



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

COUNCIL OF EUROPE



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Report of the Follow-Up Dialogue meeting on the Fifth Opinion of the Advisory Committee on Croatia and the Committee of Ministers' Resolution CM/ResCMN(2022)2

Document prepared by the Secretariat and approved by Marie B. Hagsgård, former President of the Advisory Committee and former member in respect of Sweden, and by the Government Office for Human Rights and the Rights of National Minorities of the Republic of Croatia

Introduction

Croatia ratified the Framework Convention for the Protection of National Minorities (FCNM) on 11 October 1997 and applies it to 22 recognised national minorities: Albanians, Austrians, Bosniaks, Bulgarians, Czechs, Germans, Hungarians, Italians, Jews, Macedonians, Montenegrins, Poles, Roma, Romanians, Russians, Rusyns, Serbs, Slovaks, Slovenians, Turks, Ukrainians and Vlachs.

The [Fifth Opinion](#) on the implementation of the Framework Convention for the Protection of National Minorities by Croatia was adopted by the Advisory Committee on 1 February 2021 and published on 10 June 2021.¹ [Resolution CM/ResCMN\(2022\)2 on the implementation of the Framework Convention by Croatia](#) was adopted by the Council of Europe's Committee of Ministers on 23 February 2022.

Objective

A follow-up meeting was organised by the Croatian authorities in Zagreb, in the Croatian Parliament (*Sabor*), on 23 May 2022. This follow-up meeting gave representatives of the authorities, the Ombudsperson and representatives of national minorities, including members of the Council for National Minorities and members of parliament belonging to national minorities, the opportunity to discuss current and future implementation of the recommendations for immediate action and further recommendations contained in the Committee of Ministers' [Resolution](#).

Participants, programme and opening session

The follow-up meeting was organised with physical presence of participants. About 40 of them were present, including 18 representatives of 14 national minorities, namely the Albanian, Bosniak, Bulgarian, German, Italian, Jewish, Macedonian, Polish, Roma, Ruthenian, Serb, Slovak, Slovenian and Ukrainian national minorities, some of them being also member of the Council for National Minorities or minority MPs (see the full list of participants in appendix 1). The Ombudsperson and her deputy were also present.

An annotated programme (see appendix 2) was prepared and agreed upon with the Croatian authorities. The full text of the Advisory Committee's Fifth Opinion was circulated in advance to participants, including its Croatian version translated by Croatian authorities. It was jointly agreed with the Croatian organisers to focus the discussion on the urgent and further recommendations contained in [Resolution CM/ResCMN\(2022\)2](#). The programme was thematically divided into three main sessions: a) Promoting inter-ethnic dialogue and self-identification as a minority, and combatting discrimination, hate crime, hate speech, anti-minority rhetoric and stereotypes, including in the media; b) Intercultural and inclusive education, use of minority languages and scripts, and display of topographical signs in minority language; and c) Effective participation and access to socio-economic opportunities.

The meeting was opened by Deputy Prime Minister, Anja Šimpraga, from the Serb national minority who had been recently appointed to this position, Bahrija Sejfić, Deputy Director of the Government Office for Human Rights and the Rights of National Minorities (GOHRRNM), and Romana Kuzmanić Oluić from the Ministry of Foreign Affairs. The Croatian speakers highlighted that the ratification of the Framework Convention had significantly contributed to the exercise of national minority rights in Croatia, and that the government would continue to uphold implementation of this internationally binding document. They recalled that Croatia is committed to respecting the fundamental human rights and freedoms, the rule of law and the protection of the rights of all of its citizens in compliance with the highest values of its own constitutional and international legal order. In addition, they underlined numerous bilateral agreements on the protection of rights of national minorities, which Croatia has concluded with other states, as important tools to the enhancement of the rights of national minorities.

¹ The summary of the Fifth Opinion was also published in Croatian on the [website of the Framework Convention](#).

Marie B. Hagsgård, then President of the Advisory Committee and elected member in respect of Sweden, expressed her gratitude to the Croatian authorities for their excellent co-operation during the monitoring process, not least for the fact that the visit could take place in spite of the start of the spreading of the Covid-19 pandemic in Europe. She also thanked the authorities for having accepted to organise the follow-up meeting before the end of her mandate as member and president of the Advisory Committee (31 May 2022) and to renew with the tradition to organise follow-up meetings.² She reminded participants that the Advisory Committee understands the monitoring of the Framework Convention as an open-ended process where each cycle builds on the previous one. As part of this process, follow-up meetings are strongly encouraged and regarded by the Advisory Committee as a platform for dialogue where the Advisory Committee can assist the authorities and representatives of national minorities and a multitude of other stakeholders in the state party concerned to find practical measures to implement the recommendations adopted by the Committee of Ministers. Follow-up meetings also give the opportunity to share good practices based on the Advisory Committee's work. They are also an opportunity for the authorities to report progress already achieved in the implementation of the recommendations and, for the Advisory Committee, to clarify its own adopted recommendations.

Antonija Petričušić, Advisory Committee member elected in respect of Croatia, also briefly introduced the Framework Convention's main principles and provisions, as well as its monitoring mechanism, for those participants, insisting on the recent reform and the introduction of a confidential dialogue before the final adoption of the opinion during which the authorities can present factual corrections or provide clarifications.

Main developments

Session 1: promoting inter-ethnic dialogue and self-identification as a minority and combatting discrimination, hate crime, hate speech, and anti-minority rhetoric, including in the media

Marie B. Hagsgård highlighted that the Advisory Committee acknowledges that Croatia is a culturally diverse country, which also hosts refugees, migrants and returnees, and is dealing with a post-conflict situation. In this context, the Advisory Committee feels of utmost importance that the Croatian authorities develop a comprehensive strategy to promote inter-ethnic dialogue and an inclusive society, as well as monitor and evaluate its impact, she said. The Advisory has taken note in its Fifth Opinion of positive examples of a reconciliation process taking place in Croatia since the summer of 2020 and B. Hagsgård encouraged the authorities to pursue in this direction.

She also underlined that based on feedback received from various interlocutors, the Advisory Committee drew the conclusion that the country's legislative framework for national minorities is overall in conformity with the provisions of the Framework Convention. However, discrimination towards persons belonging to certain groups persists in practice, notably vis-à-vis the Roma and Serb national minorities, including returnees. In addition to these two minorities, historical revisionism is also affecting the Jewish minority. The Advisory Committee noted an increase in anti-minority rhetoric, incidents of hate speech in the media and in political discourse, as well as the persistence of historical revisionism and sometimes racist violence which may have an overall negative impact on the enjoyment of minority rights, particularly in heavily affected post-conflict areas. It therefore called for additional measures to combat, condemn and sanction any form of hate speech and discrimination, including on social media. She further highlighted that representatives of national minorities were of the view that too often violence and hate speech are treated as misdemeanours and that the recruitment in the police of persons belonging to minorities, especially those more affected by hate crimes, could be further promoted.³

² Croatian authorities organised follow-up meetings after each monitoring cycle, except the fourth one.

³ In the Slovak Republic, with a view to improving relationship between the police and members of the Roma national minority, over 300 positions of senior community outreach officer under the jurisdiction of the district directorates of the Police Force was established in 2005 in several municipalities to act as contact points and perform preventive actions in "socially excluded Roma communities". In Spain, the practice, initially introduced in Catalonia, to have some police officers acting as focal points

The representative of the Ministry of Justice and Administration explained that alleged hate speech could be in some cases regarded as a criminal offence; if not, then such cases are handled at the level of misdemeanour courts. The GOHRRNM referred to media training organised every year, including with representatives of national minorities, to attempt to decrease instances of hate speech and stereotyping in the media and in the political discourse.

The president of the Council for National Minorities regretted a lack of opportunity to provide balanced public statements from national minorities' side when anti-rhetoric statements are made and a general lack of sanctions.

In order to increase the knowledge of national minorities among the majority population, as well as to promote inter-ethnic dialogue, the GOHRRNM asked that all national minorities would report to them when they have cultural events coming up in order for this Office to make these events wider known to the majority population.

As regards the presence of national minorities in the media, the president of the Council of National Minorities referred to discrepancies between the provisions contained in the agreement signed with the Croatian Radio Television (HRT) and the reality. He recalled that the share of programmes devoted to national minorities (0.5% of the total HRT programming) is lower than the share of national minorities within the Croatian population and that this ratio is constantly decreasing since 2019. Only three persons work in HRT for TV programmes on/for national minorities which is largely insufficient. He demanded that Croatian TV programmes about national minorities should be increased to improve the knowledge of the presence of the national minorities in Croatian society. He underlined that if the agreement, which has been signed with Croatian TV in order to increase the presence of national minorities in Croatian TV, is not implemented, sanctions should be imposed.⁴

At the meeting, materials produced by the Agency for Electronic Media for the training of journalists and editors in order to increase the presence of national minorities in the media were presented.

Concerning the possibility of free self-identification, the State Office for Statistics referred to increased communication with national minorities in view of the 2021 population census, particularly with Roma and Serb community leaders and members of parliament. This included training sessions on the digitalisation of the census process and the possibility to declare multiple affiliation. The census questionnaire was published in all 21 minority languages. Persons belonging to national minorities were recruited among census enumerators. From September to November 2021, the census was conducted through a digital format (e-citizens). An open-ended question on ethnic affiliation was included. Furthermore, the Statistical Office participates in meetings with Eurostat concerning the analysis of demographic census data, including the analysis of multiple ethnic affiliation, referring to a meeting to be held the week after in Luxembourg. The Statistical Office was recalled that in the 2011 census, only 40 persons had declared multiple ethnic affiliation.

Representatives from the Serb national minority acknowledged positive co-operation with the Statistical Office and appreciated campaigns prior to the census. Many persons belonging to the Serb national minority used the digital census declaration. Representatives of the Ruthenian and Ukrainian national minorities regretted, however, the lack of census enumerators among their respective national minority. Several minority representatives present expressed the fear that the census results may show a decrease in the total number of their respective minority, which then could impact access to some minority rights.

for Roma or migrants has now been applied throughout most of the Autonomous Communities. Furthermore, police forces are regularly trained with the involvement of Roma associations on human rights and non-discrimination. As a result, trust among Roma communities in Spanish police forces has increased.

⁴ No representative of the HRT was present at the follow-up meeting; however, in the comments on the Fifth Opinion, it was indicated that the recommendations of the Advisory Committee are in line with HRT leadership's intentions to create comprehensive and quality content intended for informing national minorities (see pp. 15-16 of the government's comments).

Concluding this session, Marie B. Hagsgård encouraged the Croatian authorities to:

- follow-up that the agreement signed with the Croatian Radio and Television (HRT) of an increased presence of national minorities in programming is implemented and follow up its effects, such as an improved knowledge among the majority population of the national minorities in Croatian society,
- contact representatives of all national minorities in order to encourage them to provide information about cultural events in coming up and make these events wider known among the majority population,
- take renewed action in order to fight and sanction anti-minority rhetoric and historical revisionism,
- monitor the results of the census both concerning the number of persons who have self-identified with a multiple affiliation and concerning the effect of filling in forms online in order to see if the changes introduced in the last census has helped persons belonging to national minorities to freely self-identify.

Marie B. Hagsgård also encouraged the State Office for Statistics to look at the practices of other States Parties to the Framework Convention which have introduced multiple affiliation and their interpretation of census results in this respect.⁵ She further highlighted that in countries like Croatia with a diverse population, where a number of minority rights are based on census results, and with ageing or decreasing minority groups, it is all the more important to provide the possibility to declare multiple affiliation and to count as well those who declare a national minority affiliation as a second choice in the census to ensure that the legal system of minority protection remains meaningful in practice.

Session 2 on intercultural and inclusive education, use of minority languages and scripts, and display of topographical signs in minority language

When introducing this session, Marie B. Hagsgård underlined that the Advisory Committee is of the view that the existing thresholds to access some minority rights, including the use of language and script of national minorities in local self-governments, are too high and to the disadvantage of numerically smaller national minorities. The Advisory Committee's view is that the international and national legal requirements to display street names and indications on public buildings in minority languages and scripts should be systematically observed and applied by all local authorities as a good way of showing the multicultural society of Croatia. The practices in terms of displaying street names in various languages in Rijeka and of promoting ethnic diversity at local level in Osijek were quoted as a possible source of inspiration.

Marie B. Hagsgård also reminded participants that the Advisory Committee has recommended developing intercultural education in all schools and for all students, as well as the teaching of national minorities' history, culture and contribution to the Croatian society as a whole. The Advisory Committee has also urged the authorities to promote inclusive and quality education, combat school segregation and further reduce school absenteeism and early drop-out among Roma children. In this sense, it made a suggestion to conduct independent research on the impact of external and internal root causes for school dropouts in the transition from primary to secondary education, including early marriages. On a positive note, the Advisory Committee welcomed the newly designed school curricula for both Romani and Boyash Romanian-speaking pupils.

The authorities informed participants that the current research on the content of textbooks used in Croatian schools in order to increase the knowledge about national minorities will be discussed and used as a basis for a new curriculum for the teaching about national minorities in Croatian schools.

The Ministry of Education and Science indicated that it adopted in September 2019 new curricula for the Serbian language (models A and C). The budget allocated for students belonging to national minorities, as well as for the continuation of professional support for all educators teaching the language and script of

⁵ Poland was mentioned as a good practice in terms of allowing multiple affiliation in census and in the way census results are presented. As an example: "In the Polish Census of 2011, 11,000 people declared Lemko nationality, of whom 6,000 declared only Lemko nationality, 4,000 declared double national identity – Lemko-Polish, and 1,000 declared Lemko identity together with a non-Polish identity."

national minorities increased. The ministry also sent a recommendation to the Vukovar-Sirmium county regarding founding rights to put the issue of school re-registration on the agenda. Furthermore, the government had included this issue in the Operational Programmes of National Minorities for the period from 2021-2024. Progress was made in schools of the Vukovar-Sirmium county where classes are taught in Serbian and Cyrillic script. These classes are subject to re-registration by acceptance of the founder of their statute according to which the classes are conducted in Serbian language and Cyrillic script. Both aspects of transfer of founding rights and re-registration rights are addressed at meetings of the Intergovernmental Joint Committee of the Republic of Croatia and the Republic of Serbia.

Representatives of national minorities, and in particular, from the Serb national minority, acknowledged progress in the field of education and some of the concerns addressed during the fifth-cycle monitoring visit have been followed-up. They reiterated, however, their regrets about the lack of developments in the display of signs in Serbian and Cyrillic script in Vukovar, indicating that authorities are probably passively waiting the results of the census, which might show that the total number of Serbs residing in this municipality no longer meets the quota necessary to access those rights.⁶ The Ministry of Education and Science acknowledged that the use of new school curricula in Romani and Boyash Romanian need to be further promoted among teachers who might require further training. Solving the lack of school staff able to speak these languages was also mentioned as a priority.

Concluding this session, Marie B. Hagsgård, once again invited the authorities to:

- increase the teaching of history of national minorities, their respective languages and cultures, to all students, independently from the school system in place and to use the current research on the content of textbooks on national minorities used in Croatian schools as a basis for a new curriculum for teaching all students about national minorities in Croatian schools,
- reinforce cohesion of society and promote inter-ethnic reconciliation, highlighting in this respect several relevant recommendations adopted by the Committee of Ministers.⁷

Session 3 on effective participation and access to socio-economic opportunities

Marie B. Hagsgård reiterated that also in the field of representation, thresholds to access some minority rights, including the official use of language and script of national minorities in local self-governments, are too high and to the disadvantage of numerically smaller national minorities. In addition, she pointed out that in order for national minorities to effectively participate – not least on the regional and local levels – in decision-making, the authorities need to make sure that their representatives have the necessary resources to do so. This includes both capacity-building and economic means.⁸ She mentioned that the Advisory Committee had suggested conducting independent research on any possible disproportionate impact of the Covid-19 pandemic on national minorities, especially those living in remote areas.

The GOHRRNM reported progress in the financial support provided by authorities at various levels to improve the housing and living conditions of the Roma. The Ministry of Foreign Affairs reported positive bilateral co-operation on matters important for national minorities in Hungary, North Macedonia and Bosnia and Herzegovina, and that strengthening this bilateral co-operation with both Montenegro and Slovenia were among its priorities. The bilateral agreement with the Czech Republic was still in process but the ministry was positive about the final outcome.

⁶ The fear expressed by representatives of certain national minorities that after the publication of the last census results they may no longer reach the necessary thresholds has been in the meantime confirmed: see [Croatia's Ethnic Homogenisation Continues as Serb Minority Dwindles | Balkan Insight](#).

⁷ See [Recommendation CM/Rec\(2020\)2](#) of the Committee of Ministers to member states on the inclusion of the history of Roma and/or Travellers in school curricula and teaching materials, adopted on 1 July 2020 and [Recommendation CM/Rec\(2022\)5](#) of the Committee of Ministers to member States on passing on remembrance of the Holocaust and preventing crimes against humanity adopted on 17 March 2022.

⁸ See [Advisory Committee's Thematic Commentary No. 2](#) on the effective participation of persons belonging to national minorities in cultural, social and economic life and in public affairs (2008), para. 21.

In order to ensure that the Constitutional Law on the Rights of National Minorities which 20th anniversary will be celebrated this year, remains a useful piece of legislation, it seems essential to consider lowering thresholds for accessing minority rights so as to ensure the sustainability of minority rights in Croatia.

Indeed, the threshold of 33% applied in Croatia to access certain minority rights is particularly high in comparison with similar thresholds applied elsewhere in Europe. In this respect, Marie B. Hagsgård highlighted the good practice of some States Parties to the Framework Convention which have lower thresholds⁹ and/or reduced the necessary threshold to access some minority rights.¹⁰

Concluding this session, Marie B. Hagsgård welcomed progress in offering more suitable and sustainable solutions to Roma housing and invited authorities to:

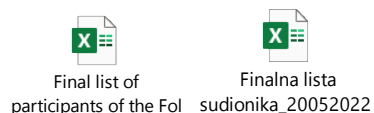
- take further actions to improve housing and living conditions for both the Roma and Serbs, including returnees,
- consider lowering the threshold of 33% applied to access certain minority rights.

Conclusions

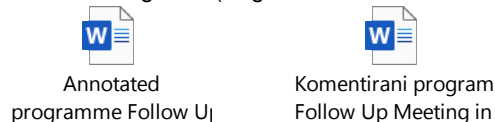
Romana Kuzmanić Oluić, Advisor to the Minister, Ministry of Foreign and European Affairs, chaired the last session. Marie B. Hagsgård concluded the meeting by thanking all participants for their active participation. She said she took note of the willingness of the Croatian authorities to implement the Committee of Ministers' [Resolution](#) and also drew the attention of participants that the Advisory Committee's [Fifth Opinion](#) contains other recommendations which implementation will be monitored during the next monitoring cycle. She ended by encouraging both authorities and representatives of national minorities to pursue dialogue on the best ways to implement them. Although she encouraged them to do so, Marie B. Hagsgård took note of the position expressed by the Croatian authorities that there was no need to establish a permanent mechanism or body involving governmental sectors and representatives of national minorities to monitor the implementation of the Advisory Committee's recommendations.

Appendices

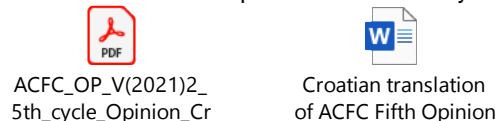
Final list of participants (English and Croatian versions)



Annotated agenda (English and Croatian versions)



Full text of the Fifth Opinion of the Advisory Committee on Croatia (English and Croatian versions)



⁹ As examples, in the Czech Republic, certain rights of persons belonging to national minorities depend on the proportion of such persons in the given administrative area based on census results (10% or 5% thresholds). In North Macedonia, a number of minority rights are linked to reaching a 20% threshold.

¹⁰ In the Slovak Republic, official use of minority languages in contacts with local authorities is regulated according to set thresholds based on census results. The threshold was previously 20% and has recently been reduced to 15%.