and efficient execution of the Constitutional Law. The Project will establish and develop the e-system for monitoring execution of the Constitutional Law, and all local and regional self-government units will be allowed to register and monitor how the Constitutional law and the rights of the minorities are realized, including the right to language and script. The Project will facilitate monitoring of the execution of the Constitutional Law and the realisation of national minority rights on the local level, in addition, it will contribute to the public awareness raising, which includes the persons belonging to national minorities, on the protection of minority rights in the Republic of Croatia.

*Paragraph 61.*

Regarding the recommendation of the Advisory Committee referring to ensuring that the use of minority languages, including those of numerically smaller minorities, is actively encouraged, the Ministry of Public Administration will continue to carry out activities to establish equal official use of language and script both in the areas where legal requirements are met and in the communities where it is regulated by the Statutes of the local self-government units, in order to reach full

application of the Law on the Use of Languages and Scripts of National Minorities and fulfilment of the obligations deriving from the Framework Convention.

## **Article 11 of the Framework Convention**

### **Minority languages on topographical signs and in identity documents**

#### *Paragraph 66.*

With respect to the urging of the Advisory Committee to the authorities to raise awareness amongst the public of Croatia's international and national legal obligations towards national minorities, and to promote close consultations among local authorities with representatives of minorities and the majority regarding the display of bilingual or trilingual signposts, it should be pointed out that all local self-government units where it was required by the Law, posted the signs on the State Administration buildings in the language and script of the national minority.

As for the civic initiative "Headquarters for the Defence of Croatian Vukovar", established in December 2013, and the referendum question: "Do you agree that the Article 12, paragraph 1 of the Constitutional Law on the Rights of National Minorities (Official Gazette, number 155/02, 47/10, 80/10 and 93/11) should state: "Equal use of the language and script of the persons belonging to national minorities is realised on the territory of a local self-government unit, state administration and judiciary, when the members of a national minority comprise at least a half of the population in the respective unit?", we state the following.

The Croatian Parliament, in order to determine if the referendum question was in accordance with the Constitution of the Republic of Croatia, submitted the question to the Constitutional Court of the Republic of Croatia, along with the collected signatures which were sufficient to initiate a referendum, or more than 10% of the total number of voters in the Republic of Croatia. The Constitutional Court of the Republic of Croatia, at the session held on August 12, 2014, passed the decision by which it determined that the referendum questions was unaligned with the Constitution of the Republic of Croatia, consequently, the referendum based on such a question could not be allowed.

The same Decision of the Constitutional Court determined:

- that the City Council of the City of Vukovar shall, in the period of one year from the decision issuance date in the Official Gazette, and led by Article 6 of the Law on official use of language and script of national minorities (Official Gazette number 51/00 i 56/00 – am.), and in spirit of the Article 8 of the Constitutional Law on the Rights of National Minorities (Official Gazette, number 155/02, 47/10 – Decision of CCRC, 80/10 and 93/11 – Decision of CCRC), in the Statute of the City of Vukovar, explicitly provide and regulate, for the entire territory or specific part or parts of the City of Vukovar, individual rights of persons belonging to national minorities to the official use of their language and script, as well as, for the public and legal obligations of the state and public authorities, based on the



provisions of the Act on official use of language and script of national minorities which they find suitable to the life facts and factual circumstances in the City of Vukovar, to the extent which does not impair the essence of these rights and, at the same time, respects the needs of the majority Croatian people caused by the remaining consequences of the Great Serbian aggression during the 90's of the 20th century and the need for just and proper treatment of the Serbian national minority in the City of Vukovar;

- that the Government of the Republic of Croatia is obligated, in the course of one year, to publish these decisions in the Official Gazette and to put into the parliamentary procedure the amendments of the Law on official use of language and script of national minorities that will establish proper legal mechanisms for cases when the representative bodies of the local self-government units do not fulfil their obligations deriving from the Law on official use of language and script of national minorities (Official Gazette, number 51/00 and 56/00 – am.) or obstruct its execution:

- that in the period before the amendments of the Law on use of language and script of national minorities the competent authorities shall not execute the law on the territory of the City of Vukovar coercively.

According to the decision of the Constitutional Court of the Republic of Croatia, the Government of the Republic of Croatia adopted the Draft of the Law on the Amendments of the Law on Local and Regional Self-government, containing the Draft of the final proposal of the Law on the Amendments of the Law on Use of Language and Script of National Minorities in the Republic of Croatia, containing the Draft of the final proposal of the Law which included provisions proposing adequate legal mechanisms for the cases when representative bodies of the local self-government representative bodies do not execute the obligations from the Law on official use of language and script of national minorities, or obstruct its implementation.

For the adoption of the Law on Amendments of the Law on Use of the Languages and Script of National Minorities in the Republic of Croatia the 2/3 parliamentary majority is required, which is extremely difficult to achieve, and the parliamentary discussion resulted with a decision to put the Law through the second parliamentary reading. In the meantime, due to the parliamentary elections, more than six months passed from the first reading and the second reading was not held and the procedure of the adoption of the Law was dismissed.

On August 27, 2015, the Ministry of Public Administration received a notification of the Serbian National Minority Council in the City of Vukovar of August 25, 2015, Number: 01-46/15, by which in accordance to the Article 32, paragraph 2 of the Constitutional Law , it informed the Ministry of Public Administration that the City Council of the City of Vukovar at a session held on August 17, 2015, passed the Statutory decision on the amendments of the Statute of the City of Vukovar and the Statutory decision on the realisation of the right to equal official use of language and script of the Serbian national minority, which the Council found contradictory to the Constitution of the Republic of Croatia, the Constitutional Law and the Law on Use of Languages and Script of National Minorities in the Republic of Croatia.

Given the fact that the Constitutional Court of the Republic of Croatia in the item III of the verdict and Item 32, line 3 of the reasoning of its judgement number: U-VIIR-4640/2014 decided that in the period before adoption of the amendments of the Law on use of language and script of national minorities in the Republic of Croatia ("Official Gazette", No. 51/00 and 56/00 – am.) competent state authorities shall not execute the respective law on the territory of the City of Vukovar coercively, in order to avoid possible actions of the Ministry contrary to the Decision of the Constitutional Court of the Republic of Croatia, the Ministry of Public Administration submitted to the Constitutional Court of the Republic of Croatia a request to provide directions and clarification of certain procedures being considered as "coercive measures".

The Constitutional Court of the Republic of Croatia in its response, of October 7, 2015, directed to the Ministry of Public Administration, indicated that the provisions of the statutory decision of August 17, 2015, was not in power, but will come into force on January 1, 2016. The amendments of the Statute of the City of Vukovar came into force on the January 1, 2016 and are currently in power.

With regards to the topographic signs and other visible "collective" rights regarding the use of language and script of the Serbian national minority, the respective statutory decisions stipulate that individual collective rights to language and script will be introduced gradually, and the obligation was established to conduct periodical analysis (every October) of the achieved level of understanding, solidarity, tolerance and dialogue between the citizens of Vukovar. Based on the periodical analysis, the City Council will decide on the possibility, or need to expand the scope of the rights and shall, annually or every second year the latest, adopt the annex to the statutory decision by which the previously agreed new rights will be recognised to the Serbian national minority in the City of Vukovar.

*Paragraph 67.*

As to the urging of the Advisory Committee to ensure that persons belonging to national minorities throughout Croatia are enabled and encouraged to enjoy their rights according to the national legislative framework without any negative consequences resulting from that choice, we stress that the state authorities and institutions of the Republic of Croatia, in the scope of their competence, continuously care about the execution of the Constitutional Law on the Rights of National Minorities, as well as the special laws providing for specific rights of the national minorities. By various measures and activities, the persons belonging to national minorities are informed of their rights and encouraged to express their national affiliation freely.

In addition, national affiliation of an individual, may not and should not present a barrier in the realisation of any rights guaranteed by the Constitution or the Law, and the prohibition of putting persons into disadvantageous position, based on their ethnic affiliation or national origin is stipulated by the Anti-Discrimination Act.

## Article 12 of the Framework Convention

### Equal access to education

#### *Paragraph 71.*

With respect to the recommendation of the Advisory Committee to develop a comprehensive strategy to ensure that Roma children have effective and equal access to education, through close co-ordination between the relevant central and local authorities and through the allocation of adequate resources, both human and financial, we note that, in 2015, in the area of education and upbringing a significant progress was achieved aiming at inclusion of children and pupils belonging to the Roma national minority in all levels of the educational system.

A significant increase in the number of children enrolled in preschool education/preparatory programmes was visible, which was part of the policy aiming at bridging the gap between their socio-economic status and the prospect for successful educational integration. Same as in the previous years, preschool education groups were organized for all Roma children, as a way to prepare them for the enrolment in the educational system, and especially in the communities with no possibility for integrated preschool education. The Ministry of Science, Education and Sports co-financed the parental share in the economic price of preschool education for children enrolled in integrated programmes, i.e. regular preschool education in mainstream kindergartens. In addition, a preschool preparatory programme was financed for the Roma national minority.

The State Budget funds were used to ensure the payroll of educators, didactic materials and food for the children. In cases where no space existed in preschool institutions the preschool preparatory programmes were organised in primary schools. The monitoring and evaluation of the objectives and task related to the inclusion of Roma children in the preschool preparatory programme was carried out in coordination with the schools and kindergartens.

Regarding the statement of the Advisory Committee that enrolment of all Roma children in the preschool should be considered a priority, we emphasise that this need has already been recognised as a priority, as well as the importance of the preschool education and the preschool preparatory programme for children belonging to the Roma national minority. Enrolment in the preschool is producing good results which strengthened the commitment of the Ministry to fulfil the obligation to organise preschool groups for all Roma children. Compared to the previous years, a clear increase in the number of children enrolled in the preschool education programmes was recorded. In the pedagogic year 2015/2016, 1,026 (513m, 513f) children were enrolled, whilst in 2014/2015, the preschool education/preparation was attended by 873 (442m, 431f) children.

The primary education enrolment levels have not changed significantly. In the school year 2014/2015, 5,411 (2750m, 2661f) pupils enrolled primary school, and in 2015/2016, 5,420 (2740f, 2680m). We note that the classrooms attended only by children belonging to the Roma national minority were formed in schools with a high percentage of Roma students. For example, in Međimurska County PS (primary school) Kuršanec 76%, PS Dr. Ivana Novaka Macinec 80,4%, PS Tomaša Goričanca Mala Subotica 42% (branch school Držimurec Strelec - 100% of Roma pupils), PS

Vladimira Nazora Pribislavec 61,2%. Lowering the number of Roma-only classes and the maintenance of a balanced ratio of Roma and non-Roma pupils depend on the school network and enrolment areas. In order to reach an optimal ratio of 30% of Roma and 70% of other students, space is needed, transportation and the transfer of staff and pupils to other schools, which requires joint efforts in ensuring adequate infrastructure.

The Ministry of Science, Education and Sports is aware that it needs to ensure and provide quality and inclusive education for children belonging to the Roma national minority and has been making continuous efforts in the realisation of that goal, having in mind the complexity and comprehensiveness of all the resources and engagement of all stakeholders needed for the achievement of defined objectives.

Furthermore, due to inadequate proficiency or lack of any knowledge of the Croatian language, for children belonging to the Roma national minority who attend the first grade of primary school, the Ministry of Science, Education and Sports ensured the employment of teacher assistants who belong to the Roma national minority and speak the local language. The Roma teacher assistants, together with the teacher, should assist the children to master school work and write their homework during the extended stay. According to the Article 43 Of the Act on Education and Upbringing in the Primary and Secondary Schools, the schools have a duty to provide special assistance to children who are entitled to schooling in the Republic of Croatia and do not speak Croatian language. For that purpose, the Ministry of Science, Education and Sports ensured the provision of additional Croatian language classes, i.e. pays early primary teachers and Croatian language teachers overtime for additional work with pupils belonging to the Roma national minority. It should be mentioned, that conferences were held for teachers of Croatian language, in order to equip them with basic inter-cultural competences for establishing adequate interaction and communication with persons of a different culture, adoption of inter-cultural attitudes, knowledge and skills - better understanding and respect of different cultures, mastering efficient behaviour with different cultures - inter-cultural sensitivity and development of personal knowledge and communication competences for working with children of different cultures.

Apart from the provision of additional assistance for mastering of Croatian language, in order to foster integration into regular schools, the Ministry of Science, Education and Sports, ensured extended stay for pupils belonging to the Roma national minority.

The extended stay is producing good results in education and upbringing of pupils belonging to the Roma national minority and it is extremely important as a prerequisite for successful primary school graduation, significant progress was achieved in the area of language learning, hygienic habits acquisition and socialisation. All the activities mentioned are extremely important for preventing drop out of pupils belonging to the Roma national minority, but also, for raising the awareness about the importance of education.

Apart from assistance programs for learning Croatian and the extended stay, for pupils belonging to the Roma national minority, field trips were financed, summer schools and school dorms.

Adult education programme for basic literacy and gaining first qualification continued in 2015. In total 1.326 beneficiaries participated, out of which 440 belonged to the Roma national minority, out of them, 421 went through basic literacy programme and 19 attended trainings for first qualification. Only adult education programmes which were financed publicly, were the programmes for finishing primary education and gaining the first qualification. This will continue in the future, and the goal is to increase the ratio of adults, belonging to the Roma national minority, who participate in basic literacy and training programmes which help them gain competences and become more competitive on the labour market. In 2015, the number of beneficiaries evidently increased.

*Paragraph 72.*

Regarding the recommendation of the Advisory Committee to comprehensively address the disproportionately frequent drop-outs experienced among Roma children, we emphasise the fact that increasing number of students, belonging to the Roma national minority enrol secondary education.

The number of students belonging to the Roma national minority who enrolled secondary education programmes in 2015/2016, was 746 (406 m, 340 f), compared to 682 (368 m, 314 f) in the school year 2014/2015 and 588 (327 m, 257 f) students in 2013/2014. The Ministry of Science, Education and Sports provided scholarships to all regular high school students belonging to the Roma national minority.

With regards to the recommendation to invest efforts for introducing the use of the first language of Roma in schools, in order to promote their understanding and development and improve their school achievement and inclusion, we note that in October 2015, the Ministry of Science, Education and Sports published a Public call for the candidates to become members of the Expert group for the creation of the draft Curriculum for language and culture preservation of the Roma national minority in primary and secondary schools of the Republic of Croatia (model C). In December 2015, the Minister of science education and sports issued a Decision on the appointment of the Expert work group for the development of the draft Curriculum for language and culture preservation of the Roma national minority in primary and secondary schools of the Republic of Croatia (model C), its publishing is planned in June 2016.

The objective of the work of the Expert group is to create the draft Curriculum for language and culture preservation of the Roma national minority in the Republic of Croatia (model C) that will contain certain aims, objectives and learning outcomes for this subject, content, learning and teaching principles, as well as the organisation of the learning process, assessment, grading and reporting.

The proposal of the Curriculum should entail all levels and types of education where the subject is taught. The Expert group for the creation of the draft Curriculum for language and culture preservation of the Roma national minority in primary and secondary schools of the Republic of Croatia (model C) and the work of its members is in direct function of the realisation of the measure 2.4.1 of the Chapter Early, preschool, primary school and secondary education and upbringing of the Strategy of education, science and technology.

To conclude, the activities were implemented in order to improve the access to quality education, including the education and care in early childhood, but also during the primary, secondary and university education, with special emphasis on dropout prevention and facilitation of school to employment transition. Since 2013, significant positive results were achieved in the area of education and upbringing of persons belonging to the Roma national minority, which is particularly evident in the preschool education, and in the number of students enrolling secondary education. This indicates that a sustainable educational policy is in place, which is extremely important for preventing drop out of pupils belonging to the Roma national minority, but also, for raising awareness about the importance of education.

### **Textbooks, teacher training and inter-cultural education**

#### *Paragraph 75.*

Regarding the recommendation which calls for awareness raising on minority rights, in general education as an integral part of human rights, and to ensure that curricula and textbooks adequately reflect the diversity of Croatian society, we state the following.

On the problem of textbooks in the language and script of national minorities, we report that the implementation of the curricular reform will encourage the creation of new textbooks for teaching in the languages and scripts of national minorities. The Ministry of Science, Education and Sport continuously attends to the needs of pupils who belong to national minorities and are taught in their language and script, and in 2015, for the cost of the students attending primary and secondary schools in language and script, paid a total of 1.171.713,00 kunas out of which 1.097.143,61 kunas for financing textbooks and additional teaching materials for students who were taught in Serbian language and Cyrillic script and 74.558,39 kunas for textbooks and additional teaching materials for pupils who were taught in Italian language.

Regarding the enhancement of the curricula for students who belong to national minorities, in December 2015, a Public call for candidates for membership in expert work groups for the creation of the draft curricula of the subjects for national minorities which are educated according to the model A and model C.

For the purpose of the Comprehensive Curricular Reform, according to the aim 2 Early and preschool, primary school and secondary education of the Strategy of education, science and technology, the Minister of science, education and sports, based on the proposal of the Expert work group for the implementation of the Comprehensive Curricular Reform, issued Public calls for the candidates for membership in the expert work groups for the creation of the draft:

- 1 Curriculum for Check language for primary and secondary schools with classes held in Check language and script (Model A).
- 2 Curriculum for the Hungarian language for primary and secondary schools with classes held in Hungarian language and script (Model A).

- 3 Curriculum for the Serbian language for primary and secondary schools with classes held in Serbian language and script (Model A).
- 4 Curriculum for the Italian language for primary and secondary schools with classes held in Italian language and script (Model A).
- 5 Curriculum of the subject Check language and culture preservation in primary and secondary schools in the Republic of Croatia (Model C).
- 6 Curriculum of the subject Hungarian language and culture preservation in primary and secondary schools in the Republic of Croatia (Model C).
- 7 Curriculum of the subject Serbian language and culture preservation in primary and secondary schools in the Republic of Croatia (Model C).
- 8 Curriculum of the subject Italian language and culture preservation in primary and secondary schools in the Republic of Croatia (Model C).
- 9 Curriculum of the subject Language and culture preservation of the Roma national minority in primary and secondary schools in the Republic of Croatia (Model C).

*Paragraph 76.*

Regarding the recommendation that it should be ensured that teachers and school staff are effectively trained to accommodate diversity in the classroom and promote inter-cultural respect and understanding throughout the education system, we highlight that according to the provision of the Article 10 of the Act on Education and Upbringing in the Language and Script of National Minorities, the classes in the educational institutions are held primarily by teachers who, themselves, belong to national minorities and the ones who fully mastered the minority language.

Based on the requests from schools, the Ministry of Science, Education and Sport approves employment of teachers and expert advisers for teaching classes in the languages and scripts of national minorities and ensures funds for their salaries. The professional training for teachers who teach in languages and scripts of national minorities is continuously provided, and the professional development of all teachers is under the competence of the Education and Teacher Training Agency. In the area of preschool, primary and secondary education and upbringing, among other tasks, the Agency organised and conducted professional training for educators and provides expert assistance and instructions for educators. The funds for these trainings were ensured by the cooperation between the Education and Teacher Training Agency, the Ministry of Science, Education and Sport and the school founders who reimburse the training costs to schools.

## **Article 14 of the Framework Convention**

### **Instruction in and of minority languages**

#### *Paragraph 80.*

Regarding the recommendation of the Advisory Committee which calls on the authorities to closely consult with national minority representatives on all questions related to the administration and organisation of minority language schooling, and to ensure that the rights of persons belonging to national minorities to be taught in their own language and script are evenly implemented throughout the country, including for languages spoken by the Roma, we find that in the area of education and upbringing in the language and script of national minorities, according to all existing models (A,B and C), the Republic of Croatia reached a high level of the application of the Constitutional Law on the Rights of National Minorities.

Education and upbringing in the language and script of national minorities is an integral part of the educational system and upbringing and the fundamental educational policy documents apply to this segment of the educational system as well. The education and upbringing in the language and script of national minorities is carried out in primary and secondary schools with classes in minority language and script, under the conditions provided by a special programme on education and upbringing in the language and script of national minorities, issued by the competent Ministry.

In the school year 2015/2016, the national minorities expressed a higher interest for the model C in primary schools, the additional subject "Language and culture preservation", which is taught two to five school hours weekly, after regular classes which are held in Croatian language, and encompasses language and literature of the national minority, geography, history, music and arts. Thus, an increase of the number of students in these classes was recorded, additional 157 pupils attended, compared to the previous school year.

In order to preserve ethnic, cultural and linguistic identity of the pupils who belong to national minorities, another special form of teaching was continuously co-financed, the so-called "summer schools", with an objective to assist the pupils who attend them to gain knowledge and skills outside of the regular educational system, according to their interests and capabilities.

The summer schools, organised by minority associations, were attended by all the students who, due to justified reasons (distance from school) could not attend the existing models of education in the language and script of national minorities.

Regarding the concern expressed about the quality of minority education "as a result of the lack of an adopted curriculum and appropriate textbooks" we note that the Drafts of Curricula for the national minorities who are educated in the language and script of national minorities Model A (Check, Hungarian, Serbian and Italian) and model C (Check, Roma, Serbian and Italian) present a significant step forward towards the integration of minority education in the comprehensive curricular reform which marked the beginning of the Strategy of education, science and technology implementation in the Republic of Croatia.



To conclude, the Republic of Croatia and the Ministry of Science, Education and Sports fully and continuously fulfils all its obligations towards the students who belong to national minorities, according to the Act on Education and Upbringing in the Language and Script of National Minorities (Official Gazette, number 51/00 and 56/00), and thus, achieved the highest standards of the most developed educational systems.

*Paragraph 81.*

On the proposal for considering introduction of the bi- and multilingual teaching methodologies to improve the quality of language teaching at all schools and to facilitate the accommodation of high-quality learning of different languages in integrated education environments, in particular in areas where lower numbers of students may prompt mergers, we emphasize that in Croatia, the representatives of national minorities are the ones who suggest and select the model and the programme of education, according to the currently valid legislation and their capacity to realise the programme, we also, reiterate that all models and forms of education are part of the regular educational system of the Republic of Croatia.

**Article 15 of the Framework Convention**

**Representation in elected bodies and participation in decision-making**

*Paragraph 86.*

Regarding the recommendation of the Advisory Committee to ensure that all persons belonging to national minorities have an effective opportunity and are encouraged to participate in overall political decision-making processes as integral members of Croatian society, the Ministry of Public Administration points out that, since 1991 until today, the persons belonging to national minorities have continuously enjoyed the right to a legally guaranteed number of representatives in the Croatian Parliament.

Since the proportional representation system was introduced, and the current electoral legislation was put into force in 1999, all five electoral procedures for the members of the Croatian parliament, places for the representatives of national minorities in the Croatian parliament were reserved according to the Law and special electoral rules which applied to the voters and candidates belonging to national minorities within a separate electorate for minorities. The members of national minorities enjoyed the right to representation in the Croatian Parliament. The elections for members of parliament were based on the "either" "or" principle. The voters who belong to national minorities could, by expression of free will, choose who will they vote for and under which capacity, either as Croatian citizens, irrespective of their ethnic affiliation, according to the general and equal voting rights in general electoral units or as persons belonging to national minorities for members of parliament within a separate electorate unit. The right to choose, for voters who belong to national minorities, does not impact the position and the number of members of parliament reserved for the representatives of national minorities in the Croatian Parliament. If the voters who belong to national minorities chose to vote based on their general and equal voting rights as citizens

of Republic of Croatia in general election units and not as members of national minorities for representatives of national minorities in the special election unit, their choice does not impact the guaranteed numbers of representatives of the national minorities in the Croatian Parliament because this number does not depend on the number of votes gained during the elections. The elected national minority members of the parliament, elected within the separate electorate, have equal rights and are equal to all other members of parliament.

*Paragraph 87.*

Regarding the recommendation of the Committee asking for increased participation of national minorities including women and youth voters at local level, by ensuring encouragement for their active participation on local elections we stress the following.

With regards to the representation at the local level, we reiterate the fact, already mentioned in the Fourth report of the Republic of Croatia on the Implementation of the Framework Convention for the Protection of National Minorities, that during the regular elections held in May 2013, deputies of municipal mayors, city mayors or County prefects belonging to national minorities were elected and that necessary representation of national minorities was achieved in all local and regional self-governments units in which the national minority members held a right to representation, according to the Law. The elected deputies belonging to national minorities have the same rights and competences and obligations as other elected deputies. The competences are symbolical for all deputies, since the law stipulates that the executive body of the local and regional self-government is the municipality Mayor, city Mayor and the County Prefect. The national minorities were also, fully represented in the representative bodies and the local elections, held in 2013, were the first local elections which resulted with full minority representation on the local level.

Regarding the part of the recommendation referring to the relevant legislation for the election of Councils and representatives of national minorities in local self-government units and assurance that it results with effective participation of elected representatives in the decision making process on the local level, the following is noted.

The members of national minority councils and representatives of national minorities, are elected directly by secret voting to a mandate of four years. The Act on the Election of Members of Representative Bodies of Units of Local and Regional Self-government (Official Gazette, number 33/01, 10/02, 155/02, 45/03, 43/04, 40/05, 44/05 – consolidated text, 109/2007, 24/2011 and 144/12) provides the procedure and other issues linked to their election. The members of the councils and representatives of national minorities are elected within the majority electoral system in which the entire territory of a municipality or a city, County, or the city of Zagreb is an electoral unit. Candidates who win a relative majority of all the voters who voted are elected as members of Councils or representatives. From the beginning, the elections for the members of councils and representatives of national minorities were marked by weak voter turnout of voters who belong to national minorities and enjoy voting rights at such elections. This will be addressed by the new act that will regulate the elections of the members of the national minority councils and representatives of national minorities.

The need for the special election law was recognised upon the adoption of the Law on Local Elections (Official Gazette, number 144/12) which stipulates that the procedure of selecting members of national minority councils and representatives of the national minorities, elected in the units according to the provisions of the Constitutional Law on the Rights of National Minorities will be regulated by a special law, until that occurs the provisions of the Law on the Election of the Representative Bodies of Local and Regional Self-Government Units (Official Gazette, number 33/01, 10/02, 155/02, 45/03, 43/04, 40/05, 44/05, 109/07 and 24/11) referring to the elections for the members of national minority councils and representatives of national minorities in the units and the provisions on the election of members of representative bodies shall apply to the elections for the members of the national minority councils and national minority representatives.

In May 2015, the elections were held according to the provisions of the Law which remained in force and no objections were made regarding the election procedure and no procedures were initiated before the Constitutional Court of the Republic of Croatia to oppose the election procedure, and thus, apprehension regarding the legality of the elections is not well-founded. The Ministry of Public Administration agrees that it is necessary to regulate the electoral procedure for the members of national minority councils and representatives of national minorities separately.

### **Representation in civil service and administration**

#### *Paragraph 91.*

Regarding the recommendation requiring from the authorities to prioritise the recruitment of persons belonging to national minorities, including women, into public service at central and local level. we stress the fact that due to economic situation in the Republic of Croatia, in the several previous years, the general employment capacity declined, including the possibility of employment in the state administration bodies, which affected the persons belonging to national minorities as well.

Regarding the representation in civil service and administration, the Ministry of Public Administration notes that, by December 21, 2015, in the state administration bodies, expert services and offices of the Government of Croatia, a total of 50,375 civil servants and staff was employed, out of which 28,758 women and 21,617 men and 1713, or 3,40% persons belonging to national minorities. The Plan of acceptance in the civil service in the state administration bodies, expert services and offices of the Government of the Republic of Croatia for 2015, was adopted on March 11, 2015. (Official Gazette, number 31/15) and later on amended on May 7, 2015. Official Gazette, number 52/15) This plan forecasts employment of 89 persons belonging to national minorities in the civil service. The data on persons belonging to national minorities, who expressed their affiliation, are continuously recorded in the Registry of employees in the public sector, the data is entered by the state bodies for their employees.

We note that in 2015, the aforementioned Decision on the prohibition of employment of civil servants and staff in state administration bodies, expert services and offices of the Government of Croatia was in force. According to this Decision, employment in the civil service was allowed only exceptionally, if regular operation was impaired, either by transfer of existing civil servants,

according to the plan of acceptance and available funds and only for the positions which became vacant due to retirement or replacement of absent servants. The prohibition does not apply to employment of civil servants needed for fulfilling obligations to the European union, according to the plan of acceptance and available funds. This Decision was made even more strict by the application of the clause 2 for 1 (one new employee for 2 who left). All this impacted the possibility of employment of persons belonging to national minorities.

All state bodies are obliged to publish job competitions on their web page and the web page of the Ministry of Public Administration. The Ministry of Public Administration continuously informs all interested citizens (by responding to phone calls, via web page) about the right of persons belonging to national minorities to the preferential treatment for employment according to the provision of the Article 22, paragraph 2 of the Constitutional Law, with no obligation for providing evidence of national affiliation and instructs the state bodies of their obligation to carry out this procedure during the employment process.

### **Effective participation in socio-economic life**

#### *Paragraph 95.*

The Advisory Committee urges the authorities to prioritise the revitalisation of marginalised areas where persons belonging to national minorities reside in terms of basic infrastructure, utilities, transport, and employment opportunities. Regular access to health and other basic facilities must be provided, in particular to areas where the population is predominantly elderly.

According to the information provided by the State Bureau of Statistics, almost half of the population of Republic of Croatia lives in rural and transitional areas, approximately two million citizens were exposed to the risks of their human rights being breached due to their living outside of urban areas. In these rural areas national minorities live in a small percentage.

Inadequate healthcare and social services, remoteness of institutions, poorly equipped schools, inadequate public transportation network and the lack of adequate employment opportunities, consist merely a part of the problems these citizens face, the vulnerable groups are especially endangered: the elderly, women, children and persons with disabilities.

With the aim to raise awareness about the daily problems of the rural dwellers, the Ombudsperson's Office, in cooperation with the Ombudsperson for gender equality, the Ombudsperson for children and the Ombudsperson for persons with disabilities, organised a conference on the realisation of human rights in rural areas, the conference was held in the Croatian parliament, at the end of 2015.

The Focus of the first panel was Accessibility of social and communal services in rural area, was on the lack of access to basic services in the rural areas, such as electricity, water and public transportation, which primarily strikes elderly persons who feel socially excluded in addition to being deprived from these services. The second panel focused on the Position of women in rural areas and the third panel on the Access to preschool education and healthcare services for children

which showed that growing up in rural areas, on islands or in any other isolated area far away from urban centres is marked with a series of specific problems and regularly includes lower access to certain child care services, children living in poverty, Roma children and children with developmental difficulties and other vulnerable groups are specially affected. The focus of the last panel was on the Access to buildings and transportation.

As for the employment opportunities, particularly for the Roma national minority, the most frequently used measure was of the public works programme, while other measures for supporting employment or self-employment of persons belonging to the Roma national minority were less used. For example, the measure of co-financing employment of Roma, available in five Counties, was not used in Brodsko-Posavska County at all, and in all other counties between one and three persons were employed. In entire Croatia, co-financing of self-employment was used by 18 Roma.

*Paragraph 96.*

Regarding the recommendation of the Committee to prioritise the identification of prompt and suitable solutions to the dire housing conditions of the many Roma living in illegal settlements through comprehensive approaches aimed at overcoming existing patterns of marginalisation and exclusion, we highlight that in some Roma settlements a visible progress was achieved in the previous years in development of infrastructure, mainly by creating asphalt roads, waterworks and public lighting network. However, in places where a communal-infrastructure network exists, the possibility for legal connections to the grid depend on the legal status of the buildings, but also, of the capacity to pay for the costs of connection. Among different Roma communities the situation differs, both by the status of property rights of the housing units and by the possibility of legalisation, which affects the possibility for connecting to the existing infrastructure.

The legalisation of buildings and infrastructure investments which improve access to communal and social infrastructure to the persons belonging to the Roma national minority, the improvement of housing conditions through housing care programmes, remains the top priority. According to the competence of local self-government units, special attention will be paid to introduce activities of creating appropriate framework for supporting local self-government units in the Action plan. Positive examples of such interventions exist on the national level, in the activities of the Office for Human Rights and Rights of National Minorities and APN (in Baranja) and on the local level (housing care in municipality Hlebine in Koprivničko-Križevačka County and Darda municipality, Osječko-Baranjska County).

Added value of the comprehensive approach lies in the interventions already mentioned of the Operational Programme Competitiveness and Cohesion, 2014-2020, and in the Operational Programme Effective human potentials, 2014-2020.

Solving of many problems, to a large extent, depends on the activities of local and regional authorities and their coordination with the central government bodies. The local self-government units are responsible for creating physical plans as prerequisite for the legalisation of illegal buildings and for reconstruction and infrastructure installation in the areas where Roma settlements are located.

Regarding the housing, on October 7, a thematic session was held of the Committee for Monitoring Implementation of the National Roma Integration Strategy, for the period 2013-2020, the Committee urged the local self-government units to act according to the measures of the Action plan for the implementation of the Strategy, 2013-2015, and to try to find ways and funds for improvement of housing and general living conditions of Roma.

At this session, the Ministry of Construction and Physical Planning reported that, based on the requests of local self-government units, it continued financing the creation of physical plans for the locations populated by Roma for the purpose of integrating these locations in the existing villages, and for the purpose of recovery of such locations and the improvements of conditions, by installing lacking communal infrastructure and creating a network of public surfaces at these locations.

In agreement with the local self-government units and competent administration bodies, the Ministry continued providing financial assistance to the Roma population for the legalisation of their illicit buildings, by ensuring funds and preparing and implementation of open public procurement procedures for the creation of geodetic and architectural photos of the situation, which are a costly, but obligatory part of the documentation needed for adopting the decision on derived status. The funds acquired from the fees collected for keeping illicit buildings in place, will be used for recovery of the space devastated by illicit construction and lacking communal infrastructure.

## **Article 16 of the Framework Convention**

### **Sustainability of return**

#### *Paragraph 98.*

Regarding the promotion of the sustainability of minority return by ensuring that returnees are enabled to re-establish a dignified life, we note that in 2015, acceleration of the case turn-over rate was recorded for returnee status requests and returnee compensation payment. Regarding the status procedure, the appeals against the first instance decisions are resolved promptly, which is encouraging.

It is important to emphasise that the information about evident decrease of number of organised housing beneficiaries was highly impacted by the closing of the Strmica reception centre, near Knin, and in 2016, other objects are planned for closure as well. On December 21, 2015, a total of 346 organised housing beneficiaries were recorded, 76 less than in previous year.

When addressing this issue, objective circumstances should be taken into account, such as, (non)residence of the owners in the Republic of Croatia, and difficulties linked to the process of return, housing programme realisation in the area of special state concern or reconstruction of houses damaged in the war. Although the land owners should fulfil their obligations, the competent authorities should, at least in the areas of special state concern, keep in mind the social sustainability and be sensitive to the difficulties which often present a barrier to the returnees-owners of agricultural land.

Regarding the settlements with the owners of occupied private property, who cannot regain possession, or whose property was devastated, and who must pay compensation to temporary users on account of their investments, in 2015, four settlements were made in which the Republic of Croatia took over the payment of unpaid compensation obligations and the court fees. Additional six settlements are in the procedure, and plan to be resolved in 2016.

## **Article 18 of the Framework Convention**

### *Paragraph 100.*

Regarding the call on the authorities to maintain a spirit of good neighbourly relations and promote close co-operation within the region on a variety of issues pertaining to minority protection, not limited to education and culture, we highlight that Republic of Croatia, apart from numerous bilateral agreements on cultural cooperation, signed in the previous reporting period, continued to pay attention to the implementation of bilateral agreements on the protection of rights of national minorities, which were signed with Montenegro, Italy, Hungary, Macedonia and Serbia. In order to monitor these agreements and propose appropriate recommendations to the governments who are parties of such agreements with Hungary, Macedonia, Serbia and Montenegro, Intergovernmental joint committees were established, which discuss current issues of interest regarding national minorities in the Republic of Croatia and the Croatian minority in the listed states.

At the end of 2014, a session of the Intergovernmental joint committee for the implementation of the Agreement between the Republic of Croatia and the Republic of Hungary was held on the protection of the Hungarian minority in Croatia and the Croatian minority in the Republic of Hungary, when, among other things, a possible broadening of intergovernmental cooperation in the financial perspective of European Union 2014-2020 was discussed. The importance of the Hungarian-Croatian cooperation for energy security of the region was confirmed and the willingness for additional strengthening of cooperation within the regional forums that hold a significant role in the enlargement process in the context of the EU Strategy for the Danube Region.

According to the Agreement between the Government of Republic of Croatia and Government of the Republic of Macedonia on the protection of the rights of Croatian minority in the Republic of Macedonia and the Macedonian minority in the Republic of Croatia, the Intergovernmental joint committee was established with a task to monitor implementation and propose measures for improving the status of national minorities in both countries.

The task of the Joint committee for the implementation of the Agreement on the protection of rights of the Croatian minority in Serbia and the Serbian minority in the Republic of Croatia, which was ratified by both states in 2005, is to monitor implementation and propose measures for improving the status of national minorities in both countries.

Croatian-Montenegrin Intergovernmental joint committee for minorities was established based on the Agreement between the Republic of Croatia and Montenegro on the protection of rights of the Croatian Minority in Montenegro and the Montenegrin minority in the Republic of Croatia, held its first session on April 28, 2015 in Podgorica.

Bilateral relations between Croatia and Italy are continuously improving in the past several years, and the matter of the status of minorities, both Italian in Croatia and Croatian in Italy is an important segment of these relations.

In the previous period the Republic of Croatia signed several cooperation programmes in the area of education, among others, with Romania and Slovakia.

The Republic of Croatia maintains good relations with the countries in its environment, supports the enlargement process of the European Union and helps the transition processes in the region by sharing its experiences, and remains open for the possibility of expanding and strengthening bilateral cooperation regarding all issues related to national minorities.



## CHAPTER 3

### CONCLUSION

#### Recommendations for immediate action

- **Prioritise attention to minority rights as an integral part of human rights in the government agenda and develop, in close consultation with minority representatives, effective mechanisms to ensure that persons belonging to national minorities can enjoy their rights without negative consequences resulting from that choice**

In the previous period, the Government of the Republic of Croatia adopted several important strategic documents in the area of human rights, among them was the aforementioned National programme for protection and promotion of human rights, adopted for a three-year period from 2013-2016.

In addition, in 2015, the development of the new National plan for combating discrimination started for the period 2015-2020, this process was supported by the EU Progress Programme, through a joint project of the Office for Human Rights and Rights of National minorities and the Ombudsperson's office, described in detail in the Chapter 2 in relation to the Article 4 of the Convention (paragraph 21), regarding the legal and institutional framework for promoting equal access to the realisation of rights of persons belonging to national minorities,

- **Systematically and promptly condemn all instances of nationalist and anti-minority rhetoric in the public and political discourse and the media, and ensure that all cases of hate crime and hate speech are effectively investigated and sanctioned;**

Regarding the measures taken to prevent, investigate and prosecute the perpetrators of offences motivated by hatred, it should be noted that competent organisational units of the Police Directorate continue to, within their scope of work, carry out activities of monitoring and analysis of any events which include elements of national or religious hatred and intolerance. Based on the performed analysis, vulnerable groups were identified and, in cooperation with the vulnerable groups, a joint implementation of measures was organised, focusing on the prevention and combat against hate crime. Systematic education of police officers continues, on the national and international level, in the area of protecting human rights, rights of minorities, vulnerable groups and hate crime.

Compared to 2014, when 14 criminal offences were recorded of hate crime, in 2015, a 63% increase of such offences was recorded, this is a direct result of numerous prevention measures focused on raising citizen awareness on the importance of hate crime and reporting, and especially of the identification of the most vulnerable groups to hate crime and targeted measures developed in cooperation with such groups contributed to these results.

Regarding the media, the Article 12 of the Electronic Media Act (Official Gazette, number 153/09, 84/11, 94/13, 136/13) stipulates that in audio and/or audio-visual services it is not allowed to incite, encourage or spread hatred or discrimination on the grounds of race or ethnic affiliation or colour of

skin, gender, language, religion, political or other conviction, national or social origin, property status, union membership, education, social position, marital or family status, age, health status, disability, genetic heritage, gender identity, expression or sexual orientation, as well as anti-Semitism and xenophobia, ideas of fascist, nationalistic, communist and other totalitarian regimes.

In 2015, the Agency for Electronic Media, dealt with a total of 29 cases in which it decided on the breach of the Article 12, paragraph 2 of the aforementioned Act (prohibition of incitement and spreading of hatred and discrimination). Out of the total number of cases, 20 were related to the providers of electronic publications, six to television broadcasters and three to radio broadcasters. Upon finalisation of the procedures, the Council for Electronic Media identified a total of 9 cases in which the aforementioned provisions of the Act were breached, and issued four warnings and four reprimands and two cases were forwarded to the State Attorney's Office to determine if elements of criminal offences existed. In the remaining cases no liability was found of media service providers on account of breaching Article 12, paragraph 2 and 26 and paragraph 1 of the Act.

- **Prioritise the development and revitalisation of marginalised areas that are mainly inhabited by especially disadvantaged persons belonging to national minorities, in particular returnees and Roma, through targeted investments in infrastructure and employment opportunities**

The development and revitalisation of the areas predominantly populated by national minorities will be addressed, among other things, by integrated pilot interventions planned by combined use of the ERDF and ESF in five cities, and in Baranja the target group includes persons belonging to the Roma national minority. The interventions will be linked to the Operational Programme Competitiveness and Cohesion, 2014-2020, and the Operational Programme Efficient Human Resources, 2014-2020.

The Ministry of Regional Development and EU funds passed, on February 18, 2015, the Decision on the pilot areas for the implementation of the Programme of integrated physical, economic and social revitalisation of small towns in war torn areas, and the selection procedure for the pilot areas was conducted according to the following criteria: index of multiple deprivation, size of the city expressed in the number of the population (from 10,000 to 35,000 residents) and the status of being occupied during the aggression against the Republic of Croatia, the obligation to select one area with a significant Roma minority population was met. The pilot area of Beli Manastir was extended to Darda municipality to include the significant Roma population.