



**International Convention on
the Elimination
of all Forms of
Racial Discrimination**

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COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION

**REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 9 OF THE CONVENTION**

**Sixth, seventh and eighth periodic reports
of States parties due in 2006**

Addendum

CROATIA* **

[15 November 2007]

* This document contains the sixth, seventh and eighth periodic reports of Croatia, due on 8 October 2006, submitted in one document. For the fourth and fifth periodic reports and the summary records of the meetings at which the Committee considered the report, see documents CERD/C/373/Add.1 and CERD/C/SR.1499, CERD/C/SR.1500 and CERD/C/SR.1517.

** The annexes to the report may be consulted in the files of the secretariat.

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Introduction

1. The Republic of Croatia, in compliance with article 9 (1) of the International Convention on the Elimination of All Forms of Racial Discrimination, has undertaken the obligation to submit a report on the legislative, judicial, administrative or other measures which it has adopted in compliance with the provisions of the Convention every two years, and at any such time when so requested by the Committee on the Elimination of Racial Discrimination. In compliance with these commitments, in 1993 the Republic of Croatia submitted its initial report, and in 1996 it submitted its second and third periodic reports, while the fourth and fifth periodic reports for the 1996-2000 period were submitted in 2000. These are now followed by the sixth, seventh and eighth periodic reports on the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination, for the period from 2001 to 2006.

2. Pursuant to the fourth and fifth periodic reports of Croatia (CERD/C/373/Add.1), the Committee adopted its concluding observations (CERD/C/60/CO/4), in which it indicated positive aspects and issues of concern, and formulated recommendations for the Croatian Government on actions to undertake in the interest of protecting and promoting human rights and eliminating all forms of racial discrimination. Based on this document, we point out the concerns pertaining to: legislative regulation of the rights of national minorities and their representation in the Croatian Parliament; continuation of segregation of the Roma; lack of legislative measures prohibiting the incitement to racial discrimination and violence; difficult return of refugees and displaced persons due to legal and administrative barriers and the hostile stance of certain State and local bodies; insufficient attention to the problems of restitution of property, tenancy and property rights; differing criteria for granting citizenship to ethnic Croats in comparison to other nationalities living in the Republic of Croatia; complaints on discriminatory application of the right to equal treatment before the courts and an enormous backlog of unsettled cases before the courts; insufficient public awareness on the International Convention on the Elimination of All Forms of Racial Discrimination, and promotion of tolerance and combating of prejudices against specific minorities. The recommendation pertains to setting up education programmes and standards on human rights in schools, education of judges and judicial officials.

3. In relation to the preceding reporting period and the comments and recommendations made by the Committee, during the reporting period from 2001 to 2006 and the process of aligning its national legislation with international standards and the European Union *acquis communautaires*, Croatia has made great progress in the protection and promotion of human rights, particularly with respect to the following: the enactment of the Constitutional Act on the Rights of National Minorities has considerably enhanced the rights of national minorities and their representation in the Croatian Parliament; special regulations have been enacted which improve the living conditions and equality of members of the Roma national minority in comparison to other citizens of the Republic; hate speech is now subject to criminal prosecution; the question of repatriation of refugees has finally been concluded with the signing of the Sarajevo Declaration by the Governments of Croatia, Bosnia-Herzegovina and Serbia-Montenegro; clear deadlines have been set and Croatia has secured budgetary funds for the return of refugees and the resolution of their housing problems; the Croatian Government has adopted a judicial reform strategy to resolve the large case backlog in the courts; awareness-raising and overcoming of prejudices have been accomplished by means of education on human rights and gender equality and on the Holocaust, anti-Semitism and all other forms of discrimination.

I. GENERAL

4. Prohibition of discrimination is a constitutional matter. The Constitution of the Republic of Croatia (as published in Croatia's official journal, *Narodne novine*, No. 56/90, 135/97, 8/98 - consolidated text, 113/00, 124/00 - consolidated text, 28/01, 41/01 - consolidated text, 55/01 - correction) prohibits discrimination based on race, skin colour, sex, language, faith, political or other belief, national or social origin, property, birth, education, social status or other characteristics. Freedoms and rights may be restricted only by law to protect the freedoms and rights of other individuals and the legal order, public morals and health. Any restriction of freedoms or rights must correspond to the nature of the need for such restriction in each individual case. Laws must comply with the Constitution, and other regulations must comply with the Constitution and laws. Provisions governing the right to life, the prohibition of torture, cruel and degrading treatment and punishment, legal specification of punishable acts and sanctions, and freedom of thought, conscience and religious belief may not be restricted, even in cases of clear and present danger to the State.

5. Article 39 of the Constitution stipulates that any incitement to war or use of force based on national, racial or religious hatred or any form of intolerance is prohibited and subject to criminal sanctions.

6. According to the 2001 census, Croatia's population is 4,437,460, and it is showing a demographic transition marked by an aging population, caused by increasing life expectancy, a gradual decline or stagnation of the mortality rate, and parallel declines in the birth and fertility rates.¹ These changes are a consequence of the intertwined effect of demographic change and changing living standards and improved health care and extended life expectancies. Besides these processes, Croatia's population has also been influenced by its Homeland War and an increased mortality among younger age groups and changes caused by migrations.

7. Prior to becoming independent in 1991, throughout its history, Croatia was a component of various states with their specific population trends and movements, so that today Croatia's territory is home to members of other nationalities with whom Croatia or its individual parts were in common states, such as the Habsburg Monarchy and the two previous Yugoslavias. According to the census in Croatia, citizens declared their affiliation to 23 different nationalities, while in the 2001 census they declared that they belonged to 22 nationalities. The members of individual national minorities settled in Croatia's territory as economic migrants (Czechs, Slovenes, Macedonians, and Bosnians) or after the world wars (Russians, Bulgarians), while a portion of indigenous national minorities left this territory (Italians and Germans after the Second World War and Serbs during and after the 1991-1995 war). The Roma constitute a specific population category, for it has only been in recent times that they have started to settle down and abandon the traditional nomadic lifestyle. According to statistics, the largest concentration of Roma is within the city limits of Zagreb. If the results of the 1991 census are

¹ *Source*: Central Bureau of Statistics; Census of the population, households and dwellings - 31 March 2001.

compared to the 2001 census and population estimates for 2002, 2003, 2004 and 2005, then a decline in the number of all national minorities, with the exception of Albanians, Roma and Slovaks, can be observed.²

II. ARTICLE 2. POLICIES AND PRACTICES OF THE STATE IN THE ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION

A. Legislative and administrative measures

8. In comparison to the previous reporting period, sanctioning of discrimination by means of criminal legislation has undergone a series of significant changes (Criminal Code - *Narodne novine*, No. 110/97, 27/98, 50/00, 129/00, 51/01, 111/03, 190/03, 105/04, 84/05 and 71/06). In this sense, article 174 of the Criminal Code has been amended on several occasions (2003, 2004, 2005 and 2006). The legal description of the crime has been considerably expanded. The discriminatory grounds have been expanded by adding the following characteristics: religion, language, political or other conviction, property, birth, education, social status, sexual orientation or other characteristics. This article has also been aligned with article 6 of the Additional Protocol to the Convention on Cybercrime concerning the criminalization of acts of a racist and xenophobic nature committed through computer systems.³

“Article 174 of the Criminal Code

“(1) Whosoever violates the fundamental human rights and freedoms recognized by the international community on the basis of differences in race, religion, language, political or other conviction, property, birth, education, social status or other characteristics, sex, skin colour, nationality or ethnic origin, shall be sentenced to prison for a minimum of six months to a maximum of five years; (2) The prison sentence specified in paragraph (1) of this Article shall be pronounced against anyone who persecutes an organization or individual due to its or his or her endorsement of equality of people; (3) Whosoever publicly releases or disseminates ideas on the superiority or inferiority of a race, ethnic or religious community, sex or nation or ideas on superiority or inferiority based on skin colour or sexual orientation or other characteristics for the purpose of inciting racial, religious, national or ethnic hatred or hatred based on skin colour, or sexual orientation or other characteristics for the purpose of degradation shall be sentenced to prison for a term of three months to three years; (4) Whosoever, with the intent specified in paragraph (3) of this Article, disseminates or otherwise makes publicly available by means of computer systems materials which deny, significantly belittle, approve or justify the crime of genocide or crimes against humanity, shall be sentenced to prison for a minimum of six months to a maximum of three years.”

² Table 1 - Population by nationality, according to the 1971, 1981, 1991 and 2001 population censuses in the Republic of Croatia (all tables and charts are contained in the annex).

³ The Convention entered into force in 2004.

9. The amendments to the Criminal Code (*Narodne novine*, No. 71/06) define hate crime as follows: “A hate crime is any crime specified under the Criminal Code committed out of hatred for another person based on such person’s race, skin colour, sex, sexual orientation, language, religion, political or other conviction, national or social origin, property, birth, education, social status, age, health status or other characteristics.”⁴

10. The Public Attorney’s Office of the Republic of Croatia has issued a special instruction whereby heightened attention is accorded to such crimes, and special records on such crimes are now compiled.

11. In the field of protection of human and civil rights and freedoms, it is important to highlight the existing article 106 of the Criminal Code - “Violation of Civil Equality”:

“(1) Whosoever denies or restricts the freedoms or rights of an individual and citizen guaranteed by the Constitution, law or other regulations based on differences in race, skin colour, sex, language, religion, political or other conviction, national or social origin, property, birth, education, social status or other characteristics, or because of membership in an ethnic or national community or minority in the Republic of Croatia, or on the basis of such differences or affiliations accords privileges or preferences, shall be sentenced to prison for a minimum of six months to a maximum of five years. (2) The sentence specified in paragraph (1) of this Article shall be pronounced against anyone who denies or restricts the rights of a member of a nationality, ethnic or national community to freely express his/her nationality or the right to cultural autonomy. (3) Whosoever denies or restricts a citizen in the exercise of his/her right to use his/her language and script in contravention of regulations governing the use of languages and scripts, shall be liable to a monetary fine or a prison sentence of up to one year.”⁵

12. In 2003, the Croatian Government introduced anti-discriminatory provisions to Croatia’s labour legislation, by enacting the Labour Act (*Narodne novine*, No. 38/95, 54/95, 65/95, 102/98, 17/01, 82/01, 114/03, 142/03, 30/04, 137/04 - consolidated text, 68/05 - ruling of the Constitutional Court U-I-2766/03). The most recent amendments (*Narodne novine*, No. 114/03 and 142/03) regulate the matter of prohibition of discrimination against persons seeking employment and workers in an entirely new way, so that besides the previously stipulated foundations, a form of protection of the dignity of workers is defined by specifying that harassment and sexual harassment are forms of discrimination. Additionally, there are stipulations specifying what is considered direct and indirect discrimination, and what is not considered discrimination. Another novelty is the provision requiring employers to pay equal

⁴ See Table 2 - Statistics for article 174 of the Criminal Code of the Republic of Croatia for the period 2000-2006.

⁵ Table 3 - Statistics for article 106 of the Criminal Code of the Republic of Croatia for the period 2000-2006.

wages to women and men for equal work and work of equal value. Discrimination is prohibited with reference to hiring conditions, including the criteria and conditions for the selection of candidates to perform specific tasks in any branch and at all levels of the professional hierarchy; promotions; access to all types and degrees of professional training, additional qualification and requalification, hiring and work conditions and all employment-based and related rights, including equal pay; termination of employment; and rights of members and participation in associations of workers or employers or in any other professional organization, including privileges ensuing from such membership.

13. Gender equality has been stipulated as one of the highest constitutional values. The Croatian Parliament adopted the National Policy for the Promotion of Gender Equality for 2001-2005 (*Narodne novine*, No. 112/01). The third consecutive national policy for 2006-2010 was adopted in 2006 (*Narodne novine*, No. 114/06). The National Policy is the basic strategic document adopted with the objective of eliminating discrimination against women and establishing genuine gender equality by implementing a policy of equal opportunity in the period from 2006 to 2010. It contains the objectives and measures for the advancement and prevention of violations of women's human rights, the creation of equal opportunities on the labour market, the introduction of gender-sensitive education at all levels, the introduction of equality in decision-making processes at all levels, the elimination of all forms of violence against women, the improvement of women's health care, and institutional mechanisms and methods to implement gender equality at the national and local levels.

14. In 2003, the Republic of Croatia introduced anti-discriminatory provisions pertaining to sex, marital status and sexual orientation to the Gender Equality Act and the Same-sex Union Act.

15. The Gender Equality Act (*Narodne novine*, No. 116/03) establishes the general foundations for the protection and promotion of gender equality, defines and regulates the methods to protect against gender-based discrimination and creation of equal opportunities for women and men. Governmental bodies, legal entities vested with public authority, and legal entities largely owned by the State and local and regional governments are obliged to assess and evaluate the effects of any decision or action, in all phases of planning, enacting and enforcement, on the status of women and men in order to achieve genuine equality between women and men. These bodies are obliged to apply special measures and adopt action plans to promote and establish gender equality. The law regulates labour and hiring, education, political parties, the media and statistics. Two new institutions were introduced in this law, the Office for Gender Equality of the Government of the Republic of Croatia and the Gender Equality Ombudsperson.⁶

16. All discrimination is banned, and this includes unequal treatment based on same-sex unions and sexual orientation. The Same-sex Union Act (*Narodne novine*, No. 116/03) regulates the matter of same-sex unions and the legal effects of such unions, and the prohibition of any form of discrimination, direct or indirect, on the basis of sexual orientation. With reference to discrimination based on sexual orientation, during 2004 and 2005 the Gender Equality

⁶ See below, section C.

Ombudsperson settled eight cases in which complaints were lodged by injured persons of homosexual orientation or associations promoting the rights of sexual and gender minorities (2004 - two complaints; 2005 - six complaints).

17. To regulate equal treatment of civil servants by the State as the employer and the uniform rules governing their admittance to the civil service, professional training and qualification of civil servants and their advancement in the service, the Civil Servants Act (*Narodne novine*, No. 92/05) was enacted in 2005, which stipulates the prohibition of discrimination and privileges. Civil servants in their work may not discriminate or privilege citizens on the grounds of their age, nationality, ethnic and territorial identity, linguistic or racial origin, political or religious conviction or affinity, disability, education, social status, gender, marital or familial status, sexual orientation or any other reason contrary to the rights and freedoms stipulated by the Constitution and laws.

18. The enactment of the Constitutional Act on the Rights of National Minorities (*Narodne novine*, No. 155/02) considerably improved the rights and status of national minorities in the Republic of Croatia. Its provisions secure the exercise of special rights and freedoms by members of national minorities which they enjoy individually or jointly with other persons belonging to the same national minority, as well as the right to cultural autonomy (retention and expression of their own cultures, preservation and protection of their cultural treasures and traditions), the right to self-organization and association to further common interests, and the right of access to the public media and public communication in the language that they use. Any form of discrimination based on status as a national minority is prohibited (art. 4). Members of national minorities are guaranteed equality before the law and equal legal protection.

19. The Constitutional Act also introduced two new institutions, which deal with the exercise of national minority rights, the Council for National Minorities, which is established at the national level, and the national minority councils and representatives, the members of which are elected by national minorities at the levels of local and regional governments as a form of “minority self-government”.⁷

20. The status of national minorities in Croatia is continually improving through the implementation of political, administrative and social reforms. This is enhanced by the fact that under new legal and political conditions, national minorities themselves bear greater responsibility for their own status. In this regard, the national minority councils and representatives have particular importance, as does their greater involvement in the work of national, regional and local governments. In the interests of improved exercise of national minority rights, Croatia must ensure respect of all international commitments and undertake specific and measurable steps to eliminate the remaining negative consequences, discriminatory policies vis-à-vis national minorities, and acknowledgement and/or compensation of acquired

⁷ See below, section C.

rights revoked due to discrimination and violation of human rights. In this sense, inter alia, it is necessary to secure comprehensive political, security, legal and economic prerequisites for the sustainable return of refugees and displaced persons to their homes, with emphasis on urban areas and prevent all types of ethnically-motivated incidents.

21. The Government's decisive political will has contributed to progress in the exercise of national minority rights, as it has made concrete moves to create conditions and opportunities for the exercise of minority rights. This is best reflected in increased budgetary funds for the needs of developing national minority cultural autonomy, and the incorporation of national minority representatives in Croatia's public and political life as relevant partners. In this regard, possibilities have been opened for the comprehensive resolution of issues pertaining to the return of refugees and related status issues (Serbian national minority), and problems of social issues and integration (Roma national minority), through the Government's Action Plan for the Decade of Roma Inclusion 2005-2015 (2005) and the National Programme for the Roma (2003) as well as the financing of programmes of Roma non-governmental organizations (NGOs) through the Council for National Minorities.

22. Every year increasing funds are allotted from Croatia's Central State Budget to finance the programmes of national minority associations and institutions which serve to foster, promote and develop cultural and national identity of national minorities. For informative and publishing programmes, cultural amateur activities, cultural events, programmes based on bilateral agreements and programmes intended to create the foundations for further programme activities, funds have been secured as follows: HRK 17,432,000 in 1999, HRK 19,738,076 in 2000, HRK 18,000,000 in 2001, HRK 19,796,000 in 2002, HRK 20,000,000 in 2003, HRK 22,000,000 in 2004, HRK 24,500,000 in 2005, HRK 29,700,000 in 2006 and HRK 35,000,000 in 2007.

23. In the second half of 2001, the Croatian Government carried out a comprehensive and systematic change in the property restitution system. The Government's initiated changes and activities to accelerate the restitution of property were legally defined in the Amendments to the Act on Regions under Special State Care (*Narodne novine*, No. 88/02). These amendments define the deadline for the restitution of property to its rightful owners, and in cases when the property is not returned owners are to be compensated for damages until restitution, as a measure to protect the owners. Since the beginning of 1995, a total of 341,081 returnees have been registered in the Republic of Croatia, as follows: 219,050 displaced persons, mostly citizens of Croatian nationality (64 per cent), 122,031 minority returnees of Serbian nationality (36 per cent) - 89,428 from Serbia and Montenegro, 8,997 from Bosnia-Herzegovina and 23,606 internally displaced persons in the Croatian Danubian region. In 2005, a total of 7,537 returnees were registered, of whom 37 per cent were former displaced persons (2,792) and 63 per cent were returnees of Serbian nationality who returned from Serbia-Montenegro and Bosnia-Herzegovina (4,745). In Croatia today, the problems of the following have yet to be resolved: 2,542 displaced persons (2,044 from the Croatian Danubian region and 498 from other regions), 2,594 refugees and 1,650 internally displaced persons in the Croatian Danubian region. Besides, there is a large number of refugees still residing abroad, generally in Serbia, Montenegro and Bosnia-Herzegovina, who wish to return to Croatia (at least 11,694 persons based on return applications).

24. A multidisciplinary approach to persons infected with HIV/AIDS, involving cooperation between the Croatian Government and NGOs, is aimed at raising public awareness of the importance of overcoming prejudices, ignorance and prevention of discrimination in the struggle against HIV/AIDS.⁸

25. The objective of the Croatian National HIV/AIDS Prevention Programme, 2005-2010 (2005) is to retain the low level of infection and reinforce supervision of this epidemic by means of new activities, by monitoring high-risk behaviour and keeping track of changes through research. A large portion of the measures is based on health-care education in general, and specifically on health-care education for that portion of the population exhibiting risky behaviour. Particular attention has been accorded to the responsibility of those working in public services, elimination of prejudices concerning HIV-positive individuals, and the importance of respecting and promoting the human rights of HIV-positive individuals.

26. Constitutional provisions stipulate that “no individual may be subjected to any form of abuse” (art. 23), while the constitutional right to a life free of violence has been furthered by special legislation. National legislation is geared towards combating domestic violence as a way to effectively and continually protect threatened individuals, with particular emphasis on prevention and full protection of victims of violence. The Amendments to the Criminal Code (*Narodne novine*, No. 129/00) also introduced the new crime of “Domestic Violence” (art. 215a).

27. In the interest of undertaking more effective measures to prevent domestic violence, the Republic of Croatia has enacted the Act on the Protection Against Domestic Violence (*Narodne novine*, No. 116/03). This law for the first time provides a detailed description of all forms of violence, while the circle of potential perpetrators has been expanded, and a series of protective measures have been introduced, from bans on harassment to restraining orders.

28. Given that domestic violence constitutes a form of discrimination and bearing in mind that the victims of this form of violence are most often women and that it is necessary to secure protection for all victims of domestic violence regardless of sex, the following instruments introduce the obligation of all relevant bodies to investigate, prevent and prosecute each type of domestic violence and effective and comprehensive action by such bodies: National Protection Strategy for Victims of Domestic Violence 2005-2007 (*Narodne novine*, No. 182/04), and the Protocol on Treatment of Victims of Domestic Violence (2006).

29. A priority of Croatian society is the protection of children from abuse, severe neglect, violence and all forms of discrimination by creating the conditions for prevention and improvement of methods for professional work in the treatment of abused children. The Action Programme to Prevent Violence among Children and Adolescents (2004) was adopted in the interest of meeting these priorities.

⁸ See Tables 4-7: Table 4 - Number of AIDS cases and AIDS patients who died of AIDS in Croatia from 1986 to 2004; Table 5 - AIDS cases in Croatia by sex from 1986 to 2004; Table 6 - Anti-HIV tests in Croatia in 2004; Table 7 - AIDS cases by risk groups in Croatia from 1986 to 2004.

30. The purpose is to raise the sensitivity of experts, parents, children and adolescents to the problem of violence among children and adolescents, to formulate systematic solutions to prevent the appearance of violence among children and adolescents and to alleviate their consequences.
31. Based on this programme, the Protocol on the Procedure in Cases of Violence among Children and Adolescents (2004) was adopted which defines the duties and methods of all relevant bodies and other instances participating in the prevention, detection and elimination of violence among children and adolescents. The National Action Programme for Youth (2003) reflects the aspiration to improve the social, educational, cultural, material and other conditions for the continuous well-being of children and adolescents and their active, full and responsible participation in the development of a democratic society. The Croatian Government has also adopted the National Action Plan for the Rights and Interests of Children, 2006-2012 (2006).
32. In order to promote and secure the rights of persons with disabilities, create conditions to solve their problems, and coordinate activities and information, and also to secure the active participation of the disabled and raise public sensitivity to the needs of persons with disabilities, the Republic of Croatia has enacted the National Strategy of an Integral Policy for Persons with Disabilities from 2003 to 2006 (2003).
33. Out of the 70 measures envisaged in the National Strategy, so far 25 measures have been implemented, and the implementation of an additional 41 is under way. Action remains to be taken on four measures.
34. Asylum is regulated by the Asylum Act (*Narodne novine*, No. 109/03) which encompasses three subordinate instruments: Rules on Accommodation for Asylum-seekers, Asylees and Foreigners Under Interim Protection (*Narodne novine*, No. 108/04), Rules on Forms and Methods for Maintenance of Records on Asylum-seekers, Asylees and Foreign Citizens Under Interim Protection (*Narodne novine*, No. 76/04) and Rules on Levels of Monetary Assistance for Asylum-seekers, Asylees and Foreigners Under Interim Protection (*Narodne novine*, No. 145/04).
35. Asylum-seekers are accommodated in a shelter under the aegis of the Ministry of the Interior which since June 2006 functions at a site in the town of Kutina. In terms of capacity, accommodation standards and programmes, this shelter meets all European standards governing reception and accommodation of asylum-seekers. Food and medical and social assistance are secured for all accommodated foreigners. During their reception, asylum-seekers are fingerprinted and photographed, their asylum applications are received, identity cards are issued to them, data on reception is entered in the required records, the first medical examination is conducted and asylum-seekers are given instructions pertaining to their rights and obligations during asylum procedures and useful information on NGOs that can provide them with legal and other assistance free of charge. These instructions are provided in the languages of the asylum-seekers' countries of origin. Insofar as there are no instructions in the appropriate language, the asylum-seeker is given these instructions verbally in the presence of an interpreter.
36. In the case of asylum-seekers from countries with a high risk of contagion, additional medical examinations for malaria and cholera are conducted at the Fran Mihaljević Infectious Disease Clinic in Zagreb, which complies with the Decision on the Content of

Hygienic and Medical Examinations for Asylum-seekers, Asylees and Foreigners Under Interim Protection, which the Ministry of Health and Social Welfare adopted pursuant to the Rules of Accommodation (2004). Upon arranging accommodation, particular attention is dedicated to vulnerable groups of asylum-seekers: persons incapable to engage in gainful employment, minors, unaccompanied minors, the elderly and infirm, severely ill individuals, persons with disabilities, pregnant women, single parents and victims of torture, rape or other forms of violence.

37. The Ministry of the Interior concluded a cooperation agreement with the Croatian Red Cross so that besides Ministry officials, Croatian Red Cross staff also work in the shelter in Kutina. The staff members in charge of admitting, accommodating and caring for asylum-seekers and conducting interviews and subsequent decision-making have undergone quality training to engage in all work involving asylum-seekers (training provided through the CARDS 2001 project "Asylum Reform" and through the Regional CARDS project - Asylum Module).

38. The Republic of Croatia is a signatory to the European Convention on the Protection of Human Rights and Fundamental Freedoms and its protocols. In article 14, the Convention calls for a ban on discrimination. In the period from 2000 to 2006, Croatia was party to 45 cases in which the European Court of Human Rights considered possible discrimination, and during this period it was ascertained that there were no violations of the ban on discrimination where the Republic of Croatia was concerned. The most frequently cited grounds for discrimination were ethnicity, unfair treatment of retired military personnel as opposed to other retirees and general complaints alleging discriminatory treatment in the course of domestic procedures. In 2004, one case pertained to ethnically motivated discrimination, and this case is still in progress. In 2006, no violations of the ban on discrimination were ascertained in the Republic of Croatia by the Court.⁹

39. The Republic of Croatia actively participates in the work of the International Criminal Tribunal for the former Yugoslavia (ICTY) and its cooperation has been assessed as positive. This positive assessment is also reflected in the decision of the ICTY to turn over a certain number of cases to the Croatian judiciary. Croatia has undertaken a series of measures to meet the ICTY criteria. In this vein, judicial officials underwent additional training (2005-2006), and the operating conditions were created, particularly with a view to specially equipped courtrooms. War crimes trials are being conducted by specially appointed trial councils at the county courts of Zagreb, Rijeka, Split and Osijek.

40. In 2002, the Republic of Croatia began participating in the organized suppression of trafficking in persons upon enactment of a legislative framework and establishment of institutional mechanisms. To date, suitable legislation has been enacted in Croatia to deal with the problem of trafficking in persons through the Criminal Code, in article 175, which specifies

⁹ Table 8 - Cases before the European Court of Human Rights - total number of cases in which the European Court of Human Rights issued a judgement (pursuant to article 14 of the Convention on the Protection of Human Rights and Fundamental Freedoms) for the period 2000-2006.

the crimes of “trafficking in persons and slavery” (*Narodne novine*, No. 105/04), and the Act on the Office for the Suppression of Corruption and Organized Crime (*Narodne novine*, No. 88/01, 12/02). Article 175 of the Criminal Code assumes the definition of the essence of the crime of trafficking in persons as specified in article 3 of the Palermo Protocol. Under the amendments to the Criminal Code (2006) article 175 has been supplemented by a new paragraph that stipulates criminal sanctions for those who knowingly exploit the services of trafficking victims.

41. The foundations for a comprehensive system for the suppression of trafficking in persons were established with the enactment of the National Plan for the Suppression of Trafficking in Persons (2002). The system encompasses an effective legal framework to prosecute perpetrators of the crime of trafficking in persons, efficient identification of victims and care for victims. An efficient system to render assistance and care to victims has been established; regional receiving centres, mobile teams, and a shelter have been organized; public campaigns have been conducted with the goal of systematic public awareness-raising of trafficking in persons; and numerous educational activities have been conducted at all levels. International cooperation has also been intensified.

42. The system was further developed with the adoption in 2004 of the National Programme for the Suppression of Trafficking in Persons 2005-2008 which defines the strategic guidelines for activities to be conducted over that period. For each year of that period, operative plans for the suppression of trafficking in persons are adopted, and so far the Croatian Government has adopted operative plans for 2005, 2006 and 2007. The operative plan constitutes a set of measures and activities that the relevant agencies must implement during the course of the current year for the purpose of improving the system, and it also specifies the funding which the responsible agencies need to secure and the deadlines for completion of individual activities.

43. The National Plan for the Suppression of Trafficking in Children 2005-2007 adopted in 2005 deals exclusively with the suppression of trafficking in children as a particularly sensitive group.

44. In compliance with the recommendations of the European Commission and the negotiations for Croatia’s accession to the European Union, there are plans to enact the Act on the Elimination of Discrimination and Establishing a Special Agency to Combat Discrimination. The conclusion of the Croatian Government made on 30 May 2007 specifies that amendments shall be made to the Ombudsman Act so that this body can assume the responsibility of an independent umbrella agency to deal with equality.

B. International documents and commitments containing similar provisions dealing with anti-discrimination, equality before the law and implementation of general policy

45. International treaties concluded and ratified in compliance with the Constitution and published, and which are in force, are a component of Croatia’s internal legal order and their legal force supersedes that of Croatian law. Their provisions may only be amended or rescinded in the manner specified therein, or in compliance with the general provisions of international law (article 140 of the Constitution).

46. Upon the notification of succession of 8 October 1991, the Republic of Croatia has acted on the fundamental treaties in the field of human rights as follows: drafting of the second periodic report on the implementation of the International Covenant on Civil and Political Rights is under way; drafting of the second periodic report on the implementation of the International Covenant on Economic, Social and Cultural Rights is under way; the third periodic report under the Convention against Torture was presented in May 2004; in October 2003, Croatia submitted the second and third reports under the Convention on the Elimination of All Forms of Discrimination against Women for the 1995-2003 period. Croatia ratified the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women in 2001; and in 2003, the second periodic report on the implementation of the Convention on the Rights of the Child was submitted. Croatia ratified the Optional Protocols to the Convention on the Rights of the Child on the involvement of children in armed conflict (*Narodne novine*/International Treaties Edition, No. 5/02, 2/03), on the sale of children, child prostitution and child pornography (*Narodne novine*/International Treaties Edition, No. 5/02, 7/02).

47. ILO Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour was ratified in 2001.

48. The Republic of Croatia has become a party to the United Nations Convention against Transnational Organized Crime, the Protocol on the Prevention, Suppression and Punishment of Trafficking in Human Beings, Especially Women and Children, and the Protocol against the Smuggling of Migrants by Land, Sea and Air (*Narodne novine*/International Treaties Edition, No. 14/02), the Convention on Cybercrime (*Narodne novine*/International Treaties Edition, No. 9/02), and the Criminal Law Convention on Corruption (2000). The Rome Statute of the International Criminal Court has also been ratified (*Narodne novine*/International Treaties Edition, No. 5/01).

49. The Republic of Croatia has ratified the Convention for the Protection of Human Rights and Dignity of the Human Being with regard to the Application of Biology and Medicine (Convention on Human Rights and Biomedicine), and its Additional Protocols on the Prohibition of Cloning Human Beings, and on Transplantation of Organs and Tissues of Human Origin (2003).

C. Governmental bodies and institutional mechanisms aimed at promoting human rights and eliminating all forms of discrimination

50. In relation to the prior reporting period, from 2001 to the present, the following governmental bodies and institutional mechanisms have been established.

51. The Office for Gender Equality (*Narodne novine*, No. 18/04) was established on 3 February 2004 by the Government Regulation on the Office for Gender Equality, pursuant to article 18 (1) of the Gender Equality Act, as the Croatian Government's expertise-based service to handle all professional and administrative tasks pertaining to the fulfilment of gender equality in the Republic of Croatia. The Gender Equality Act stipulates that the Office is to perform professional and other tasks such that it coordinates all activities aimed at the establishment of gender equality, which includes rendering professional assistance in the application and implementation of the Act and other regulations pertaining to gender equality, approves action plans for the bodies specified in article 11 of the Act, proposes to the Croatian

Government and State authorities the enactment or amendment of laws and other regulations and the adoption of other measures, drafts national policies to promote gender equality and oversees their implementation, conducts research and analyses, reports to the Croatian Government every two years on implementation of national policies, monitors the alignment and application of laws and other regulations pertaining to gender equality with regard to international instruments, prepares national reports on fulfilment of international obligations concerning gender equality, cooperates with NGOs active in the field of gender equality and ensures partial funding for their projects or activities, promotes knowledge and awareness of gender equality, receives petitions on violations of the provisions of the Act and other regulations, and reports to the Croatian Government once annually on its activities for the preceding year not later than April of the current year.¹⁰

52. The Gender Equality Ombudsperson (*Narodne novine*, No. 157/03) functions independently and autonomously and monitors implementation of the Gender Equality Act and all other legislation pertaining to gender equality, which includes international treaties concluded and ratified in compliance with the Constitution, and considers cases of violation of the principles of gender equality, cases of discrimination against individuals or groups of individuals committed by governmental bodies, local and regional governments and other bodies vested with public authority and their staff members. The Ombudsperson is authorized to seek reports and all other necessary information from governmental bodies, local and regional governments and other bodies vested with public authority and other natural and legal persons, and in cases of failure to comply, he/she may seek implementation of oversight by bodies in charge of their supervision. He/she is authorized to review documentation regardless of the level of confidentiality, and he/she may warn, propose and provide recommendations in the performance of tasks under his/her authority, submit complaints to the relevant public prosecutor's office, if, during the course of work, he/she learns of violations of the Gender Equality Act bearing elements of criminal acts. He/she may file petitions to initiate examinations of the constitutionality of laws or the constitutionality and legality of other regulations if he/she assesses that the principles of gender equality have been violated, and may propose the initiation of procedures to amend regulations if he/she ascertains that the principles of gender equality have been violated due to lack of alignment of such regulations with the Gender Equality Act. In the performance of duties, he/she may seek the expert assistance of scholars and professionals and the relevant institutions. He/she submits annual reports to the Croatian Parliament.

53. The Children's Ombudsperson (*Narodne novine*, No. 96/03) is a body charged with the task of protecting, monitoring and promoting the rights and interests of children pursuant to the Constitution, international treaties and laws. The Ombudsperson works independently and autonomously, adhering to the principle of fairness and morality, and no one may give the Ombudsperson instructions or orders. The Children's Ombudsperson and deputies, who are appointed by the Croatian Parliament, may not be members of any political party or engaged in any political activities. The Ombudsperson notifies the public of the status of children, informs and counsels children on methods to exercise and protect their rights and interests, participates in procedures preceding enactment of regulations pertaining to children's rights, and may initiate

¹⁰ The URL of the Croatian Government's Office for Gender Equality is: www.ured-ravnopravnost.hr.

enactment or amendment of laws and other regulations pertaining to children's rights and protection of children. The Children's Ombudsperson is authorized to access and view all data, information and instruments pertaining to children's rights and protection, regardless of their degree of confidentiality, and the Ombudsperson has access to and may inspect all institutions, governmental agencies, legal and natural persons designated to care for children in compliance with special legislation, and may issue warnings, proposals and recommendations to all national governmental agencies, local and regional governments and legal persons who are obliged to comply and submit reports at the Ombudsperson's request. The Children's Ombudsperson works independently and autonomously and may not be called to account, placed in custody nor penalized for expressing opinions or undertaking action within the framework of the jurisdiction of this post. The reports submitted by the Children's Ombudsperson in recent years¹¹ to the Croatian Parliament contained observations on some forms of discrimination, particularly with reference to the status of Roma children and children with developmental impairments.

54. The Council for National Minorities (*Narodne novine*, No. 155/02) has at its disposal funds secured in the Central State Budget to carry out the cultural autonomy programmes of national minority associations and institutions. The programme beneficiaries submit quarterly, semi-annual and annual reports to the Council on the expenditure of funds and implementation of programmes, while the Council submits semi-annual reports to the Croatian Parliament and its relevant working body on the matters placed under the Council's jurisdiction and quarterly spending reports. The Council's members are appointed by the Government. Seven members are appointed by the Government at the proposal of national minority councils. Five members are appointed from among the ranks of distinguished cultural, scholarly, professional and religious personalities, at the proposal of minority associations, religious communities, legal persons and citizens. All national minority members of the Croatian Parliament are automatically members of the Council. Five members have been appointed from among the ranks of distinguished public personalities who are members of national minorities at the proposal of minority associations, while all five minority members of Parliament (after the next elections there will be eight) are also Council members. Seven members of the Council have also been appointed at the proposal of the national minority councils.

55. The Council for National Minorities is entitled to propose to Parliament and the Government that they hold deliberations on matters deemed significant, particularly regarding implementation of the Constitutional Act and the special legislation governing the rights and freedoms of national minorities. The Council is also entitled to provide opinions and proposals on the programming content of public radio and television stations. The Council may propose economic, social and other measures in those areas traditionally or to a considerable extent populated by national minority groups to ensure the survival of such minorities. Furthermore, the Council shall be entitled to seek and receive the necessary data and reports from national authorities and local and regional governments. In this process, it may summon to its sessions the representatives of the national authorities and local and regional governments with jurisdiction

¹¹ Report on the Work of the Children's Ombudsperson for 2003 and 2004, Information on the Work of the Office of the Children's Ombudsperson for 2005 and the Report on Work for 2006.

over the issues being debated by the Council. The Council may also cooperate with international organizations and institutions which deal with national minority issues, and with the relevant bodies in the mother countries of members of national minorities in Croatia.

56. As concerns national minority councils, article 25 of the Constitutional Act on the Rights of National Minorities stipulates that national minority councils are non-profit organizations which acquire this status upon entry into the National Minorities Register maintained by the Ministry in charge of general administrative affairs. Article 23 of the Constitutional Act stipulates that in the interest of improving, preserving and protecting the status of national minorities in society, the members of national minority groups elect their representatives in the manner and under conditions specified in the Constitutional Act, and such representatives participate in public life and administration of local affairs by means of national minority councils and representatives in local and regional governments.

57. National minority councils in local and regional governments are entitled to: propose to such governments measures to improve the status of national minorities throughout the country or in individual parts thereof, including proposals for the relevant councils to pass general ordinances to regulate matters of importance to national minorities; nominate candidates for posts in central and local or regional governmental bodies; receive notification of any issue to be debated by the representative body of a local or regional government which concerns the status of national minorities; and provide opinions and proposals for programming on radio and television stations at the local and regional levels intended for national minorities or programming specifically pertaining to national minority issues.

58. Local and regional governments are obliged to secure conditions for the work of national minority councils in their territories, and the councils are entitled to funding from the Central State Budget. They may additionally collect their own revenues by means of donations, gifts or inheritances. The funds they receive from local or regional budgets or the national budget may be spent in compliance with earmarked purposes, while the funds derived from their own revenues can be spent more freely, for activities of significance to minorities in compliance with independently created programmes.

59. Funds from the Central State Budget have been secured pursuant to the Government's decision of 11 December 2003 on the temporary financing of programmes of national minority councils and representatives in areas under special State care and in mountainous zones and remitted in an amount of HRK 519,000.

60. The National Commission for the Prevention of HIV/AIDS (*Narodne novine*, No. 10/03, 129/04, 30/05) was established to coordinate national and international activities related to the problem of the spread of HIV/AIDS in Croatia. The Commission's task is to systematically monitor all health-care, ethical, social, legal and other issues pertaining to the spread of HIV/AIDS, draft proposals, opinions and reports on health-care, ethical, social, legal and other issues, and provide guidelines to formulate new or amend existing regulations in this field. The Commission drafts and proposes programmes, monitors their implementation and gives opinions on programmes in this field and provides professional and financial supervision over implementation of programmes in this field.

61. The National Foundation for the Civil Society Development (*Narodne novine*, No. 173/03) was established as a public foundation with the basic task of promoting the development of civil society. The National Foundation professionally and financially underwrites programmes that uphold the sustainability of the non-profit sector, intersectoral cooperation, civic initiatives, philanthropy, volunteerism and the improvement of democratic institutions in society. Its fundamental objectives are to encourage public participation in community development, develop the capacity of civil society, develop intersectoral cooperation and cooperation between civil society associations, increase public influence and visibility of civil society activities, develop socially aware businesses and employment in the non-profit sector and increase the influence of civil society in the formulation of public policy.

62. The Commission for Monitoring the Implementation of the National Programme for the Roma (*Narodne novine*, No. 187/03, 20/04) was established in 2003 to examine implementation of the specific measures under the National Programme for the Roma. The Commission is organized into five task forces for each area. Each year, the Commission submits a report to the Government on the implementation of the National Programme for the Roma. In compliance with the National Programme for the Roma and the Decision on the Establishment of the Commission, the Office for National Minorities serves as the professional and administrative service of the Commission. The Working Group for the Implementation of the Action Plan of the Decade of Roma Inclusion was also established in 2005. Four representatives of the Roma national minority are members of this Working Group. The members of the Commission for Monitoring the Implementation of the National Programme for the Roma are appointed by the Croatian Government, which includes representatives of the relevant governmental bodies and eight Roma representatives.

63. The Youth Advisory Council (*Narodne novine*, No. 111/2003, 23/04, 120/05) is an interdepartmental, professional and advisory body of the Croatian Government with the basic task of participating in the coordination of implementation and evaluation of the National Action Programme for Youth (2003).

64. The National Committee for the Suppression of Trafficking in Persons (*Narodne novine*, No. 54/02, 41/04) was established by the Croatian Government and is made up of representatives of the governmental bodies which handle activities pertaining to suppression of trafficking in persons, representatives of the legislative and judicial authorities, and non-governmental organizations. The National Committee is in charge of establishing political guidelines, and it issues opinions, proposals and instructions, determines specific tasks for the relevant bodies, drafts and adopts enabling instruments, and oversees the implementation of measures specified under the National Programme for the Suppression of Trafficking in Persons and the accompanying Operative Plan.

65. The Judicial Academy (*Narodne novine*, No. 35/04) systematically implements the professional training of judicial officials and staff in the field of human rights.

66. Human rights commissioners (59/04) have been appointed by the Croatian Government to ensure a systematic approach to better protecting and promoting human rights at the national level, and they are a part of the Croatian Government's Human Rights Commission. Human

rights commissioners are representatives of all State administrative bodies at the level of governmental officials whose basic duty is to see to the protection and promotion of human rights in their respective agencies.

67. Gender equality coordinators (2004) have been appointed at the level of governmental officials in all governmental bodies. They cooperate with the Croatian Government's Office for Gender Equality and are responsible for the enforcement of relevant legislation. The heads of governmental bodies appoint gender equality coordinators at the governmental official level.

68. County Human Rights Coordination Bodies (2001). In the interest of the most effective possible operation of the human rights protection and promotion system, the Croatian Government launched the idea of establishing county human rights coordination bodies to organize the systematic monitoring of the status of human rights at the local level and to undertake the necessary measures to better protect and promote them. The Croatian Government's Office for Human Rights is in charge of coordinating and cooperating with the county human rights coordination bodies.

69. Gender Equality Commissions (2003-2006) were established in all counties as working/advisory bodies of the county assemblies to enforce the Gender Equality Act and the National Policy for the Promotion of Gender Equality at the local level, starting in 2003.

70. The Human Rights Centre (*Narodne novine*, No. 65/05) was established by the Croatian Government as a public institution assigned with the promotion of human rights in the Republic of Croatia. In the performance of its tasks, the Centre monitors the status of human rights in Croatia, points out instances when protection of human rights is required, provides information and education in the fields of human rights protection, organizes public forums, panel discussions and lectures in the field of human rights protection, encourages cooperation between governmental agencies, NGOs, international organizations and academic institutions in the field of human rights protection, establishes and maintains a special human rights library, supports NGOs in the field of human rights protection, engages in publishing activities, and performs other activities pertinent to the relevant field in compliance with law.

III. ARTICLE 3. CONDEMNATION OF SEGREGATION AND PREVENTIVE MEASURES

71. With the aim of ensuring the exercise of the rights guaranteed by the Constitution and legal system of the Republic of Croatia and eliminating all forms of discrimination, the Government has adopted the National Programme for the Roma (2003), which is an attempt to provide systematic assistance to Roma and improve their living conditions, and to secure the Roma national minority's equality in relation to other citizens of the Republic. The National Programme was drafted in cooperation with the relevant ministries and other organizations, and also in cooperation with Roma associations. It highlights the basic problems confronted by the Roma population and contains a series of short-term and long-term measures in areas such as employment, learning and education, health care, social welfare, housing and settlement of status issues, which must contribute to the elimination of these problems and to the successful integration of the Roma into Croatian society.

72. Under the National Programme, measures, deadlines and implementing agencies have been designated, as well as the necessary funding. The Programme specifies the following measures: Roma involvement in social and political life; preservation of traditional Roma culture, encouragement of publishing and dissemination of information on this Roma culture and creativity via the media; settlement of Roma status issues (registration and regulation of residence and acquisition of Croatian citizenship); prevention of discrimination (free legal aid); education and instruction - mandatory preschool for Roma children, securing attendance of kindergartens, special measures for greater involvement of Roma children in the compulsory elementary school system, increasing the number of Roma attending secondary schools and universities; health care (special measures for health education of Roma, vaccination of Roma children, improvement of home-care work, combating alcoholism, smoking and other addictions, monitoring the exercise of rights to health care); employment (special employment and self-employment measures); social welfare (reduction of Roma poverty, improvement of living conditions for persons with disabilities, protection of Roma families, particularly children, rendering humanitarian aid); and physical planning (legalization and upgrading of Roma settlements).

73. In compliance with the measures contained in the National Programme for the Roma, in 2004, 2005 and 2006, the Croatian Government's Office for National Minorities organized nine seminars with the goal of qualifying young Roma men and women to implement the National Programme for the Roma and the Decade of Roma Inclusion Action Plan; assist in the management of associations and preparation of projects; participate in decision-making processes in local and wider communities to help exercise the rights of the Roma guaranteed by the Constitution and the legal system and to secure greater involvement in social life, promote Roma culture, rights, and customs through the media, which will contribute to positive views of the Roma, encourage mutual cooperation among various Roma associations and master the most important speech skills.

74. The National Programme for the Roma also entails the ongoing implementation of measures to encourage the programmes of NGOs aimed at the affirmation and education of women concerning their human rights and gender equality and the affirmation of the Convention on the Elimination of All Forms of Discrimination among Roma Women, through the organization of public forums, seminars and education on gender equality and human rights.

75. In the interest of carrying out the measures contained in the National Programme for the Roma, the Government's Office for National Minorities and the International Journalist Education Centre organized a seminar for journalists and editors on the affirmation of Roma in the media, held on 16-18 December 2005. The objective of the seminar was to raise the sensitivity of journalists and editors regarding coverage of topics and events pertaining to national minorities, particularly Roma. In this regard, a central concern was the need to eliminate stereotypes and prejudices against national minorities, and Roma in particular.

76. Pursuant to the National Programme for the Roma, a pilot survey was conducted (in Osijek-Baranja County - Darda) covering 101 out of 117 Roma households. Its results provided insight into the demographic and socio-economic features of the population of this Roma settlement, as well as data on public health, high-risk living customs and use of

health-care services. Based on the test questionnaire and the results of the pilot survey, plans have been made to conduct further research in all counties with a high number of Roma settlements.

77. Croatia joined the Decade of Roma Inclusion initiated by the Open Society Institute and the World Bank, and pursuant thereto drafted the Decade of Roma Inclusion Action Plan 2005-2015. The framework of the Action Plan encompasses education, health care, employment and housing. For each of these fields, statistical research will be conducted to ascertain the living conditions of the Roma population. The Action Plan specifies measures that will contribute to the elimination of many years of discrimination and marginalization of the Roma national minority, such as regulation of settlements (water, electricity, sewage, access roads), free preschool education, better access to the entire system of education, improved health care, especially for women and children, and better job opportunities. The Working Group for Monitoring the Implementation of the Decade of Roma Inclusion Action Plan has also been established, and four of its members are representatives of the Roma national minority.

78. In the interests of improving the living conditions of the Roma national minority, the Office for National Minorities has proposed the Roma Support Project, which foresees the introduction of complete utilities infrastructure in Roma settlements in Međimurje County (road construction, water supply, electrification, sewage) and an education programme aimed at the most rapid possible inclusion of Roma in Croatia's educational system, which will be financed by funds obtained from the European Commission's PHARE programme. The European Commission has approved funds for an amount of €1,467,000 for this project (education and infrastructure development programme) with a 30 per cent co-financing from Croatia's Central State Budget. The funds from the PHARE-2005 Programme will completely cover reconstruction of the Parag I and Parag II settlements in Nedelišće Municipality in Međimurje County. Under the PHARE-2006 Programme, financing has been foreseen for the multi-year Roma Support Project for an amount of €2,500,000, with 30 per cent of funding secured from Croatia's Central State Budget. Infrastructure renewal will concern three Roma settlements in Međimurje County: Pribislavec in Pribislavec Municipality, Piškorovec in Mala Subotica Municipality and Lončarevo in Podturen Municipality.

79. In the central budget of the Republic of Croatia for 2006 the funds allocated for implementation of the National Programme for the Roma and the Decade of Roma Inclusion Action Plan, were increased - via the relevant ministries and offices - from HRK 2,760,000 in 2005 to HRK 11,886,670 in 2006, which is an increase by 430 per cent over the preceding year.

80. According to general assessments, progress has been made in improving Roma living conditions. Conditions have been created for the regulation of a portion of Roma settlements, while preparations are under way for the rest, measures have been implemented to address status issues, and health care and social protection have been enhanced. Free legal aid for Roma in status matters has been introduced. Efforts have been made to improve Roma education, from preschool to higher education, as well as adult education. In elections conducted to choose the national minority councils and representatives, 20 councils and 7 representatives of the Roma national minority have been elected, and as a result more than 400 Roma now participate in decision-making.

81. The Decade of Roma Inclusion Action Plan for 2005-2015 has been printed and forwarded to all ministries and other governmental agencies, to municipalities, cities and counties in which Roma live, to all Roma national minority councils and representatives, and to all Roma associations registered in Croatia, with a call for active involvement in the implementation of measures. The systematic monitoring of the Action Plan's implementation has been organized in cooperation with Roma representatives.
82. With the goal of systematically monitoring the implementation of the National Programme for the Roma and the Decade of Roma Inclusion Action Plan, a website for Roma has been launched, which was formally presented by Jadranka Kosor, the Deputy Prime Minister and chair of the Commission for Monitoring the Implementation of the National Programme for the Roma. This website has facilitated a better flow of information between governmental agencies and the Roma national minority.
83. In operative reports submitted to the Croatian Parliament in recent years,¹² the Children's Ombudsperson highlighted certain forms of discrimination, especially concerning the status of Roma children and children with developmental impairments, and proposed enhanced action with the goal of creating a culture of tolerance in society in general using all available means, including schools, the media and legislation. Specifically, the Office of the Children's Ombudsperson has taken action in several individual cases in which the rights of Roma children were violated, particularly within the framework of the educational system, and those concerning the rights of children to proper existence and development, primarily in the spheres of social safety and protection from commercial exploitation, and exposure of children to various behaviours harmful to their development. In connection with the educational rights of Roma children, the Office of the Children's Ombudsperson has cooperated with the Open Society Institute of Croatia on the pilot project for Roma education in educational institutions in Beli Manastir, which is being implemented unimpeded (a minibus was purchased to transport Roma children in Beli Manastir, wherein the City undertook the commitment to pay the driver's salary, and cover the costs of vehicle maintenance and registration, for the duration of preschool attendance for Roma children in the city's kindergarten).
84. The Gender Equality Ombudsperson released the results of an analysis of the status of Roma women in the Republic of Croatia and the reasons for their early departure from school, as well as an analysis of data on the Roma population obtained from State institutions. The Ombudsperson became involved in the education project for Roma/Roma women initiated by the Open Society Institute of Croatia for the Beli Manastir area, which lasted for two years (2004/2005). Under this project, sex-/gender-sensitive indicators were developed, whereby the educational achievements of Roma children during and after the project were monitored and evaluated, with due consideration of the activities to be conducted in preschools, schools and the wider community.
85. Since health statistics in Croatia are not recorded based on ethnicity, a measure highlighted in the National Programme for the Roma specifies the need to conduct research into the status of

¹² Report on the Work of the Children's Ombudsperson for 2003 and 2004 and information on the work of the Office of the Children's Ombudsperson in 2005.

general health and health-care protection of the Roma population for the purpose of ascertaining their health-care needs and priorities. Different Roma groups require different approaches, depending on educational level, living conditions, and level of employment. A workshop was conducted under the aegis of the National Programme on “Health Education and Instruction of the Roma” for 15 out of 21 Croatian counties (2004). Coordinators from local administrations, county public health departments, home care nurses and representatives of the Roma councils and NGOs participated in the work. Since the implementation of health-educational measures and measures to promote health in Roma settlements is rendered difficult by insufficient urbanization, unsettled utilities infrastructure and communication barriers in Roma areas (language, but also cooperation with individual families, lack of ties and cooperation between Roma associations), the home-care services in some areas are unable to engage in the planned activities. Thus, at the workshop it was proposed that a task force be established in each county, headed by a coordinator from the relevant county office in charge of public services or labour, health and welfare. Public health institutes are also conducting the immunization of all Roma children based on the Immunization Programme, even in cases when individuals lack social health insurance (emigrants without regulated citizenship status who happen to be in the State’s territory).

IV. ARTICLE 4. CONDEMNATION AND ELIMINATION OF RACIST PROPAGANDA AND RACIST ORGANIZATIONS

86. The aspirations of the Republic of Croatia aimed at condemning racist propaganda, hate speech and racist organizations are apparent above all in the improvement and enhancement of legal solutions. Article 174 of the Criminal Code contains modalities for this type of behaviour by individuals and groups, which analogously stipulates the possibilities and tactics for repressive policing.

87. Statistically, acts subject to sanctions in the field of racial discrimination do not constitute a considerable share in the total number of perpetrated crimes and misdemeanours. According to official records, during the period from 1 January 2000 to 31 December 2005, a total of four crimes specified in article 174 of the Criminal Code were committed, out of which only in one case the motive for the crime was ascertained to be the expression of racial intolerance against the victim of the attack. Specifically, the case involved a verbal and physical assault by members of a group of skinheads (two perpetrators) against a group of Arab-African students, who were visiting Zagreb on 6 February 2004. On this occasion, 10 persons were threatened, out of whom 9 were French citizens and 1 was a citizen of Cameroon.

88. Over that period, no police reports were recorded which may be brought into connection with the perpetrators of these punishable acts.

89. The prohibition of discrimination is explicitly pronounced in the provisions of the Prison Sentence Act (*Narodne novine*, No. 190/03 - consolidated text), which state that while serving a prison sentence, a detainee may not be subjected to unequal treatment on the grounds of race, skin colour, sex, language, religion, political or other conviction, national or social origin, property, birth, education, social status or other traits. Observance of the ban on any illegal treatment is additionally enhanced by article 9 of the law. Procedures whereby prisoners are subjected to any form of torture, abuse or humiliation and medical or scientific experimentation

are prohibited and subject to sanctions. Illegal treatment generally refers to procedures that are disproportionate to the need to maintain order and discipline in prisons and other correctional facilities or illegal and may incur suffering or inappropriate restriction of the fundamental rights of prisoners.

90. While serving sentences, minors may not be treated unequally based on race, skin colour, sex, language, religion, political or other conviction, national or social origin, property, birth, education, social status or other traits. Another established right concerns the religious and spiritual life of minors during the serving of sentences. This clearly shows a consistent observance of the ban on any form of discrimination for minors convicted of committing crimes or misdemeanours.

V. ARTICLE 5. CIVIL, POLITICAL, ECONOMIC, SOCIAL AND CULTURAL RIGHTS

A. Right to equal treatment before the tribunals and all other bodies administering justice

91. Besides the constitutional provisions stipulating equality of all before the law, the Courts Act (*Narodne novine*, No. 150/05) stipulates that the courts protect the constitutionally and legally established order of the Republic of Croatia, and ensure uniform application of laws and the equality of all before the law. Everyone is entitled to have a legally established, independent and impartial court fairly decide, within a reasonable period, on their rights and obligations or on criminal suspicion or accusation.¹³ The Courts Act introduced a novelty under the designation “Protection of the right to trial within a reasonable period”. According to this provision, a party to a trial who believes that the court with jurisdiction has not reached a decision on his/her rights or obligations or criminal suspicion or accusation within a reasonable period may directly appeal to a higher court for protection of the right to trial within a reasonable period.

92. For the purpose of easing access to the courts, particularly for lower-income individuals, an act on the Right to Legal Assistance is being prepared. The Amendments to the Pension Insurance Act (*Narodne novine*, No. 147/02) specify general exemption from payment of fees within the framework of administrative procedures to exercise the rights under the general pension insurance system and procedures for court protection before the Administrative Court of the Republic of Croatia.

93. One of the concerns expressed by the Committee on the Elimination of Racial Discrimination pertain to the large case backlog in courts. In the interest of settling this problem of the Croatian courts, the Strategy of Judicial Reform was drafted in 2002 which contains measures, authorities and funding aimed at relieving the burden on the courts, and also similarly relieving judges of tasks that are not court-related in nature, which should contribute to improved functioning of the overall judicial system, and also to a more complete application of the principles of equality of all before the law, which pertains to the long duration of court procedures.

¹³ Table 9 - Judicial protection - violations of the right to file legal remedies or petitions, article 112 of the Criminal Code, 2000-2006.

94. In 2005, the Dstraint Act (*Narodne novine*, No. 88/05) was amended, and dstraint cases initiated on the basis of accredited documents were transferred to the jurisdiction of notaries. As a result the settlement of dstraint cases, in comparison to dstraint cases before the municipal courts, declined from 547,552 cases before the courts in October 2005 to 484,108 cases in December 2005. Similarly, dstraint cases before the commercial courts declined from 293,747 cases in October 2005 to 231,253 cases in December 2005. All of these measures are intended to make the Croatian legal system faster and more efficient.

95. According to the provisions of the Constitutional Act on the Constitutional Court, any individual may file a constitutional appeal with the Constitutional Court if it is deemed that specific acts or actions of governmental agencies, local or regional governments, or legal persons vested with public authority concerning that person's rights, obligations or criminal suspicion or accusation violated his/her human rights or fundamental freedoms as guaranteed by the Constitution.

B. Right to security of person and protection by the State against violence or bodily harm, whether inflicted by government officials or by any individual group or institution

96. The Police Act (*Narodne novine*, No. 129/00) and the Police Procedural Rules (*Narodne novine*, No. 81/03) stipulate that in the exercise of police authority, police officers are obliged to behave humanely and respect the dignity, reputation and honour of every person, and other fundamental rights and human freedoms. Over the past six years, no incidents of racially-based discrimination by police officers have been recorded.

97. In 2003, the Interior Ministry/Police Academy printed and delivered to all organizational units the Police Manual which provides comprehensive explanations of the manner in which all police officers are supposed to proceed, as stipulated by the Police Act and the Police Procedural Rules. In 2004, the Interior Ministry/Police Academy, in cooperation with ICITAP, prepared and printed the manual *Principles and Procedures*, which is the fundamental guide for professional, legal and ethically correct police work. The manual consists of general instructions which contain the rules of procedure and conduct in specific situations, and principles and procedures guiding the actions of police officers during criminal investigations. It was distributed to all police officers. Additionally, in 2004, the Police Directorate forwarded written instructions to all of its organizational units on how to treat detained and arrested individuals, and in 2005, instructions were issued on the accommodation of persons arrested on suspicion of committing crimes or misdemeanours in detention facilities.

98. From 2003 to 2005, four crimes under article 126 of the Criminal Code (coercion of testimony) were detected and reported, which led to charges against three police officers and one merchant (in 2003, one crime was reported, in 2004, two were reported, and in 2005, one was reported). Disciplinary procedures were initiated against the three police officers who used force to coerce testimony from a suspect during interrogation, on which occasion termination of employment was pronounced against one of them. As to the detection and reporting of the crime specified in article 127 of the Criminal Code (abuse in performance of duties or public authority), during the reporting period, 30 crimes were detected and reported (16 in 2003, and 7 each in 2004 and 2005). In 14 cases, the perpetrators were police officers, while in the remaining cases the perpetrators were secondary school teachers, elementary school teachers,

and a kindergarten supervisor. Police officers generally committed these crimes during the exercise of their police authority, and disciplinary procedures were conducted against 19 police officers suspected of committing this crime. With reference to perpetration of this crime by other persons, five were perpetrated by a kindergarten supervisor, who locked children in the lavatory as a disciplinary measure on several occasions, and two by an elementary school teacher, who abused candidates applying for employment in the school where this teacher was the superintendent. During the reporting period, no crimes under article 176 of the Criminal Code (torture and other cruel, inhumane or humiliating treatment) were detected or reported.

99. Pursuant to article 21 of the Protection against Domestic Violence Act, the Interior Minister issued the Rules on Methods to Implement Protective Measures (2004) which specify the methods to implement protective measures such as restraining orders against perpetrators of domestic violence, prohibition of harassment or stalking of persons exposed to violence and removal from household. The police system implements these protective measures in cases when they are pronounced by the misdemeanour court with jurisdiction.

100. The Process of Training Specialized Police Officers to Deal with Juvenile Delinquency is conducted under the specialist training course for the performance of tasks intended to combat juvenile delinquency and provide legal protection of children and adolescents, which according to a special course curriculum was adopted by the Interior Minister and conducted over a period of six weeks. Those who successfully complete this course are presented with a certificate enabling them to engage in specialized police work pertaining to juvenile delinquency and legal protection of children and adolescents, which is a fundamental requirement for their assignment in the police system on posts with jurisdiction over juvenile delinquency and legal protection, as well as police work pertaining to protection against domestic violence.

101. The criminal legislation of the Republic of Croatia classifies juvenile delinquency based on age, distinguishing between criminally non-liable persons - children (up to 14 years of age) and criminally liable persons - adolescents (aged 14 to 18). Given the sex of reported juveniles, the dominance of male perpetrators is evident. Expressed in percentages, in the total number of reported cases, males account for 92.22 per cent, whereas female minors account for 7.78 per cent.¹⁴

102. Police data on the observed status, trends and main features of domestic violence in the Republic of Croatia from the period from 1 January 2000 to 31 December 2005, in which the police implemented the required measures, indicate the following: during this period, the police received 78,058 calls from citizens for police intervention as protection against domestic violence; the requested intervention was rendered in 77,943 cases or 99.85 per cent; in the implementation of the required measures, 19,938 persons were taken to the premises of the police organizational unit (police station, police precinct); for the needs of protection of victims due to concerns over the continuation of violence, 14,754 persons were detained in the police premises; misdemeanour charges were filed against 59,908 persons relating to domestic violence or pertaining to such violence (disturbance of the peace, violation of regulations on

¹⁴ Table 10 - Number of reported minors/perpetrators of criminal offences in the Republic of Croatia for 2000-2006.

weapons, etc.) and criminal charges were filed against 11,988 persons due on grounds of domestic violence; and a total of 93,035 persons incurred damages due to domestic violence.

103. Pursuant to the Procedural Protocol in Cases of Domestic Violence, in 2005 the Police Directorate forwarded instructions to all police departments which consolidated all previous experiences with an additionally refined strategy for police approaches and tactics in cases of criminal acts involving domestic violence. Since the beginning of the application of the Protocol, it has been observed that perpetrators of domestic violence are more frequently brought before misdemeanour and investigative judges and that holding and detainment measures are more frequently pronounced against them than previously, which means that repressive action is achieving a preventive effect. It has also been noted that weapons (possessed either legally or illegally) have been seized from perpetrators of domestic violence more often than before, and an increase in criminal behaviour involving threats made by one family member against another has also been recorded.

104. Upon arrival to serve a prison sentence, the incarcerated individual must be informed of his/her rights, the methods for protection thereof and obligations. For this purpose, the Justice Ministry's Prison System Administration has developed a manual which details the rights and obligations of prisoners and methods to protect the latter. The manual is given to each prisoner at the commencement of the sentence. A prisoner who is a foreign citizen is entitled to correspond and speak to diplomatic and consular representatives of his/her country or State which protects his/her rights.

105. According to the report of the Ombudsman for 2005, a large number of complaints (85) were received concerning violation of the rights of prisoners, felons and detained individuals. Most often these pertain to insufficient capacity in all closed correctional facilities and prisons.

106. In order to exercise the right to religion and conferral with an authorized religious representative, the Croatian Government has concluded agreements with the Croatian Conference of Catholic Bishops, the Serbian Orthodox Church in Croatia and the Council of the Islamic Community in Croatia. Pursuant to these agreements, religious rites are performed in prisons and correctional facilities, and authorized religious representatives from these communities make prison visits. Prisoners are entitled to meals suited to their religious and cultural requirements, and if the prisoner's request for exemption of certain types of food cannot be met, such prisoner may purchase food in the prison's commissary. Prisoners are entitled to file complaints against procedures and decisions of the staff of prisons or correctional facilities.

C. Political rights, in particular the right to participate in elections - to vote and to stand for election - on the basis of universal and equal suffrage, to take part in the Government as well as in the conduct of public affairs at any level and to have equal access to public service

107. The freedom of voter preference and secret ballots are guaranteed. It is both the right and duty of voters to vote only once, and no one may seek from a voter that he/she make public his/her voting preference. Neither may a voter be called to account due to his/her vote or failure to vote (article 3 of the Parliamentary Elections Act; *Narodne novine*, No. 116/99, 109/00, 53/03 and 69/03 - consolidated text). The Political Parties Act (*Narodne novine*, No. 76/93, 11/96, 164/98 and 36/01) stipulates that political parties, by virtue of their free establishment, are an

expression of the democratic multiparty system as the highest value of Croatia's constitutional order. There are 104 political parties registered in the Republic of Croatia. Amendments to the law made in 2001 stipulate that political parties are entitled to compensation of an amount of 10 per cent of the sum foreseen for each MP for each elected MP of the underrepresented sex.

Suffrage of national minorities

108. Under article 19 of the Constitutional Act on the Rights of National Minorities (2002), the Republic of Croatia guarantees national minorities the right to representation in Parliament. Eight members of national minorities are elected to the Parliament, as follows: three Serbian members of nationality, one Italian member, one Hungarian member, one member of Czech minority who also represents the Slovak national minority, one member of the Bosnian national minority who also represents the Albanian, Slovenian, Montenegrin and Macedonian national minorities, and one member of German minority who also represents the Austrian, Bulgarian, Polish, Roma, Ruthenian, Russian, Turkish, Ukrainian, Vlach and Jewish national minorities.

109. Article 23 of the Constitutional Act stipulates that in the interest of improving the preservation and protection of national minority rights, the members of national minorities elect their representatives to participate in public life and participate in the administration of local affairs by means of national minority councils and representatives in local and regional governmental units.

110. In administrative units in which the members of national minorities account for a minimum of 1.5 per cent of the total population, in local administrative units in which over 200 members of an individual national minority live, and in regional administrative units in which over 500 members of an individual national minority live, the members of each such national minority may elect a national minority council, while in administrative units in which a minimum of 100 members of a national minority live, a national minority representative is elected.

111. In administrative units in which minorities are unable to form a national minority council because the minimum, constitutionally specified number of national minority members do not live there, they may elect a national minority representative if there are a minimum of 100 members of that minority. This representative is elected pursuant to electoral legislation, as are the national minority councils, and once elected, this representative is authorized to represent the national minority before the bodies of the relevant administrative unit and obliged to see to the promotion of that minority's interests. The Government has confirmed that national minorities are entitled to the establishment of councils in 16 counties and 262 local governmental units, and that they are entitled to elect minority representatives in all counties and in 40 cities. The first elections for national minority councils were held on 18 May 2003, and these elections and the formation of the councils as non-governmental organizations means that Croatia has entered a new, sui generis era of minority protection.

112. The first elections for national minority councils and representatives encountered a number of problems and voter turnout was rather modest. Nonetheless, they made possible the election of a significant number of national minority councils and representatives and the beginning of an improved exercise of national minority rights at the local and regional levels.

113. Ten members are elected to national minority councils in municipalities, 15 members are elected in cities, and 25 members are elected in counties. In those units in which the conditions for election of councils cannot be met, a national minority representative is elected.

114. After elections were held for members of local and regional government representative bodies on 15 May 2005, over 360 representatives of national minorities were elected to these representative bodies, as follows: 227 Serbs, 73 Italians, 3 Ruthenians, 1 Ukrainian, 3 Roma, 26 Hungarians, 20 Czechs, 10 Slovaks and 6 Bosnians. By the end of 2005, 274 national minority councils were entered in the Register of National Minority Councils. After the release of election results for members of national minority councils and representatives in local and regional government units held on 18 May 2003, 41 confirmations for election of a national minority representative were issued. After renewed elections for national minority representatives in local and regional government units were held on 15 February 2004 and after the release of the official results, the Office issued 26 confirmations for election of national minority representatives. It follows that so far 67 confirmations for election of national minority representatives have been issued.

115. The Croatian Government's Office for National Minorities, in cooperation with the Council for National Minorities, organized 23 seminars during 2005 and 2006 on education and qualification of national minority councils and representatives and local governmental representatives, participation of national minority councils and representatives in public affairs and more effective cooperation with local and regional governments. The seminars were held in Zagreb for the City of Zagreb and Zagreb County, in Dubrovnik for Dubrovnik-Neretva County, in Vinkovci for Vukovar-Srijem County, in Rijeka for Primorje-Gorski Kotar County, in Karlovac for Karlovac County, in Sisak for Sisak-Moslavina County, in Knin for Šibenik-Knin County, in Daruvar for Bjelovar-Bilogora County, in Split for Split-Dalmatia County, in Osijek and Beli Manastir for Osijek-Baranja County, in Slavonski Brod for Brod-Posavina County, in Čakovec for Međimurje County, and in Pula and Rovinj for Istria County.

116. Additionally, four regional seminars were held in Rijeka, Osijek, Split and Zagreb (each to cover a number of counties) on improving the work of councils and examples of good practice in the work of the councils. The seminars were financially underwritten by the Organization for Security and Cooperation in Europe (OSCE) Mission to the Republic of Croatia. At the concluding seminar held in Zagreb, representatives from councils throughout Croatia's territory participated. Within the framework of these seminars, three workshops were organized to discuss the role of national minority councils and representatives at the local and regional levels, the creation of the material requirements for the work of national minority councils and representatives, budgets and operating programmes and elections for national minority councils and representatives. The seminars' participants concluded on the basis of comprehensive analysis and deliberation that as a whole, the national minority council system had begun to function. A number of positive examples were noted where the working conditions for national minority councils were secured, and where the councils were obviously functioning, such as in Osijek-Baranja County, Vukovar-Srijem County, the City of Zagreb and in other territories of the Republic of Croatia.

117. There are still, however, examples of failure to secure the basic operating conditions for national minority councils - there are cases of councils which do not even have the minimum premises nor physical operating conditions. Also, some criticism addressed the manner in which

national minority councils and representatives were elected, and the fact that funding for campaign promotion was not secured, that the campaign period was too short, and that elections for national minority councils and representatives were held separately from local elections (which led to a smaller number of constituencies and a small voter turnout). In the end, the seminars' participants expressed satisfaction with the Government's commitment to the settlement of minority issues in Croatia over the past period, and welcomed the initiative of the seminars' organizers to use such seminars and workshops to make it possible for the members of national minorities to secure the needed knowledge and to exchange experiences and views on a partnership basis, and to make proposals to improve the exercise of national minority rights in Croatia, which is a basic condition for the full implementation of the Constitutional Act on the Rights of National Minorities, and of the entire regulatory framework that pertains to national minority rights in the country.

118. The Civil Servants Act (*Narodne novine*, No. 92/05, 142/06), in the section on the hiring of national minorities, and given the provisions of the Constitutional Act on the Rights of National Minorities, specifies that a candidate who is entitled to preference in admittance to the civil service based on special legislation must refer to this right in his/her employment application if the candidate wishes to exercise this right, thereby taking advantage of a preferential status in relation to other candidates, albeit under equal conditions, which means that insofar as a candidate's qualifications are equal to those of other candidates, he/she exercises the right to preferred consideration as a member of a national minority.

119. The Amendments to the Local and Regional Self-government Act (*Narodne novine*, No. 129/05), with reference to implementation of the constitutionally guaranteed rights of national minorities, obliges the executive authorities of local and regional governments to plan for the hiring of a set number of national minorities in their public service admittance programmes in order to fulfil the required representation in the bodies of these units. Also, this same legislation specifies the right of national minorities to refer to the right to employment on this basis in their application for employment.

120. Admittance to the civil service of persons who are foreign citizens or who lack citizenship requires, besides the fulfilment of the conditions stipulated by special legislation, the prior consent of the central State authority in charge of civil service affairs.

D. Other civil rights

Right to freedom of movement and residence within the border of the State, right to leave any country, including one's own, and to return to one's country

121. Article 32 (2) of the Constitution of the Republic of Croatia stipulates that every citizen of Croatia has the right to depart from the territory of the State and settle abroad permanently or temporarily and to return to the country at any time. The Croatian Citizen Travel Documents Act (*Narodne novine*, No. 77/99, 133/02, 48/05) stipulates that every citizen of the Republic of Croatia is entitled to hold travel documents. The request for issuance of a travel document will be rejected if it is suspected that the applicant will: avoid attendance of a criminal trial or execution of a judgement sentencing him/her to prison for more than three months or a security measure specifying mandatory psychiatric treatment or protective custody in a health-care institution - at the request of the court with jurisdiction; avoid settlement of a due legal financial

liability based on marriage or parenthood, tax liability or any other legally determined executable financial liability - at the request of the court with jurisdiction; avoid mandatory military service or on any other grounds as specified by regulations governing mandatory military service or service in the armed forces - at the request of the relevant military authority. The request for issuance of a travel document may be rejected if there are reasonable grounds to suspect that the applicant will act contrary to regulations banning import, export, transport or distribution of controlled substances or contrary to customs and foreign trade regulations; or if this decision is dictated by matters of national security or protection of public order. Issuance of travel papers for Croatian citizens cannot be denied.

122. In 2003, the Republic of Croatia enacted the Aliens Act (*Narodne novine*, No. 109/03, 182/04) which stipulates that a foreign citizen may enter the Republic and stay in its territory with a valid travel document containing a visa or residence permit, unless specified otherwise by the Act or international treaties. Foreign citizens without valid travel documents may enter the country if the Republic of Croatia is obliged to receive them under international treaties. A foreign citizen will not be admitted to the Republic of Croatia if he/she: fails to meet the conditions specified in article 3 of the Act; does not have sufficient funds to support him/herself during his/her stay and return to his/her country of origin or travel to a third country; is in transit and does not fulfil the conditions for admittance to a third country; is subject to a protective or security measure specifying expulsion; lacks certification of vaccination and comes from a territory beset by infectious disease epidemics; or if: this is required to safeguard the legal order, national security or public health; there is reasonable suspicion that his/her stay will be associated with perpetration of a crime prosecuted ex officio; the individual is listed in the records of the relevant body as an international criminal; and there is reasonable suspicion that his/her stay will not be utilized for the planned purpose. In compliance with article 32 of the Act, a foreign citizen may freely leave the Republic of Croatia, except if: he/she possesses a travel or other document that belongs to another or is invalid; does not meet the criteria to enter another country; there is reasonable suspicion that he/she intends to avoid criminal or misdemeanour prosecution, serving of a sentence, court orders, arrest or settlement of due legal financial liability; or if this is required to safeguard the legal order, national security or public health. The Act also stipulates that the movement of foreign citizens in certain areas of the Republic of Croatia is limited or prohibited if so required to safeguard the legal order, national security or public health.

Right to nationality

123. The Croatian Citizenship Act (*Narodne novine*, No. 53/91, 28/92 and 113/93) stipulates that Croatian citizenship is obtained by heritage, birth, naturalization or pursuant to international treaties. The fundamental principle underlying acquisition of Croatian citizenship is heritage (*ius sanguinis*), while the territorial principle (*ius soli*) pertains to taxatively specified cases, for the purpose of preventing persons to remain without citizenship. The basic principles of the Croatian Citizenship Act are: exclusivity of Croatian citizenship, legal continuity of citizenship, prevention of statelessness, equality of children born in or outside of wedlock and equality of spouses. Each applicant is guaranteed equal legal protection in administrative procedures and, subsequently, special court protection as well.

124. The Ministry of the Interior is in charge of issues pertaining to the legal status of citizens concerning the acquisition and termination of Croatian citizenship, and these procedures are

regulated by the Croatian Citizenship Act. From 2000 to 2005, 78,778 requests for Croatian citizenship were received, and 24,255 requests for termination of citizenship. During this period, 27,068 requests for termination of Croatian citizenship were resolved, of which 1,253 requests were rejected. As a result of the latter, 1,260 administrative lawsuits were filed.¹⁵

Right to marriage and choice of spouse

125. The Constitution of the Republic of Croatia specifies that marriage and the legal relations pertaining to marriage, common law unions and families are to be regulated by law (art. 61). Pursuant to constitutionally specified principles, a series of legal regulations detail these legal institutions by individual fields. The Family Act (*Narodne novine*, No. 116/03, 17/04 and 136/04) regulates marriage, relations between parents and children, adoption, guardianship, effects of common-law unions of women and men, and the procedures of the relevant authorities pertaining to familial relations and guardianship. The regulation of family relations is based on the principles of equality between women and men and mutual respect and assistance of all family members; protection of child welfare and the rights and responsibilities of both parents for child rearing and upbringing; adequate guardianship of children lacking parental care and adults with mental impairments. According to the Family Act, marriage is a legally regulated union between a woman and man, concluded by mutual consensual declaration of a woman and a man in a civil or religious ceremony. A marriage is concluded in the presence of the bride and groom, justice of the peace and two witnesses, who must be legal adults and qualified to engage in gainful employment. In marriage, the status of the partners is equal, and they mutually decide on bearing and raising children and performing tasks within the family, mutually determine their place of residence, and each spouse independently decides on their choice of vocation and occupation. The Family Act defines common-law unions as a relationship between an unmarried woman and man with a duration of not less than three years, or less if a child is born in such a union. A common-law union produces the legal effect of mutual support after its termination, and all property rights and duties as in marriage.

126. The basic assertion of sexual discrimination of female children of Roma ethnicity in that they are too early confronted with the assumption of the traditional role of wife, mother, home-maker, guardian of younger siblings or earning by panhandling is confirmed by data on the number of underage marriages and age of mothers giving birth. Thus, data from the Ministry of Health and Social Welfare indicate the number of marriages by minors, which can be derived from the number of issued opinions on the justification of requests for early marriage to persons of Roma ethnicity (in territories with the highest Roma populations: Zagreb, Donji Miholjac, Kutina, Sisak, Beli Manastir, Vukovar, Slavonski Brod, Varaždin, Crikvenica, Đurđevac). In the period 2004 to mid-2005, 31 opinions were issued, which is considerable, if compared to data on the total opinions issued for the entire population in 2004: 203 opinions (9 refusals).¹⁶

¹⁵ Tables 11 and 12: Table 11 - Number of applications filed for acquisition or termination of Croatian citizenship, 2000-2006; Table 12 - Number of resolved applications pertaining to applications for acquisition or termination of Croatian citizenship, 2000-2006.

¹⁶ *Source*: Report of the Gender Equality Ombudsperson for 2005.

127. The number of live-births among Roma mothers based on mother's age indicates a uniform trend of underage pregnancies during the period from 2001 to 2004, and the number of mothers aged 14 to 17 was 62 in 2001, 57 in 2002, 71 in 2003, and 56 in 2004. Those aged 17 and 16 are roughly equal in number, and their numbers are the highest, roughly twice the number of girls giving birth at age 15, while the fewest are girls who gave birth at age 14 (e.g. in 2004 there were 6 recorded cases of 14-year-old mothers, 5 15-year-olds, 20 16-year-olds, and 25 17-year-olds; by way of comparison, the highest number, 133, were aged 20-24). Here a positive indicator is that almost 100 per cent of these births took place in health-care institutions, and only about 0.3 per cent proceeded without professional assistance, which indicates high awareness of health care and social assistance and living standards of this segment of the Roma population.¹⁷

Right to own property alone as well as in association with others

128. A particularly sensitive aspect of protection of property emerges in the restitution of property of refugees, which was granted for temporary use by the relevant authority of the Republic of Croatia, or which was unilaterally appropriated. The Croatian Government and its relevant agencies, in cooperation with non-governmental organizations, have made significant efforts to secure the restitution of property to its rightful owners. In cases when property was not returned voluntarily, lawsuits were filed for the restitution of property, and despite the considerable backlog in court cases, special efforts have been and are being made to quickly settle these suits. Almost all property appropriated and sequestered by the Republic of Croatia (19,280 houses) were returned to their owners and currently 18 cases of appropriated property remain in Kistanje.

129. Over the past several years (since 2002), most reconstruction beneficiaries were citizens of Serbian ethnicity - approximately 80 per cent. Most of the requests were submitted during two extended reconstruction periods, in 2001 and from March to September 2004, for a total of roughly 38,000 requests. Two thousand four hundred and ten reconstruction requests remain to be settled, of which 1,410 are those submitted in the last extended period to September 2004, and 1,000 requests submitted earlier in which other property procedures are underway or the requests are incomplete and cannot be resolved without the cooperation of owners.

130. In January 2005, the Governments of Croatia, Bosnia-Herzegovina, and Serbia and Montenegro signed the Sarajevo Declaration which aimed to finally close the matter of refugee returns, so that by the end of 2006 each of the three countries ensured a lasting solution to the remaining refugees living within their territories, either by return to their country of origin or local integration. On 22 July 2005, the Croatian Government adopted the Roadmap for Completion of Refugee Returns in the Republic of Croatia. Clear deadlines and budgetary funds were specified for implementation of activities, with approximately HRK 2.3 billion in 2005 and approximately HRK 2.1 billion in 2006. Most activities and funds were dedicated to the return of refugees to Croatia and the settlement of their housing problems.

¹⁷ *Source:* Report of the Gender Equality Ombudsperson for 2005.

131. In 2006, the Republic of Croatia enacted the Amendments to the Title and Other Proprietary Rights Act (*Narodne novine*, No. 79/06), which stipulate that foreign natural and legal persons may, unless specified otherwise by law, acquire title to real estate in the Republic of Croatia, based on the principle of reciprocity and with the consent of the minister in charge of judicial affairs. The system to acquire title to real estate is deemed liberal, because reciprocity is the sole stipulated condition for granting consent to acquisition of title to real estate by foreign persons. There are no legal limitations for foreign persons either in the surface area of the real estate being acquired, or in the number of acquired properties, or in the obligation to regulate residence in the Republic of Croatia, nor are there any other grounds to restrict foreign persons in the acquisition of real estate, unless such restrictions are ascertained for a specific state within the scope of application of the principle of reciprocity.¹⁸

132. In compliance with the provisions of article 4 of the Same-sex Union Act (*Narodne novine*, No. 116/03), the legal effect of the existence of same-sex unions entails the right to support one of the partners, the right to mutual assistance and the right to establish and arrange mutual relations with reference to property. The partners may have joint assets and their own property.

Right to inherit

133. With regard to the previous reporting period, a new Inheritance Act (*Narodne novine*, No. 48/03) was enacted which effected some changes in inheritance matters as concerns spouses and common-law partners. A spouse, in case of a childless marriage, no longer has to divide his/her inheritance with the parents of the deceased, but acquires the right to inheritance of all assets. According to this law, a common-law partner also acquires such inheritance rights, effectively making his/her status the same as that of a spouse. Under the Inheritance Act, a common-law union is considered a union between an unmarried woman and man with a significant duration which ended with the death of one partner, provided that the conditions that pertain to the validity of a marriage were met.

Right to freedom of thought, conscience and religion

134. Freedom of religion and free, public profession of faith, and the performance of religious rituals by religious communities and their rights are regulated by the Act on the Legal Status of Religious Communities (*Narodne novine*, No. 83/02). Under this law, religious communities freely and independently regulate their internal organization, administrative bodies, hierarchies and responsibilities, the bodies and persons who represent the religious community and its organizational forms, the content and methods for profession of faith, the maintenance of ties with their central instance and other religious communities, association with other religious

¹⁸ Tables 13-16: Table 13 - Overview of received and positively resolved applications of foreign persons to acquire title to real estate in the Republic of Croatia in 2000; Table 14 - Overview of received and positively resolved applications of foreign persons to acquire title to real estate in the Republic of Croatia in 2002; Table 15 - Overview of received and positively resolved applications of foreign persons to acquire title to real estate in the Republic of Croatia in 2004; Table 16 - Overview of received and positively resolved applications of foreign persons to acquire title to real estate in the Republic of Croatia in 2005 and 2006.

communities, and other matters concerning their operation in compliance with the Constitution. In the promotion of their faith and other activities, religious communities may not incite intolerance and prejudice against other religious communities and their followers or other citizens; in the promotion of faith and other activities, they may not prevent other religious communities or citizens without religious belief in the free profession of their beliefs or other convictions (art. 3). Religious communities may not function with content and methods of performing religious rituals and other professions of faith in a manner contrary to the legal order and public morals and to the detriment of the lives, health and other rights and freedoms of its believers and other citizens (art. 4). Religious communities, their organizational forms and associations of religious communities are non-profit legal persons (art. 6 (3)).

135. Religious instruction and religious courses in educational institutions is organized in compliance with the agreements between religious communities and the Croatian Government (article 13 of the Act on the Legal Status of Religious Communities). This law also regulates spiritual assistance in health-care institutions (art. 14), spiritual guidance in prisons and correctional facilities (art. 15) and religious guidance of members of the Armed Forces of the Republic of Croatia and the police (art. 16).

136. Matters of joint interest to the Republic of Croatia and one or more religious communities may be regulated by a formal agreement concluded between the Croatian Government and a religious community (art. 9 (1)). The Croatian Government has regulated its relations with a total of 14 churches and religious communities, and together with the existing international treaties with the Holy See ratified in 2000, this makes a total of 15 churches and religious communities. Agreements on matters of joint interest (*Narodne novine*, No. 196/03) were concluded with the Serbian Orthodox Church in Croatia and the Islamic community in Croatia on 20 December 2002. On 4 July 2003, agreements were concluded with the following churches and religious communities in the Republic of Croatia: Episcopal Church, Reformed Christian Calvinist Church, Evangelical Pentecostal Church, Christian Adventist Church, and the Allied Baptist Churches (the aforementioned agreements also include these four churches/religious communities - the Church of God, the Allied Pentecostal Churches of Christ, the Reformed Seventh Day Adventist Movement, and the Allied Churches of Christ).

137. On 29 October 2003, agreements were concluded with the Bulgarian Orthodox Church in Croatia, the Croatian Old Catholic Church and the Macedonian Orthodox Church in Croatia.

138. On 10 October 2003, the Croatian Government endorsed the agreement on matters of joint interest with the Jewish community in the Republic of Croatia, in which all comments and proposals by the Jewish community were accepted. Since this agreement has not yet been signed by the Jewish community, procedures are under way for a new agreement with the Coordinated Jewish Communities in the Republic of Croatia and the Bet Israel Jewish Religious Community in Croatia.

139. The records of religious communities list 42 churches and religious communities in the Republic of Croatia: Roman Catholic Church; Serbian Orthodox Church; Jewish communities; Islamic community; Episcopal Church; Reformed Christian Calvinist Church; Evangelical Pentecostal Church; Christian Adventist Church; Allied Baptist Churches; Croatian Old Catholic Church; Bulgarian Orthodox Church; Macedonian Orthodox Church; Church of Christ; Church of God; Allied Pentecostal Churches of Christ; Reformed Seventh Day Adventist Movement;

Christian Neo-Pentecostal Church; Christ's Spiritual Church; New Apostolic Church; Church of the Whole Gospels; Reformist Christian Church of Hungarians in the Republic of Croatia; Protestant Reformed Christian Church; Jehovah's Witnesses - Christian religious community; Evangelist Church of Waldensians; Evangelist Methodist Church; Church of Christ's Disciples; Independent Baptist Church; Word of Life Allied Churches; International United Pentecostal Church in the Republic of Croatia; Christian Prophecy Church; Free Catholic Church; Good News Church; Gospel Christians; Church of Jesus Christ of Latter-day Saints; Baha'i community of Croatia; Hindu religious community in Croatia; Vaishnava religious community; Dharmaloka Buddhist religious community; Church of Scientology; Universal Life; Montenegrin Orthodox Church in Croatia; and Bet Israel Jewish religious community in Croatia.

140. Pursuant to article 47 of the Constitution, those whose religious or moral convictions preclude their participation in the performance of military duties in the armed forces are entitled to conscientious objection and they may perform civilian public service in lieu of mandatory military service. The Civilian Service Act (*Narodne novine*, No. 25/03) stipulates the duration of civilian service (eight months), the method for filing requests, the body which decides on requests, the performance of civilian service and the rights and obligations of those performing civilian service.

141. According to statistical indicators, the number of requests for civilian service has shown a significant growing trend in recent years (e.g., in 2000, 680 requests for civilian service were received, in 2001, the number increased to 4,009 requests, while in 2005 it was 10,180 requests). The number of rejected requests at the annual level is minimal, i.e. during the course of a year four to six requests are rejected on legally specified grounds.

Right to freedom of opinion and expression

142. The Constitution guarantees the right to freedom of opinion and expression. Free expression of opinions particularly encompasses freedom of the press and other means of communication, freedom of speech and public speaking and freedom to establish all public informative institutions. Censorship is banned. Journalists are entitled to access to information and to freely report thereon. All persons are entitled to retractions insofar as a publicly released piece of information violates their constitutionally and legally specified rights.

143. In comparison to the previous reporting period, considerable changes have taken place in this area following the enactment of the Amendments to the Criminal Code (2004) which modified the provisions on the grounds for exclusion of unlawfulness for crimes against honour and reputation (art. 203), and considerable progress has been made in the protection of freedom of expression and information. In this provision, the Act explicitly specifies that no crime has been committed when, inter alia, it is a matter of "libellous content as specified in article 200 of the Criminal Code, actualized or made available to others in scholarly, literary or artistic works or in publicly-released information, in the performance of official duties, political or other public or social activity, or in journalistic work, or in the defence of a right or protection of justified interests, unless the manner of expression and other circumstances clearly indicate behaviour that was intended solely to belittle the honour and reputation of another". By moving the burden of proof from the defendant to the plaintiff, who must prove in court that the perpetrator exclusively intended to harm his/her dignity and reputation, the criminal legal zone of so-called journalistic libel has been considerably narrowed. This provision effectively decriminalizes so-called

journalistic libel. The new structure of article 203 of the Criminal Code indicates that the plaintiff will encounter considerably greater difficulty in proving that an individual (journalist, literary critic, etc.) acted “solely with the objective of belittling his/her honour and reputation”. The amended article 203 of the Criminal Code guarantees an exceptionally broad range of freedom of expression.

144. Article 107 of the Criminal Code stipulates “violation of the freedom of expression” as a criminal act, with the following content: “Whosoever denies or restricts freedom of speech or public addresses, establishment of a company, foundation or institution intended for dissemination of information, freedom of the press and other means of public information, shall be liable to a monetary fine or a prison sentence not longer than one year. The penalty specified in paragraph (1) of this Article shall be pronounced against anyone who orders or implements censorship or denies or restricts access to information by a journalist, or restricts the freedom to report by such journalists, unless it is a matter of State, military or official secrets.”

145. The Amendments to the Criminal Code (*Narodne novine*, No. 71/06) altered the provisions governing the crime of “Insults” in article 199, “Libel” in article 200 and “Disclosure of personal or familial circumstances” in article 201 of the Criminal Code, so that prison sentences have been deleted. Currently fines are specified as the sole penalty, as opposed to a previous provision which called for prison as an alternative to fines for these crimes.¹⁹

Right to freedom of peaceful assembly and association

146. The Constitution of the Republic of Croatia acknowledges the right of all persons to public assembly and peaceful protest in compliance with law. The Public Assembly Act (*Narodne novine*, No. 128/99 and 90/05) specifies the concept of public assembly and the rights, obligations and responsibilities of those who organize and participate in public assembly. The right of everyone to public assembly is explicitly declared under the conditions stipulated in this law, wherein this law adheres to the constitutional provisions on the right to public assembly and also to the European Convention for the Protection of Human Rights and Fundamental Freedoms, and it only stipulates those limitations to the right to public assembly which are necessary in democratic society to protect the freedoms and rights of others, the legal order, public morality and health. Everyone, regardless of race, skin colour, national or social origin, political or other convictions, is entitled to public assembly to express and promote political, social, and national convictions and objectives. Over the past six years, not one case of limitation of the right to public assembly or discrimination based on race, nationality or religious affiliation in the exercise of this right has been recorded.

147. According to the Register of Associations (maintained in electronic format by the Central State Office for Administration), there were, as at the end of 2006, 32,669 registered associations, 125 international associations, 106 endowments and 2 foundations. Bearing in mind that approximately 10,000 associations are registered in the field of sports and recreation, this

¹⁹ Tables 17 and 18: Table 17 - Adults indicted and convicted for insults under article 199 of the Criminal Code during the 2000-2006 period; Table 18 - Adults indicted and convicted for libel under article 200 of the Criminal Code during the 2000-2006 period.

quite considerable number of civil society associations must be seen as a treasure. The Register of Associations of the Republic of Croatia does not define human rights associations as a separate category; there are, however, several groups that can be classified in this field: protection of rights, 347 associations; gathering and protection of women, 382; gathering and protection of children, adolescents and families, 786; humanitarian, 811; environmental, 504; ethnic, 302; national, 415; and Homeland War associations, 807.

148. Three main institutions operate in the capacity of institutional mechanisms: Office for Associations of the Government of the Republic of Croatia (1998), Council for the Development of Civil Society (2002) and the National Foundation for the Civil Society Development (2003).

E. Economic, social and cultural rights

Rights to work, to free choice of employment, to just and favourable conditions of work, to protection against unemployment, to equal pay for equal work, to just and favourable remuneration

149. Constitutional provisions prohibit discrimination in hiring and free choice of occupation, regardless of race, skin colour, language, religion, political or other conviction, national or social origin, property, education, social status or other characteristics, and they guarantee the right to work and free choice of employment, and the freedom to select an occupation and employment and free access to all jobs and duties. Compulsory and coerced work is banned.

150. In compliance with the provisions of ILO Convention No. 111 concerning Discrimination in Respect of Employment and Occupation, ILO Convention No. 100 concerning Equal Remuneration for Men and Women Workers for Work of Equal Value and article 16 of the European Social Charter, particular attention has been paid to anti-discriminatory measures. In the field of labour and employment, the legal institution of protection from discrimination is regulated by the Labour Act (*Narodne novine*, No. 137/04 - consolidated text).

151. With reference to case law in labour disputes initiated due to any form of discrimination, such cases are exceptionally rare. These are not recorded based on grounds for discrimination.

152. The Gender Equality Act (*Narodne novine*, No. 116/03) prohibits discrimination in hiring and employment in the public and private sectors, including governmental agencies, where this concerns employment conditions, self-employment or engagement in occupations in any branch at all levels of professional and vocational advancement.

153. The Same-sex Union Act (*Narodne novine*, No. 116/03) prohibits all discrimination, thereby including unequal treatment in hiring and in the field of work based on same-sex unions and sexual orientation.

154. The Constitutional Act on the Rights of National Minorities (*Narodne novine*, No. 155/02) created all conditions for the systematic exercise of the rights of national minorities in all areas, including labour.

155. The Professional Rehabilitation and Disabled Persons Employment Act (*Narodne novine*, No. 143/02) and the Amendments to the Professional Rehabilitation and Disabled Persons Employment Act (*Narodne novine*, No. 33/05) create the conditions for special care and protection of persons with disabilities and their successful integration into the labour market. The Professional Rehabilitation and Disabled Persons Employment Fund was established and the allocation of the general employment contribution has secured ongoing financial incentives for employment of disabled persons as a regular revenue of the Fund for an amount of HRK 60,000,000 annually. It will be used to adapt workplaces, procure equipment to educate employed disabled persons with the goal of retaining their employment, educate unemployed disabled persons for an identified employer for the purpose of their hiring, compensate for reduced work efficiency, promote self-employment and refund contributions which employers settle via salaries paid to employed persons with disabilities.

156. In compliance with article 10 of the law, governmental agencies, judicial bodies, local and regional governments, public service agencies, State-owned or predominantly State-owned legal persons and companies owned or largely owned by local and regional governments are obliged to employ a minimum of one disabled person for each 42 employees at a suitable, freely-chosen post under proper working conditions.

157. The Amendments to the Labour Act (2003) stipulate the obligation of employers to pay equal remuneration to women and men for equal work of equal value (art. 89). Workers are entitled to increased remuneration for difficult work conditions, overtime and night-time work and work on Sundays, holidays or other days legally specified as non-working days (art. 92). Workers are entitled to salary compensation for periods of non-work due to justified grounds based on laws, other regulations and collective agreements.

158. Research has shown that on average women receive remuneration 11.5 per cent lower than that of men, with the greatest discrepancy in manufacturing, of 22 per cent (Source: Central Bureau of Statistics, *Women and Men in Croatia*, 2006). Their share in free enterprise does not exceed 30 per cent, and their representation in top management teams in the public and private sector is also low (among the top management positions in the 100 largest firms in Croatia, only 6 per cent are women).

159. New provisions govern the protection of worker dignity, incorporated into the Amendments to the Labour Act (*Narodne novine*, No. 114/03 and 143/03). An employer is obliged to safeguard the dignity of workers during the performance of their jobs by securing conditions to prevent their exposure to harassment and sexual harassment. This protection includes preventive measures as well. The dignity of workers is to be shielded from harassment and sexual harassment by employers, superiors, associates and persons with whom the worker regularly comes into contact in the performance of assigned tasks. The procedures and measures to protect the dignity of workers are governed by collective agreements, agreements concluded between workers' councils and employers or by the rules governing work. Harassment and sexual harassment constitute violations of employment obligations. An employer who employs more than 20 workers is obliged to appoint a person who, besides the employer, is authorized to receive and resolve complaints pertaining to the protection of worker dignity.

160. The Gender Equality Ombudsperson also reported on provisions governing protection of worker dignity incorporated in the Amendments to the Labour Act.²⁰

161. Upon observation and analysis of the labour market in Croatia and the need to set priorities in the resolution of unemployment problems, in 2004 the Croatian Government adopted the National Employment Action Plan for 2005-2008, which forms the foundation for a consistent employment strategy in the Republic of Croatia based on the guidelines and recommendations contained in the European Employment Strategy. Active and preventive measures are integral components of the National Plan, and they have been conceived in such a way as to contribute to encourage higher employment and social inclusion, and also make it possible for unemployed and non-active persons to become involved in various forms of qualification to raise their competitiveness and facilitate easier integration into the labour market. In this, they are supported by contemporary institutions operating on the labour market.

162. Through the enabling measures contained in the Annual Employment Incentive Plan for 2006, long-term unemployed, persons with lower educational qualifications and young persons who dropped out of school have been included, so that they have the opportunity to acquire additional knowledge and skills sought on the labour market and thereby increase their employability and also strike a harmony between supply and demand on the labour market. Particular emphasis in the specific operative measures contained in the Annual Plan is placed on promotion of integration and the struggle against discrimination of persons who are in unfavourable positions on the labour market, through co-financing for hiring of persons with disabilities, persons with lower employability qualifications, unemployed single parents of small children, unemployed Croatian war veterans and so forth, and inclusion in programmes of public works implemented by local governments, and implementation of measures contained in the National Programme for the Roma.

163. The general social security system covers the entire working population, in compliance with the provisions of ILO Convention No. 102 concerning Minimum Standards of Social Security (1952), which were assumed in Croatian legislation.

Qualification and employment of Roma

164. Within the framework of the National Programme for the Roma, under section X. Employment (2003), measures have been verified which include long-term and short-term objectives, annual indicators, monitoring methods and deadlines and required funds, as follows: Employment in public works programmes - Roma for Roma and Roma for the local community; Training and hiring in all branches of the economy; Formulation of self-employment programmes in independent trades; Registration and inclusion of Roma in employment training programmes; Employment of six advisors to mediate in Roma hiring at the Croatian Employment Bureau; Development of a system to gather secondary materials for recycling

²⁰ Report on the work of the Gender Equality Ombudsperson for 2005.

which would mainly employ Roma; and Co-financing of employment - subsidies for hiring Roma over a 24-month period so that employers are financed and co-financed for labour costs based on net salaries of HRK 1,500.

165. In the regional employment bureau in Bjelovar, as of 1 July 2005, an advisor/professional associate has been employed to deal with Roma employment, while in the regional bureaux in Čakovec, Osijek and Virovitica employment of such a Roma employment advisor is not possible, because the unemployed members of the Roma population do not have the sought-after qualifications (college or university education).

166. The Croatian Employment Bureau has secured European Commission approval for its project "*Active Measures to Employ Groups Threatened by Social Exclusion*" under the aegis of PHARE-2005. The project's value is €2,250,000. The comprehensive objective of this project is to reinforce the economic and social cohesion of the most sensitive groups in Croatian society by increasing the level of employment among them. It will also enhance the ability of various protagonists on the Croatian labour market to implement measures aimed at active employment policies geared towards groups threatened by social exclusion.

167. The Decade of Roma Inclusion Action Plan (2005) includes the measures to increase employment of Roma men and women, and implementation of these measures is under way, including in 2006, as follows: Creation of conditions for qualification and employment of Roma in all branches of the economy (particularly youths and women; preparatory workshops for qualification and self-employment); Creation of conditions for inclusion of Roma over 45 years of age into programmes for employment training and assessment of remaining work abilities; Creation of conditions to establish a positive climate among employers to hire Roma; Systematic work aimed at rendering assistance in self-employment (preparation of operating plans, job management courses, funds to launch operations); Employment in public works programmes (Roma for Roma and Roma for the local community); Education and development of a network to collect secondary materials for recycling; Subsidies for hiring Roma.

168. Since the Croatian Employment Bureau does not keep records of the unemployed based on nationality, the number of unemployed Roma has been estimated according to place of residence, which is listed in the unemployment records, and according to certificates sought for exercise of rights under the social welfare system. An added complicating factor in the creation of a database of unemployed is the fact that Roma persons declare their nationality variously (e.g. as Croatian, Roma, Boyash, Romanian, Gypsy, etc.). Therefore, data is continually gathered to establish the precise number of unemployed Roma persons and supplement the database.

169. At present, our estimate is that there are 4,300 registered unemployed Roma. Most of them are in Međimurje County (1,118 persons), followed by Osijek-Baranja County, the City of Zagreb, Bjelovar-Bilogora County, Virovitica-Podravina County, Primorje-Gorski Kotar County, Sisak-Moslavina County, Brod-Posavina County and Varaždin County. The share of Roma in total unemployment in the Republic of Croatia is approximately 1.4 per cent. Unemployed persons of Roma nationality are characterized by a high share of persons under the age of 30

(some 50 per cent), and persons between 30 and 40 years of age (32 per cent), while a considerably smaller share consists of middle-aged and older persons. Another characteristic of Roma persons is that they are very often entered in the unemployment records at a very young age, often as young as 15.²¹

170. The educational level is the main reason for the difficulties encountered by this target group in attaining employment. Out of the total registered unemployed Roma, 76 per cent have not completed elementary schooling, 20 per cent have completed elementary schooling, and 4 per cent completed secondary school, and only three persons have completed some form of higher education. Such an educational level among the young unemployed Roma population leaves open the possibility of their inclusion in qualification programmes for various ancillary occupations.

171. In the total number of registered unemployed persons of the Roma minority, about 10 per cent have recorded work experience, mostly of less than one year. Given the age and educational structure of the unemployed Roma population, their employment is rendered difficult, and annually an average of 2-3 per cent of unemployed persons in this population find work, primarily young males doing physical jobs in construction. In 2006, plans were made to employ and qualify 380 persons, and funds of HRK 4,634,170 were earmarked for this purpose.

172. In the Regional Employment Office in Čakovec, as part of activities to inform adult Roma of the importance of their own literacy and completion of education for their first vocation, out of the 200 unemployed persons who did not complete elementary schooling, 100 are currently involved in the education process, 20 persons have completed elementary school and have been informed and are committed to continuing their education to obtain a first vocation, and 2 persons are included in employment qualification programmes. The regional employment office in Čakovec has participated in the incorporation of all Roma eighth-grade pupils in vocational orientation, and in 2005, 20 pupils received recommendations from the Vocational Orientation Department, which gave them preferential status in secondary school enrolment. In the Regional Office in Čakovec, eight workshops were held with the objective of employment training, which were attended by 28 unemployed Roma who completed secondary school, and 23 persons under 25 years of age who completed elementary school and who were assessed as suitable for involvement in employment training and/or educational programmes.

173. In 2006, particular interest was exhibited for involving unemployed persons of Roma nationality in public works programmes with emphasis on utilities programmes, in Koprivnica-Križevci, Međimurje and Osijek-Baranja Counties. Based on these measures the largest number of Roma were employed, i.e. 194 persons, which is 94 per cent of the total number of persons employed through the measures of the National Programme for the Roma/Decade of Roma Inclusion Action Plan for 2005-2015.

²¹ Charts 19-22: Chart 19 - Share of unemployed Roma in total unemployment; Chart 20 - Unemployed persons of Roma nationality by age (according to Croatian Employment Bureau regional offices where largest number of unemployed Roma is registered); Chart 21 - Unemployed persons of Roma nationality by sex; Chart 22: Roma by qualification level.

174. The Regional Employment Office in Osijek directed 23 persons of Roma nationality to school to complete their elementary education.

175. The Regional Employment Office in Zagreb organized 15 information seminars, "Presentation of the Decade Action Plan" for the field of employment, which were attended by 185 persons of Roma nationality, and 16 information seminars on "Croatian Literacy - The Way to a Better Future" in which 179 Roma participated. Out of the total number of those informed, 20 have enrolled in elementary school.

176. In 2005, the Zagreb Regional Office organized 14 workshops on "How to Find Work", which were attended by 99 unemployed persons of Roma nationality. At the "Self-evaluation Method" workshop, 18 unemployed Roma participated, while the "How to Speak to an Employer" workshop was attended by 7 Roma. In 2005, through the mediation of the Regional Employment Office in Zagreb, one Roma woman managed to find employment.

177. Given the specific aspects of this target group, characterized by existential problems, illiteracy, low education levels and high unemployment, the activities were based on raising awareness of the need to get an education, increase literacy and encourage active job-seeking. Also, in contacts with employers, attempts were made to influence the creation of conditions for establishing a positive climate for hiring Roma.

178. In the interest of a more effective implementation of these, the Croatian Employment Bureau established contacts with Roma associations, the Open University, employers and representatives of city governments, local governments and social welfare centres.

Employment of foreign citizens

179. The procedure regulating the legal employment status of foreign citizens in the Republic of Croatia is regulated by the Aliens Act (*Narodne novine*, No. 109/03 and 182/04), which has been in force since 1 January 2004, and since then, the procedures for issuing work or business licences are under the jurisdiction of the Interior Ministry. Article 86 of this Act stipulates that the Croatian Government, upon proposal of the minister in charge of labour affairs, and in compliance with the valid migration policy and given the situation on the labour market, takes a decision on annual work permit quotas (*Narodne novine*, No. 185/04). This decision specifies the activities and occupations in which employment is permitted, the number of work permits for each branch and the territorial distribution of work permits. The same decision applies to the extension of already issued permits and new employment.

180. This decision stipulates that the annual quota on work permits for newly-employed foreign citizens is 1,400 work permits, in the following branches: shipbuilding, construction, science and education, tourism, health care and culture. The annual quota of work permits for seasonal employment is 400 permits for these occupations: carpenter, bricklayer, concrete worker, rod-fixer, construction machinery supervisor, and construction demolition technician. In 2004, 3,356 business licences and 2,979 work permits were issued. In 2005, 3,875 business licences and 3,814 work permits were issued.

181. The Decision on Annual Work Permit Quotas for 2006 stipulates that the annual quota for newly-employed foreign citizens is 1,837 work permits for the branches of tourism, shipbuilding, construction, science, education, health care, culture and transportation. In 2006, 5,678 business licences and 3,950 work permits were issued.

Pension insurance

182. The right to pension insurance, which includes disability insurance and insurance in cases of occupational injury and job-related illness, is acquired and exercised regardless of citizenship, nationality, skin colour, race, and religious affiliation or ethnicity. Legislation governing pension insurance nowhere specifies national, racial or similar categories for persons; it only mentions persons who have acquired the status of insurance beneficiary and persons whose rights are derived from insurance entitlements. Pension insurance rights derive from the work of insured individuals and their investment in such an insurance. In the field of pension insurance, the Republic of Croatia applies 24 international social security treaties (19 newly concluded after 1990 and 5 assumed from the former State), in which there are no formulations whereby the exercise of the right to pension insurance may be limited by any form of racial or other discrimination, and this also pertains to their application.

Right to form and join trade unions (registration of associations of employers and trade unions)

183. Article 59 of the Constitution thoroughly regulates the right to organize so that all employees are entitled to establish trade unions to safeguard their economic and social interests, and freely join or leave them. A trade union may be established by not less than 10 natural persons who are legal adults and capable of engaging in gainful employment. An association of employers may be established by not less than three legal persons or natural persons who are legal adults and capable of engaging in gainful employment (article 173 (1), (2) of the Labour Act). No individual may be placed in a less favourable position due to membership or non-membership in an association or participation or lack thereof in the work of an association.

184. Pursuant to the provisions of article 59 of the Constitution, which stipulate that the armed forces and police institutions may limit trade union organizing, the Act on the Armed Forces in the Republic of Croatia (*Narodne novine*, No. 23/95) stipulates that active military personnel are prohibited from organizing trade unions in the armed forces. Only active military personnel are prohibited from union organizing, while other persons on service in the armed forces (military civil servants and employees) do have this right.

185. Police officers are entitled to trade union organizing without restriction (articles 70-84 of the Collective Agreement for Civil Servants and Governmental Employees). Police officers may not be organized in political parties or engage in political activities in the Interior Ministry (article 95 of the Police Act).

186. The right to trade union organizing is acknowledged for civil servants without limitation and to all other employees, pursuant to the Labour Act, unless specified otherwise by separate legislation (article 4 of the Civil Servants Act).

187. In Croatia there are six trade union confederations, which are (listed by number of members): Union of Autonomous Trade Unions of Croatia - 21 branch chapters, 211,295 members; Independent Trade Unions of Croatia - 36 branch chapters, 87,313 members; Labour Union Association of Croatia - 45 branch chapters, 52,435 members; Union of Croatian Public Service Trade Unions "Matica" - 5 branch chapters, 49,875 members; Croatian Association of Trade Unions - 5 branch chapters, 35,866 members; UNI-Cro Service Union - 8 branch chapters, 20,099 members.

Right to housing

188. With reference to the problem of housing for former holders of tenancy rights, at the end of 2005 implementation of an intense programme to settle the housing problems of former holders of tenancy rights outside of areas under special State care commenced, which also included the remaining groups of refugees who still needed to find housing upon their return to Croatia. A large number of requests are currently being processed, and the determination of who is entitled to housing is under way. So far 2,200 applicants have been summoned to regional offices to resolve their requests and determine their right to housing outside of areas of special State care. So far approximately 700 applicants (32 per cent) responded to the summons, and housing rights have been ascertained for 189 of them and consent to grant them housing has been issued.

Right to public health, medical care, social security and social services

189. The Programme of Health Protection Measures constitutes a detailed set of measures which the State is implementing to protect the health of "socially needy" groups (children, adolescents, women - tied to reproductive health and safe maternity, the elderly and the disabled). The State adopts such a programme every three years. The programme of measures is implemented through the basic health insurance system, and these measures encompass approximately 95 per cent of Croatia's population - the portion entitled to basic health insurance.

190. The Social Welfare Act (*Narodne novine*, No. 73/97, 27/01, 59/01, 82/01, 103/03 and 44/06) stipulates that Croatian citizens and persons lacking citizenship who permanently reside in the Republic of Croatia are entitled to social insurance rights. Foreign citizens permanently residing in the Republic of Croatia are entitled to those social insurance rights specified for them by the aforementioned law and international treaties, while persons not encompassed by the latter may temporarily exercise the right to social welfare under the conditions specified in the Social Welfare Act, if so dictated by their current life circumstances.

191. With reference to insurance to protect the rights of particularly sensitive groups, the Republic of Croatia has a comprehensive social security system which secures a series of rights to these population categories so that they may improve their social status. According to available data, 118,426 persons, or 2.7 per cent of Croatia's population, meet their basic living needs by exercising the right to support assistance.

192. Given that the Social Welfare Development Project is under way, and this project involves, inter alia, simplification of computations of support assistance and includes the formulation of new and comprehensive legislation, it is our opinion that this new legislation will eliminate the current legal provisions whereby large families receiving childcare supplements are placed in a less favourable position in relation to the same type of families who do not receive these supplements.

Measures to ensure independence of disabled persons

193. The approach to disability from the standpoint of anti-discrimination and human rights implies acceptance of disabled persons and appreciation of their diversity, needs and expectations. Disabled persons must be given the opportunity to exercise their rights to active participation in society, protection of their dignity and raising the quality of life. The National Strategy for an Integral Policy for Persons with Disabilities from 2003 to 2006 addresses numerous problems encountered by disabled persons at all levels, and established measures to improve their social position and the authorities responsible for their implementation. Under existing regulations, the status of persons with the same type and degree of disability is not uniform.

194. The passing of the new Construction Act (*Narodne novine*, No. 175/03) saw essential progress for disabled persons, as it introduced the obligation to plan and construct public and commercial buildings so that persons with impaired mobility have unimpeded access to them, and may move about, stay and work in them without hindrance.

195. The Rules on Accessibility of Buildings to Disabled Persons and Persons with Impaired Mobility (2005) specify the conditions and methods for planning, construction, renovation and adaptation which ensure unimpeded access to residential and commercial buildings by persons with impaired mobility. Work is continuing to mark hotel rooms and other facilities with relief symbols and sonic devices for persons with impaired vision, as well as informative messages for the deaf and so forth.

Right to education and training

196. The right to education in the Republic of Croatia is guaranteed by the Constitution, which stipulates compulsory elementary schooling for all individuals, while secondary schooling and higher education are made available to all under equal conditions. Pupils are treated as entirely equal regardless of sex, religion and race and there are absolutely no formal or informal grounds to implement any form of discrimination.

197. Since 2000, a number of programmes have emerged which regulate relations and rights to education for other interest groups and supplementing of programmes in textbooks and work in schools, particularly in the fields of human rights, multiculturalism and diversity. These programmes only supplement the constitutional provision guaranteeing education for all regardless of race, skin colour or nationality.

198. In Croatian schools, the number of male and female students is the same. The only difference between the sexes can be found in secondary schools, based on enrolment programmes. Some programmes (classical grammar school, business and medical) exhibit

somewhat higher enrolment of females, while there are more male students enrolled in vocational schools. The selection of schools is arbitrary and students make this choice by themselves. The sole exception concerns members of the Roma national minority, as it is Roma boys who enrol in elementary and secondary schooling in larger numbers. The percentage of Roma girls who complete elementary schooling is quite small, and most often they drop out of school at the age of 12. The situation is the opposite in secondary school enrolments, as females outnumber males by 1 per cent, while out of the total number of Roma enrolled in institutions of higher education, two thirds are women.

199. Approximately 21 per cent of Croatia's population lacks education. To alleviate this situation and fulfil one of the fundamental human rights - the right to education - the Ministry of Science, Education and Sports has adopted a special programme called Croatia Without Illiteracy (2002). This programme upholds several projects aimed at teaching adults to read and write. This right is mostly exercised by members of the Roma national minority, who were not previously involved in any form of schooling. Currently there are approximately 100 persons of Roma nationality participating in this programme in elementary and secondary schooling. This schooling is entirely financed by the Croatian Government, and it has been under way since 2000.

200. The Croatian Government has adopted the Adult Education Strategy (2004) and the Action Plan to Implement the Strategy. The Strategy was developed based on the paradigm of lifelong learning. In 2005, the draft adult education act was prepared.

201. The project called Decade of Literacy in Croatia 2003-2012 was launched under the slogan "For a Croatia of Literacy: The Way to a Better Future". The project is being financed from the Central State Budget. The objective is to enable all persons aged 15 and above to complete elementary school free of charge and thereby increase literacy; to enable people who have no job qualifications to raise their general level of fundamental skills and secure a first vocation and increase their job prospects. Two thousand, three hundred and fifty-four persons participated in the programme and thus completed elementary school.

202. The Plan of Development of the Educational System for 2005-2010 set priorities and objectives for the improvement of the quality of education in the Republic of Croatia. This is a strategic and developmental document based on a comprehensive conception of the educational system, monitoring developments in educational systems in Europe and worldwide, discussed with numerous experts, scholars and social and other partners in the past several years. The objective of the development plan is to orient overall policy towards advancement of education as a system that links legal, staffing, material, scholarly and expertise-based prerequisites. Particular priorities in the development plan up to 2010 include: integration of the European framework for development of core competencies for lifelong learning; improvement of the quality of teaching and instruction in schools, developing the expertise and skills of teaching staff and improving their social and financial status; improvement of working conditions in schools, including teaching aids and equipment; preparation of youth for lifelong learning; application of IT/communications technology; reinforcement of the preventive role of schools against socially unacceptable behaviour; encouragement of various aids in teaching, extracurricular activities and creation of an atmosphere which make schools communities of learning and in which close and tolerant interpersonal relations are fostered; improvement of management in educational institutions and introduction of systems to monitor and evaluate

educational activities; rationalization and decentralization of the educational system; increasing direct supports to regional development and increasing the involvement of families, local communities, social and other partners; innovative approaches to educational processes; nurturing of national and cultural values; enhancement of awareness of belonging to the European cultural sphere; enhancement of national and cultural values.

203. Religious instruction is ensured to all on equal terms, and the members of national minorities enrolled in the compulsory education system choose themselves and opt for religious instruction, which is regulated by both special agreements and the Rules on Religious Instruction in Schools drafted in 1991. Pupils opt for religious instruction by means of a survey that schools are obliged to provide at the beginning of the school year, or in cases of young children, parents sign on their behalf. The selection of the subject Ethics instead of Religious Instruction is available to secondary school students.

204. Integration of children with difficulties in the standard educational system is a measure to prevent discrimination of students with difficulties particularly stressed in the Croatian National Educational Standard (CNES) in the chapter on “Development of a new system to work with students with special educational needs”. In the case of students with difficulties, the new curricula drafted on the basis of the CNES are accompanied by advice for each lecture topic on how to work with students with special educational needs or developmental impairments. These students, included with the remaining student population, constitute a diverse group, from children with motor and sensory impairments, to children with impaired cognitive abilities and those with behavioural disorders. Here the experiences of certain developed European countries are applied, such as that of England, where children with special educational needs are included with other children in the same class, although specific sections of the curriculum are handled by specially trained teachers who work with them individually and in line with their abilities. Besides the adjustments in content and organization with regard to differentiated instruction, the necessary architectural adjustments to premises have also been planned.

205. Non-governmental associations, the media and experts from other countries are also involved in the educational process with the objective of securing equal opportunities and educational rights for all.

Right of national minorities to education

206. The right to education in the languages and scripts of national minorities is regulated by the Act on Education in Languages and Scripts of National Minorities (*Narodne novine*, No. 51/00) which ensures instruction in the language and script of national minorities, establishment of schools/institutions that function in the language and script of the national minority, employment of staff who are members of the national minority for instruction, printing and translation of textbooks in the language and script of the national minorities, and implementation of special programmes to preserve the linguistic and cultural identity.

207. National minorities in the Republic of Croatia choose the form of education in their own languages and scripts by themselves, i.e. they opt for full instruction in their languages and scripts with mandatory learning of the Croatian language, or the preservation form - nurturing language and culture as supplementary instruction consisting of five national subjects (national minority language, history, geography, music and arts). These models are components of the

compulsory educational system. The law also enables other nationalities to enrol in instruction in the language of a national minority, i.e. the law specifies that the student need not be a member of the relevant national minority.

208. The advantage of enrolment and the entire curriculum is based on membership in a national minority and language and script. The languages of national minorities in which instruction is given in the Republic of Croatia are Italian, Serbian, Hungarian, Czech, Ruthenian, Ukrainian, Slovak, German, Macedonian and Albanian. Hebrew is offered at the kindergarten and elementary school levels, organized by the Jewish Community as an elective language. Instruction in Hebrew was never sought by members of the Jewish minority. Other minority groups recognized under the Constitution never sought any forms of instruction in their own languages. Instruction in the language of national minorities is held in Istria County - Italian; Primorje-Gorski Kotar County - Italian and Serbian; Bjelovar-Bilogora County - Czech, Slovak; Osijek-Baranja County - Hungarian, Serbian, Slovak; Vukovar-Srijem County - Serbian, Hungarian, Ukrainian, Ruthenian; Lika-Senj County - Serbian; Šibenik-Knin County - Serbian; Zadar County - Serbian; City of Zagreb - Czech, Hungarian, Albanian, Hebrew, Macedonian.

209. In compliance with the Act on Education in Languages and Scripts of National Minorities, members of national minorities are educated from kindergarten to higher education either in institutions in which instruction is organized solely in the language and script of a given national minority or in institutions in which instruction is in the Croatian language and script and in which instruction of minorities is conducted in separate units and shifts. National minorities who have instruction in institutions solely in their own languages are Italians, Hungarians and Czechs. Educational work in the school institution is performed by teachers from among the ranks of the national minority, although in cases of need they may be members of other nationalities provided that they gradually become familiar with the language and script of the relevant national minority. The primary condition in both cases is expertise. In both forms of instruction in the national minority language, an obligation of both the students and staff is to learn and be familiar with the Croatian language and script in accordance with the established curriculum and the constitutional provision stipulating respect for the Croatian language as the official language of the Republic of Croatia. All lectures and educational processes are financed from the Central State Budget and local and regional government budgets.

210. In the interest of conducting education in their own languages and scripts, members of national minorities may establish preschools, elementary and secondary schools and colleges, albeit under the terms and conditions specified by law. Educational institutions may be established and education may be conducted even if there is a smaller number of students/participants/departments than that stipulated by educational institutions for the Croatian language (a form of positive discrimination).

211. The elementary education of national minority students is conducted according to the special curricula in schools in which all instruction is conducted in national minority languages and scripts (in all or only some class units), in class units with bilingual instruction and in groups in which programmes to nurture national minority languages and cultures are conducted.

212. Colleges implement programmes to train educators, teachers and lecturers to perform the task of education in national minority languages and scripts.

Schooling of Roma

213. Roma in the Republic of Croatia enjoy all minority rights. Schooling of the Roma population is not offered in any of the Roma dialects. Roma are schooled in the Croatian language, while the specific aspects of their own speech and linguistic idiom are generally preserved in mutual communication and through the work of Roma associations. The largest number of programmes and measures for successful integration into education emerge on behalf of this minority. Roma have never sought formal instruction in one of their own dialects, and it is still too soon to speak of schooling in a unified Roma language. There are three basic reasons for this - the absence of textbooks in the Roma language, the absence of teaching staff and very poor knowledge of the Roma language. Where this minority is concerned, we are most often referring to positive discrimination in elementary and secondary school enrolment, securing of scholarships and organization of preschools. The Government has drafted two major programmes entailing measures to improve Roma education, the National Programme for the Roma and the Action Plan.

214. The annual report submitted to the Croatian Parliament for 2004 and 2005 by the Office of the Gender Equality Ombudsperson contains observations on the status of Roma men and women in the educational process, on the labour market and within their own population with reference to the status of female children.

215. Elementary schooling is compulsory for Roma children, as it is for all other children. According to enrolment data, there is no segregation or any other form of discrimination in elementary schools. Roma are integrated with other pupils wherever this is possible, except in those places where integration is not possible because almost all of the children enrolling in an elementary school are Roma. Since Roma most often drop out during their elementary schooling, special programmes have been developed for preschool and elementary school education. In 2000, there were two preschool-age educational groups of Roma in schools and one in a Roma association, with approximately 70 children. In 2005, there were 10 educational groups in elementary schools with approximately 350 participants and in 3 Roma associations with approximately 90 participants.

216. In 2000, scholarships were introduced for the higher education of Roma (in 2005, there were 18 students in higher education, of whom 9 were women). From 2001 to 2005, scholarships for secondary education were also secured, and approximately 70 scholarships were granted. Currently, 38 secondary school students are receiving scholarships, divided equally (19 each) between girls and boys. Girls and boys enrol in school in equal numbers, although in some groups it has been noted that the school attendance of girls is somewhat lower, which is explained by tradition and heritage. The commitment of Roma associations and the relevant institutions is achieving sound results in changing such practices.

217. Since 2002, kindergartens have been organized in which training programmes for Roma children have been conducted to facilitate their integration into the educational system. Since 2003, elementary schools in Međimurje and Varaždin County have conducted compulsory kindergarten programmes for Roma children to facilitate their successful preparation for elementary school. Roma assistants are also employed in the work of these kindergartens, even though they are not formally trained for it. Since 2000, seminars have been organized to train Roma to work in schools and kindergartens. Currently there are 20 Roma assistants working in

kindergartens and elementary schools. Only four of them have secondary school education (vocational education), which they completed with very low marks. The rest have completed elementary school. Among the participating Roma who are being educated in teaching training colleges, only two are from among the ranks of the Roma assistants, and in four years neither of them has yet graduated. The education of these Roma is being fully financed by State-granted scholarships.

218. Through its social programmes, the Government secures assistance to all Roma families to educate their children and it also secures free education for adults in which all Roma who wish can participate. It also provides additional assistance and scholarships to regular elementary and secondary school students and provides textbooks for Roma. The right of children to education is an obligation of all institutions and their curricula is carried out in full. In case of the Roma population, elementary schooling is rendered difficult by the parents of Roma children, their traditional way of life and the engagement of male children at a young age (generally in panhandling and other secondary jobs) and the early marriage of girls. Regardless of the possibilities of legal penalties against parents who refuse to send their children to school, as stipulated by the Elementary Education Act and applied to all equally, the relevant institutions encounter difficulties in executing such penalties in practice. Aggravating circumstances are then the social status to which parents refer, sensitivity to human rights and protection of children in families, and some traditional rights to which some Roma associations refer. Even in urban zones, the customary practice of buying and selling women is still present, and as a rule this involves girls aged 12 and over. This custom is practised equally in rural and urban areas. Since no legislation governing education or the national programme endorses discrimination in education, the Republic of Croatia has recorded some progress with the Roma national minority in this context.

219. The project Decade of Literacy in Croatia - For Croatian Literacy 2003-2012 also addresses members of the Roma national minority. The objective of this measure is to raise the educational and professional qualifications of members of the Roma national minority.

220. Thanks to financial incentives in the form of social assistance, scholarships, financing of preschool institutions, essential progress has been recorded in the percentage of Roma participating in education.

Education of Roma women

221. The unfavourable status, i.e. the early maturing, of Roma girls is reflected in their early assumption of family responsibilities and the fact that they start their own families at a very young age. All of this indicates the need for more active involvement by those responsible for education, as well as the Roma community itself and society as a whole with reference to gender equality and the importance of education in the lives of this minority. In order to achieve greater employment and self-employment of both Roma women and men, which is also a national priority, it is necessary to improve their educational level, which is definitely the principal barrier to integration of Roma women and men in the job market. In this case, Roma women are

entirely subject to discrimination, and statistics show almost 100 per cent unemployment among them. Roma women evidently drop out of school much earlier, and their educational levels are lower than that of the male Roma population, which contributes to early and under-age marriages, so that young Roma women have no opportunities to complete their schooling or find jobs.²²

222. Data provided by the Ministry of Science, Education and Sports for 2004 show that a large portion of the Roma population is entirely illiterate or only partially literate. Roughly 90 per cent is unemployed, and only 2 per cent of women are employed; among the employed 50 per cent are educated, although only 0.2 per cent of these are women. Approximately 5,000 members of the Roma population are not included in education. Around 1 per cent of children are enrolled in school/kindergarten programmes in urban areas, and none attend kindergarten in rural areas. Some 200 take part in preschool educational groups (in the past two academic years). Elementary school is attended by approximately 1,500 pupils, although attendance rate is in the sixtieth percentile, and only 40 per cent pass; secondary school is attended by approximately 200 students with a very low pass rate; approximately 15 attended college/university sporadically; 18 Roma assistants participate in elementary and secondary school instruction and not one has the necessary qualifications; and 90 per cent of parents are illiterate. The Roma language is not standardized, and books on Roma topics are written in Croatian, while translations of stories to the Roma language are not done professionally.

Schooling of foreign citizens, asylum-seekers and migrants/refugees

223. Pursuant to the existing Asylum Act and legislation on education, schooling is organized for all individuals in the Republic of Croatia. Elementary education and the same rights to complete education in compliance with the legislation is guaranteed for foreign citizens, asylum-seekers, migrants and others. All anti-discriminatory measures can be found in the aforementioned special programmes and action plans. Since 1 July 2004 and the entry into force of the Asylum Act, eight children with asylum-seeker status have received education in the Republic of Croatia.

224. With reference to education of refugees and similar groups, it is organized according to existing rules and law, and financing is entirely secured by the State through the relevant institutions.

Right to equal participation in cultural activities

225. The Republic of Croatia, in compliance with the provisions of the Constitutional Act on the Rights of National Minorities (2002), ensures the special rights and freedoms of members of national minorities, which they exercise individually or jointly with other persons who belong to

²² *Source*: Research conducted by the Gender Equality Ombudsperson in 2006.

the same national minority, such as use of their own languages and scripts privately or publicly, and in official use and education, the use of their own insignia and symbols, the right to profess their own beliefs and establish religious communities together with other adherents of the same faith, the right to cultural autonomy (maintenance, development and profession of their own culture, preservation and protection of their cultural treasures and traditions), the right to self-organization and association to achieve joint interests, and the right to access to the media and the dissemination of information in the language which they use.

226. Pursuant to the criteria for the establishment of financial assistance, funds for various programmes of national minority associations and institutions have been allocated and remitted to cover information programmes, publishing, cultural amateurism and cultural events to preserve the culture, language and customs of national minorities. Additionally, financing has been provided for programmes based on bilateral treaties, civic trust-building programmes and programmes to create the conditions to achieve cultural autonomy and national minority institutions, which are 21 per cent higher than in the preceding year.

227. Up to 2002, the Croatian Government, at the proposal of the Office of National Minorities, allocated funds for the programmes of national minority associations and institutions. In compliance with the Constitutional Act on the Rights of National Minorities, the decision to allocate funds, which are secured from the central budget for national minorities, has thereafter been independently made by the Council for National Minorities of the Republic of Croatia. Funds for an amount of HRK 29,700,000 were secured from the Croatian central budget in 2006 for programmes to preserve and develop the cultural identities of national minorities. In 2005, the Ministry of Culture allocated funds in a total amount of HRK 5,403,463.39 to finance national minority programmes: Jewish minority - HRK 705,000.00; Serbian - HRK 3,503,247.00; Bosnian - HRK 10,000.00; Montenegrin - HRK 27,900.00; Austrian - HRK 121,913.38; Roma - HRK 22,000.00; Czech - HRK 233,676.04; Italian - 140,972.24; Hungarian - HRK 129,253.48; Slovenian - HRK 119,051.18; Slovak - HRK 127,645.90; Albanian - HRK 135,223.99; Ruthenian and Ukrainian - HRK 127,580.09. In 2005, the Ministry of Culture allocated funds in a total amount of HRK 7,668,353.91 to finance national minority programmes: Jewish minority - HRK 470,000.00; Serbian - HRK 5,482,758.42; Montenegrin - HRK 34,550.00; Austrian - HRK 124,961.68; Roma - HRK 5,000.00; Czech - HRK 210,512.99; Italian - HRK 141,088.76; Hungarian - HRK 329,538.24; Slovenian - HRK 127,716.09; Slovak - HRK 154,555.29; Albanian - HRK 160,183.24; Bulgarian - HRK 7,800.00; Macedonian - HRK 2,000.00; German - HRK 250,000.00; Ruthenian and Ukrainian - HRK 167,689.20.

228. The Ministry of Culture also finances the programmes of national minorities and ethnic communities in the field of cultural activities.²³ Thus for example, under the Croatian Government's Decision of April 2000, the Ministry of Culture was placed in charge of

²³ Chart 25 - Financing of museum and gallery activities in 2006.

programmes of national minority central libraries which were previously monitored and financed by the National and University Library via the Croatian Government's Office for National Minorities.²⁴

229. The national minority central libraries²⁵ are a component of the people's/city libraries programme, which, according to their fundamental role and tasks, must ensure library services for all population types, categories and age groups in their territories, including national minorities with their specific needs. The national minority central libraries programme includes: procurement for national minorities, securing the use of library and non-library materials, forums and lectures, exhibitions, and interlibrary lending, since these are central libraries which must effectively secure library services to members of minorities even outside of the premises of the central library. The Ministry of Culture secures funds to pay the staff working in central national minority libraries and the funds for the programmes of these libraries.

230. Pursuant to the public call for proposed public culture needs in the Republic of Croatia, funds are ensured for national minority programmes (Serbian Culture Society Prosvjeta, Culture and Arts Society Miroslav Šalom Freiburger, Bosnian National Community of Croatia, Alliance of Germans and Austrians of Croatia, Croatica-Montenegrina Friendship Association, Czech Union in the Republic of Croatia, etc.).

VI. ARTICLE 6. COURT PROTECTION

231. The individual acts of administrative authorities and agencies vested with public authority must be grounded in law. Judicial oversight of the legality of individual acts of administrative authorities and agencies vested with public authority is guaranteed. After exhausting all standard and extraordinary avenues of recourse and (when specified) legal remedies, parties may file a constitutional appeal.

232. The Constitutional Court launches proceedings in response to a constitutional appeal even before all prior legal avenues are attempted in cases when the court has not ruled on the rights and obligations of a party or criminal suspicions or accusations within a reasonable period, or in cases when the disputed individual act constitutes a flagrant violation of constitutional rights and it is apparent that failure to file a constitutional appeal would generate severe and irreparable consequences to the petitioner.

²⁴ Charts 23 and 24: Chart 23 - Overview of subsidies for publication of books and magazines and supports for book purchasing in public libraries in 2006; Chart 24 - Approved funds for library activities in 2006.

²⁵ List of libraries: Beli Manastir Municipal Library - Central Hungarian Library; Petar Preradović Public Library, Bjelovar - Central Czech Library; Croatian Public Library and Reading Room of Našice - Central Slovak Library; Osijek City and University Library - Austrian Reading Room, Central Austrian Library; Pula Municipal Library and Reading Room - Central Italian Library; Bogdan Ogrizović Library, Zagreb - Central Albanian Library; Zagreb City Libraries - Central Ruthenian and Ukrainian Library; Prosvjeta Serbian Culture Society - Central Library of Serbs; Ivan Goran Kovačić Municipal Library - Central Slovenian Library.

233. The Republic of Croatia is liable for damages caused due to acts of terrorism based on the principles of social solidarity, balanced coverage of public burdens and just and rapid indemnification. The principle of compensation of damages exists regardless of whether or not the perpetrators of damages are discovered, criminally prosecuted or found guilty, pursuant to the Act governing Liability for Damages Caused by Acts of Terrorism or Public Demonstrations (*Narodne novine*, No. 117/03). Pursuant to this law, the damaged party is entitled only to damages causing death, bodily harm or worsened health, and the extent of compensation is limited to 60 per cent of the amount of ascertained damages, and damages to an amount of HRK 350,000 (roughly €47,880 or US\$ 57,370) may be remitted to damaged parties. Upon payment of damages, all of the damaged party's rights vis-à-vis the perpetrator are transferred to the Republic of Croatia.

VII. ARTICLE 7. MEASURES TO COMBAT PREJUDICES

234. The National Programme of Education in Human Rights and Democratic Citizenry is conducted from preschool learning to secondary schools, adult education and higher education. The Programme includes teaching human rights, education for a democratic citizenry and intercultural education, teaching peace and non-violent conflict resolution, learning to prevent prejudice and discrimination, learning about the Holocaust, sustainable development education, and humanitarian law research. The methods used to implement the National Programme are cross curricular, through all subjects containing themes associated with human rights, as an elective course, through homeroom instructors, through extra-curricular activities, through non-school activities and systematically throughout school curricula.

235. Activities to integrate education in human rights and democratic citizenry include mandatory and systematic professional training and qualification of preschool instructors and teachers, associates and superintendents in elementary schools. Between 2000 and 2005, over 3,500 instructors, teachers, superintendents and associates took part. One third of the seminars were organized in cooperation with non-governmental organizations. During 2000, the county education offices appointed county coordinators to carry out the National Programme, 21 in all. Multipliers to carry out the National Programme were qualified at all educational levels, and manuals for education on human rights and democratic citizenry were prepared and printed. Since 2005, the system of competitions, meetings and reviews included a competition and review of projects under the National Programme of Education in Human Rights and Democratic Citizenry, and non-governmental organizations cooperated in the field of professional training of teachers. In 2005, the Human Rights Centre of the Faculty of Philosophy in Zagreb drafted a section of the National Programme of Education in Human Rights and Democratic Citizenry for higher education.

236. As part of the National Programme for Education in Human Rights, education on the Holocaust is also conducted. The national framework for teaching about the Holocaust was contained in the Decision of the Ministry of Science, Education and Sports on the observance of the Day of Remembrance of the Holocaust and for the Prevention of Crimes against Humanity in 2003.

237. Development of additional lecture materials on the Holocaust, anti-Semitism and all forms of discrimination is one of the most effective measures undertaken in the interest of better understanding, tolerance and combating prejudice. The Holocaust is covered in courses on

history, Croatian language, foreign languages, art, religion, ethics, sociology, etc. Additional course materials to teach about the Holocaust include: Guidelines for Teaching about the Holocaust (2004); the CD “Day of Remembrance of the Holocaust and for the Prevention of Crimes against Humanity” (2004); *The Holocaust in Lectures* - a manual for teachers (2005); course materials on the Holocaust, genocide and other crimes against humanity, based on video testimonies of survivors, etc.

238. Recognizing the importance of professional training of teaching staff, each year on 27 January, Day of Remembrance of the Holocaust and for the Prevention of Crimes against Humanity, the Ministry of Science, Education and Sports and the Institute of Public Schooling organize a national seminar for teachers and lecturers on new methods and strategies to teach and study the Holocaust. During the year, the Institute of Public Instruction organizes a number of regional seminars to teach about the Holocaust. In cooperation with foreign partners and member States of the Task Force for International Cooperation in Education, Remembrance and Research on the Holocaust, scholarships for teachers and lecturers on the Holocaust were secured (Israel, Yad Vashem - 25 scholarships annually, USA, 5 scholarships). Croatian lecturers participate in seminars organized by Council of Europe member States as part of the Pestalozzi Programme.

239. On 22 and 23 October 2006, Croatia hosted the Second OSCE Tolerance Meeting on Education to Promote Mutual Respect and Understanding about the Holocaust.

240. History classes in all schools include content aimed at eliminating all forms of discrimination. The Croatian National Educational Standard (CNES) for Elementary Schools specifies among the tasks of the curriculum that the objective of history classes is to familiarize students with “the core values upon which modern society rests, and to think about the world in which they live, preparing for life in a plural and democratic society”. The ultimate objective in teaching history in secondary schools is to educate future citizens about democracy and pluralist States. The qualities of persons so educated are responsibility, humanity, tolerance, and a commitment to democracy and the rule of law. Croatia’s citizens need to strike a balance between individual freedom and responsibility to the community. They must selflessly contribute to the resolution of problems, from the local to the global.

241. Foreign language instruction also contributes to the elimination of ethnocentric standpoints characteristic of closed environments. The incorporation of topics such as racial, sexual and religious discrimination, intercultural tolerance and respect for human and civil rights into thematic projects by integration of subjects in the fields of history, literature, art and music and journalism contributes to raising awareness of problems and developing desirable standpoints and forming the personalities of students, since they learn by listening and understanding others, reasonably accepting or rejecting the views of others, clearly stating personal views using arguments; and this contributes to encouraging a culture of dialogue and understanding.

242. The Law Enforcement Officer Training Programme for Combating Hate Crimes initiated by the OSCE-ODIHR was presented for the first time at the OSCE Conference on Anti-Semitism and Other Forms of Intolerance which was held in Cordoba in June 2005, at which Croatia expressed its initial interest for involvement in the Programme, and thus became a regional model in the struggle against hate crimes.

243. The objectives of the Training Programme are to raise awareness of police officers to identify and effectively respond to hate crimes and incidents related thereto; to increase awareness of hate crimes, including legal definitions, and of the impact of this problem on victims and the community, as well as of typology of perpetrators and symbols of hate crimes; to ensure that specific investigation techniques and methodologies are used for the successful detection of hate crimes, including identification of perpetrator motives spurred by prejudice, forensic evidence and perpetrators/organized groups; to understand the best police practices and processing of data related to hate crimes; to increase community-wide involvement in responding to and preventing these crimes; and to using a model for best police management based on police leadership and effective cooperation between the police and the community.

244. The Programme consists of three essential components: training for police officers on methods to respond to hate crimes, investigation, gathering and exchanging information; developing collaborative strategies between the police and civil society, both at the national and local levels; and developing effective processes to gather and exchange data on hate crimes. The first training for trainers was held from 28 to 30 June 2006 at the Police Academy in Zagreb, training 10 police officers-trainers.

245. The education of civil servants as a vital component of the official system is regulated by the Civil Servants Act (Part 9, Education of Civil Servants, 2006), which stipulates that all civil servants are obliged to permanently undergo training for their posts and refine their expertise and skills by means of organized programmes.

246. A novelty in the Local and Regional Government Act (*Narodne novine*, No. 129/05; article 20) stipulates that civil servants in local and regional governments must undergo permanent training by means of courses, seminars, and education. The ongoing training of civil servants at the local and regional levels will be conducted on the basis of strategies and plans for permanent education and training of local civil servants, which will be adopted by the Croatian Government at the joint proposal of the national alliance of local and regional governments and the central State agency in charge of local and regional governments.

247. The Training Centre for Civil Servants was established at the end of 2003 within the framework of the Central State Office for Administration, which was formally opened on 13 June 2005. The Centre has 13 workplaces and 22 trainers. The objective of this education is to provide professional training to all national, local and regional civil servants, regardless of their sex, race, skin colour, language, religion, political or other conviction, national or social origin, property, birth, education, social status or other characteristics, which also constitutes the foundation for overcoming prejudice and valuing human rights and raising public awareness.

248. The media are obliged to respect and encourage pluralism of political, religious, philosophical and other ideas, and enable the public to become familiar with these ideas. In the interests of achieving these objectives, the Republic of Croatia, by means of the Media Act (*Narodne novine*, No. 59/04), the Croatian Radio-Television Act (*Narodne novine*, No. 25/03) and the Electronic Media Act (*Narodne novine*, No. 122/03), stipulates the prohibition of incitement to discrimination and the need to raise awareness of the dangers of the latter. A condition for the active role of the media in the development of human rights, and in combating all forms of discrimination, is cooperation between the relevant authorities and accessibility of information in compliance with the Freedom of Information Act.

249. When considering bids for radio and television concessions with reference to submitted programming proposals, the Telecommunications Council is neither authorized to examine them based on representation of programming in national minority languages, nor can it seek data thereon during the public tender. The Telecommunications Act specifies that radio and television concessionaires may air programming in national minority languages, if foreseen by the concessionaire's programming scheme. The proposed programming scheme is the condition whereby a concession is implemented, and the concessionaire must then adhere to it.

250. Croatian Television (HTV), in compliance with the Croatian Radio-Television Act (2003), must provide information in its broadcasts on human rights and national minority rights, and point out examples of violations of human rights and mobilize the public in the resolution of cases of violations of human rights. HTV covers human rights in the broadest sense in almost every segment of its programming, particularly in its news, variety, scientific/educational and children's programming. In the fulfilment of its programming principles, HTV particularly provides information and informs citizens of democracy and civil society (article 5 of the Act). HTV produces and/or airs broadcasts intended to inform members of national minorities in Croatia (art. 5). As a result, the News Department's National Minorities Desk regularly airs the multinational magazine called "Prizma" once weekly, intended to provide information to national minorities in Croatia. It should be noted that this programme has been a component of the HTV programming scheme since 1993.

251. HTV journalists are bound by the Code of Ethics and Operations for Croatian Radio-Television Employees (which is a component of the Labour Rules) and the Code of Ethics of the Croatian Association of Journalists. They are bound to adhere to the requirements of the profession - accuracy, objectivity, good intentions - and to develop the values of humanism, tolerance, respect for privacy, human and minority rights, to affirm traditions and foster national values, and to promote high artistic and cultural standards.

252. The Programming Guidelines of Croatian Radio stress the condemnation of all forms of discrimination, and its editorial policy calls for the airing of special programmes that promote tolerance: "Citizen's Voice" (Tuesdays, 9-10 a.m.); "Agora" (Thursdays, 9-10 a.m.); "Multiculture" (Saturdays, 4-5 p.m.); "In Search of Faith" (Fridays, 6-6.30 p.m.); "Encounters in Dialogue" (Mondays, 9-10 a.m.). These programmes are aired on Croatian Radio 1. The regional stations in Osijek, Rijeka, Pula and Dubrovnik air programmes dedicated to national minorities in their own languages.

253. As a part of its mandate, the Croatian Government's Office for Human Rights implements awareness-raising activities with a view to protecting and promoting human rights and suppressing prejudice and discrimination. Every year, the Office formally marks International Human Rights Day (10 December) by various campaigns and promotional and media materials, such as the media and promotional campaigns "Tolerance Means Life" (2004), "Stop Trafficking in Persons" (2004/05) and "Stop Trafficking in Children" (2006).

254. The Croatian Government's Office for Human Rights, in cooperation with the Office of the United Nations High Commissioner for Human Rights, organized the International Conference on Human Rights and Democratization in Dubrovnik, from 8-10 October 2001. The topics of the conference pertained to democratization and development of civil society as well as equality and multiculturalism.

255. Pursuant to article 6 (1) of the International Covenant on Civil and Political Rights, which provides that “no one shall be arbitrarily deprived of life”, the Office for Human Rights organized a round table on “Justification of Death Penalty?” in Zagreb in 2005. That was the first public and expertise-based discussion on the issue of capital punishment to be held in the Republic of Croatia aimed at exchanging different experiences and legislative solutions of abolitionist and retentionist (Iran, Japan, Egypt) States, through their diplomatic and consular representatives in the Republic of Croatia.

256. The Croatian Government’s Office for Human Rights and the OSCE Mission in Croatia organized an international conference in Cavtat from 18 to 20 October 2005 under the slogan “Stop Trafficking in Persons”.

257. The European Commission against Racism and Intolerance (ECRI), in cooperation with the Croatian Government, organized a round table in Zagreb on 5 July 2006 at which participants discussed national minorities in Croatia, the legislative framework and institutional mechanisms to combat all forms of discrimination, with particular reference to the protection of Roma rights.

258. The OSCE, in cooperation with the Croatian Government, organized the Conference on Education and Promotion of Mutual Appreciation and Understanding and Study of the Holocaust, in Dubrovnik, from 23 to 24 October 2006.
