



# International Covenant on Civil and Political Rights

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## Human Rights Committee

113th session

### Summary record of the 3147th meeting

Held at the Palais Wilson, Geneva, on Tuesday, 24th March 2015, at 10 a.m.

*Chairperson:* Mr. Salvioli

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*The meeting was called to order at 10 a.m.*

**Consideration of reports submitted by States parties under article 40 of the Covenant**  
(continued)

*Third periodic report of Croatia* (continued) (CCPR/C/HRV/3 and CCPR/C/HRV/Q/3)

1. *At the invitation of the Chairperson, the delegation of Croatia resumed places at the Committee table.*
2. The Chairperson invited the delegation to continue its replies to questions raised by the Committee at the previous meeting.
3. **Ms. Artuković Kunšt** (Croatia) said that civil society and NGOs were always consulted during the preparation of legislation to protect and promote human rights and that a monitoring procedure was in place to ensure the effective implementation of such legislation. Particularly fruitful discussions had been held with civil society and NGOs during the drafting of the Act on the Protection of Persons with Psychosocial Disabilities. That cooperation had prompted a conceptual shift from a medical to a social model with respect to the treatment of persons with psychosocial disabilities and awareness-raising among medical practitioners and the general public about the obstacles those persons faced. The Committee for Monitoring the Implementation of the National Strategy for Roma Inclusion 2013–2020 had been established and, on the basis of its evaluations, had proposed legislative amendments, which had subsequently been implemented.
4. **Mr. Sočanac** (Croatia) said that recommendations made by the Committee on the Elimination of Racial Discrimination and within the universal periodic review process had been incorporated into the National Programme for Protection and Promotion of Human Rights for the Period of 2013–2016. Most of the Programme's targets had been met, such as streamlining the judicial system and ensuring the right to a fair trial within a reasonable time, setting up an independent committee to guarantee access to public information, and monitoring payment of the minimum wage. An agency composed of members from academia and civil society monitored the impact of the Programme. It had drawn up a report containing recommendations to strengthen observance of human rights that would serve as a basis for the preparation of the National Programme for 2017–2020.
5. Seminars were held in the National School for Public Administration to raise awareness of the National Programme for Protection and Promotion of Human Rights and to discuss consultation methods to use with stakeholders during the preparation of legislation. The number and coverage of the seminars had dramatically increased over the previous four years. In addition, small-scale training relating to the implementation of anti-discrimination legislation was provided to police and judicial officials involved in proceedings related to discrimination and hate crime cases, covering the detection of cases of discrimination and the processing of complaints. Under the National Plan for Combating Human Trafficking for the Period 2012–2015, training was provided by competent State bodies and civil society organizations to the border police and police officers working in the field of organized crime. Lastly, specific training was also given regarding juvenile justice, organized crime and migrants in an irregular situation.
6. The Action Plan for the Removal of Obstacles in Realizing Individual Rights in the Integration of Foreigners 2013–2015 had been implemented and hate crime had been defined as a criminal offence in the new Criminal Code. Measures had been developed to combat all forms of violence on grounds of race and national or ethnic origin, and to provide speedy and fair legal remedy to the victims of those crimes.

7. A group of Reformist churches had submitted a complaint of discrimination and violation of freedom of religion to the European Court of Human Rights in 2010 on the grounds that the State refused to authorize the conclusion of common interest contracts. The group of churches maintained that the State prohibited the provision of Reformist religious education in primary and preschools and refused to recognize marriages celebrated within those churches. In 2014, however, a common interest contract had been signed between the Reformist and the Protestant churches.

8. **Ms. Artuković Kunšt** (Croatia) said that the scope of the provision of free legal aid had been extended. It covered unaccompanied and separated migrant children and was guaranteed to foreign nationals, including persons with temporary residence permits, those in irregular situations, under subsidiary protection and asylum seekers. Safeguards were in place to prevent the deportation of any foreign national with legal residence. While restrictions applied to the right to free legal counsel, persons in vulnerable situations were always afforded such protection.

9. **Mr. Boršić** (Croatia) said that the State party had signed the Arms Trade Treaty in 2013 and that legislation developed under the Ministry of Economy regulated the import, export and sale of arms. Permits in that regard were subject to a rigorous application procedure and could be authorized by the Ministry of Economy or by a special committee set up to monitor the sale and distribution of arms. The committee's decisions on the issuance of permits were based on eight criteria, which encompassed observance by the destination country of international human rights obligations, the level of risk of continued export to a third country not fulfilling certain international obligations, and the compatibility of the destination country's technology with the exported arms. In light of the fact that the State party was one of the countries along the Balkan Route, an action plan and corresponding committee had been established in 2009 to control the traffic of small arms and light weapons and to monitor drug smuggling.

10. **Ms. Artuković Kunšt** (Croatia) said that the courts could prescribe compulsory psychosocial treatment for perpetrators of domestic violence. In accordance with regulations supervised by the Ministry of Justice, professionals could administer treatment in prisons, hospitals or other medical facilities. Details of cases had to be entered in a register held by the Ministry and all authorities involved had to submit a joint report to the Ministry.

11. **Sir Nigel Rodley**, referring to the 2009 concluding observations, (CCPR/C/HRV/CO/2), in which the Committee had expressed concern about potential cases of war crimes that remained unresolved, asked why it had taken the State party so long to hold the working meeting in 2012 with the aim of undertaking activities to investigate and prosecute war crimes committed during and after Operation Storm. With regard to the Grubori case, he would like to know what accounted for the three acquittals out of the four prosecutions, what sentence had been imposed on the convicted defendant and whether all decisions in that case were final. Would the delegation provide further information on the two national priority cases related to war crimes committed by members of the Croatian Army and the police during and after Operation Storm, mentioned in paragraph 140 of the State party's report? He would also like information on the reasons why the International Criminal Tribunal for the former Yugoslavia (ICTY) had failed to provide material related to certain proceedings and why, despite the absence of that material, State attorneys could not take further actions.

12. He asked how the four largest county courts, which had been given jurisdiction over international war crimes, were expected to carry out work relating to war crimes in the light of civil society reports indicating that they had not been afforded the extra resources necessary to perform such work. He requested clarification on paragraph 146 of the State party's report on plans regarding perpetrators in national and regional crimes. While noting

that the courts in the State party did not currently process felonies in absentia, why had so much priority previously been given to trials in absentia, which had involved mainly perpetrators of Serb origin? Would the delegation provide information on the measures taken to ensure that the legal framework used for prosecution of cases related to command and superior responsibility and war crimes of sexual violence was in line with relevant international standards? Would the delegation also comment on reports from civil society stating that victim and witness support in the State party was fundamentally inadequate since it was not provided in all facilities or for the appropriate period of time?

13. With regard to pretrial detention, the Committee would welcome statistics on the number of detainees who were held in police stations before being formally remanded to custody. He wished to know whether any complaints of acts of torture or ill-treatment against persons deprived of their liberty had been recorded since the State party's report (CCPR/C/HRV/3) had been drafted. In that regard, it would be useful to have details of the three cases brought against officials referred to in paragraph 167 of the report, in particular whether compensation had been provided to victims in those cases where there had been no conviction. Noting that, according to the delegation, there was sufficient capacity in the prison system as a whole to accommodate the existing number of prisoners, he asked whether the problem of overcrowding had actually been solved in all individual facilities. He would like to know whether the State party intended to act upon the Ombudsman's recommendation that responsibility for health-care provision for prisoners should be transferred to the Ministry of Health.

14. With respect to the issue of persons deprived of their liberty in psychiatric hospitals and other institutions for persons with psychosocial disabilities, it would be interesting to know how the National Mental Health Strategy was being implemented and with what results. In view of concerns expressed by the Ombudsman for Persons with Disabilities about the lack of outpatient treatment for persons with psychosocial disabilities, he would like to know what the State party was planning to do in order to address that situation as a matter of urgency.

15. **Mr. Vardzelashvili** said that he would appreciate replies, in writing if necessary, to the questions he had asked during the previous meeting about the constitutional guarantees enjoyed by non-nationals and stateless persons and the implementation by the State party of the Committee's Views under the Optional Protocol, in particular in respect of remedies due to the victims of violations.

16. Despite the adoption of the National Plan for Combating Human Trafficking 2012–2015, reports by the European Commission and the United States Department of State indicated that the level of sentencing in trafficking cases remained too low to be a sufficient deterrent. He asked the delegation to explain the reasons for that situation and the action taken to address it. He also requested an explanation of the discrepancies between the statistics on trafficking victims and trafficking convictions provided by the Government and those produced by international organizations. Could the delegation comment on reports that, in practice, sentences for traffickers were generally lenient? Had the Government acted upon recommendations by international experts and organizations to improve protection for victims of trafficking, in particular by strengthening cooperation with specialized NGOs working in that field?

17. Although the State party had undoubtedly made impressive efforts to reconstruct housing units, concerns had been expressed about sharp reductions in the number of returnees and displaced persons receiving housing support since 2012. Reports also indicated that the majority of the estimated 30,000 refugee families who had lost their tenancy rights had been unable to repossess their properties or receive adequate compensation. It had also been reported that a lack of access for returnees to basic services

was an additional obstacle to the successful implementation of the Government's housing efforts. He would welcome the delegation's comments on those issues.

18. **Mr. Rodríguez-Rescia** said that the legal restrictions on, and attacks against, journalists who investigated corruption posed a serious threat to democracy. In that regard, the lack of progress in investigations into the attacks carried out against Dušan Miljuš and Stjepan Mesarić in June 2008 and June 2010, respectively, was a matter of particular concern. Such cases revealed deep structural problems that had not been addressed by the State party. For instance, the Government had failed to put in place a coherent set of measures to safeguard media freedom and to prevent an excessive concentration of media ownership. As a result, journalists increasingly exercised self-censorship for fear of facing legal action or of losing their jobs and livelihoods. He was also concerned about the threat to the freedom of expression posed by the manner in which the provisions of the 2013 Criminal Code relating to defamation were being applied by the courts. For instance, a recent court ruling seemed to suggest that media outlets should be subject to some form of prior censorship. The State party should therefore take steps to amend the relevant provisions of the Criminal Code and to provide training for judges on the application of norms relating to the freedom of expression.

19. With regard to the rights of persons belonging to minorities, he wished to know what measures had been taken to ensure that police procedures did not disadvantage such persons. In particular, he asked what had been done to put an end to the ethnic profiling of Roma and other minorities by the police. The Committee was concerned about the low level of representation of members of the Roma and the Serb minorities in decision-making positions within local government and the civil service. How did the Government intend to increase their participation in such positions? What was the Government doing to ensure full implementation of the Constitutional Act on the Rights of National Minorities, in particular with regard to encouraging the use of minority languages and ensuring minority access to the broadcast media? In view of the administrative and financial obstacles faced by ethnic Serbs in recovering property that they had lost during the war, he wished to know what measures the Government intended to take to ensure that such persons were able to access basic services and recover their rights.

20. Lastly, he asked the delegation to explain why, despite the implementation of desegregation measures, the number of Roma children segregated in nursery and primary schools was currently higher than when those measures had been introduced. Was the Government planning any alternative action to put an end to that segregation?

21. **Ms. Pazartzis**, referring to paragraph 223 of the State party's report relating to unaccompanied and separated migrant children, asked how the rules of procedure for dealing with such children that had been adopted by the Government in 2013 were applied in practice. She asked the delegation to comment on reports that the guardianship of minors was sometimes assigned to persons who lacked the necessary qualifications. Lastly, she would like to know whether free legal aid was available to children, in particular unaccompanied minors and asylum seekers.

22. **Mr. de Frouville** asked the delegation to explain what efforts were being made to locate and exhume the remains of the approximately 900 persons who had disappeared during the conflict between 1991 and 1995 and had not yet been accounted for. Could the delegation comment on claims of an ethnic bias in the exhumation process?

23. **Mr. Politi**, referring to paragraph 138 of the State party's report, asked whether the documentation relating to the proceedings instituted against Ante Gotovina, Mladen Markač and Ivan Čermak before ICTY had been made available to the State party and, if so, whether any action had been taken as a result.

24. **Ms. Jelić** asked what concrete measures had been taken to safeguard the right of national minorities to the equal use of their languages and scripts in public spaces, in particular in view of the protests surrounding the placement of Cyrillic signs on public administration buildings in Vukovar. While welcoming the establishment of national minority councils within the State party, she was concerned by reports that they lacked adequate funding, that there was insufficient cooperation with local authorities and that the low turnout in elections to those councils had undermined the legitimacy of the electoral process. She wished to know what the Government was doing to address those issues.

*The meeting was suspended at 11.45 a.m. and resumed at 12.05 p.m.*

25. **Mr. Boršić** (Croatia), replying to a question concerning an alleged lack of impartiality or ethnic bias on the part of the Croatian authorities in the prosecution of war crimes, said that, although proceedings initiated during the conflict had not concerned Croatian military personnel, that was no longer the case. There were in fact a large number of cases against such persons currently in process. He could not comment on the Grubori case since it remained sub judice. In the case concerning war crimes in Prokljan and Mandići, one of the defendants had been convicted and sentenced to 7 years' imprisonment; the other three defendants had been sent for retrial. The Republic of Croatia cooperated fully with ICTY in the prosecution of war crimes.

26. With regard to domestic investigations into war crimes and crimes against humanity committed during Operation Storm, cooperation with ICTY had been necessary since it had gathered evidence, including witness statements, that had not previously been available to the Croatian judicial authorities. A priority list of war crimes had been drawn up at the national and regional levels on the basis of, inter alia, the number of victims and the positions held by the perpetrators. Several high-ranking police and military officials had already been prosecuted, indicating that there was no partiality in the selection of cases.

27. **Ms. Plazzeriano** (Croatia) said that, in 2014, in response to recommendations from the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, the Government had adopted an ordinance on the admission and treatment of detainees, which provided the legal basis for addressing inadequate prison conditions. Steps were being taken to refurbish facilities and a system had been introduced for the monitoring of detainees. All arrests were recorded electronically in a database managed by the Ministry of the Interior.

28. **Ms. Artuković Kunšt** (Croatia) said that, in recent years, significant efforts had been made to enhance prison conditions, including by promoting alternatives to imprisonment, and that the Government was aware of the need to increase prison capacity. During an on-site inspection of Lepoglava prison in 2014, there had been signs of progress in that regard. In response to a question about the standard of health care, she said that prison doctors had been hired and that all inmates, regardless of nationality, were entitled to health insurance.

29. **Mr. Sočanac** (Croatia) said that the Government was drafting a new national plan to combat human trafficking for the period 2016–2019 and had adopted three protocols, which were listed in paragraph 196 of the periodic report (CCPR/C/HRV/3). A hotline for victims had been in operation for 10 years and two shelters had been opened: one for children and one for adults. The shelters were run by NGOs that participated actively in government programmes and initiatives to prevent human trafficking, which, in Croatia, occurred mainly internally. In 2014, there had been 37 recorded cases. The much higher estimates cited by the Committee were incorrect. The number of convictions was relatively low as judges were reluctant to deliver final verdicts until the existence of a human trafficking offence had been established beyond doubt. Additional training courses had been organized

to address the issue and it was hoped that, in 2015, Croatia would regain Tier 1 status in accordance with the criteria of the Office to Monitor and Combat Trafficking in Persons.

30. Croatia was a party to the Framework Convention for the Protection of National Minorities and the European Charter for Regional or Minority Languages. With regard to anti-Cyrillic protests in Vukovar, he said that, in 2014, the Constitutional Court had rejected calls for a referendum to amend domestic legislation, so that bilingual rights in local government and public offices applied only in areas where a minority accounted for at least 50 per cent of the population, rather than the established 30 per cent. The Court had, however, ruled that Vukovar city council should be responsible for deciding whether or not to put up bilingual signs and that the national Government should have no further influence.

31. It was proving difficult to implement article 22 of the Constitutional Act on the Rights of National Minorities because of high levels of unemployment; in 2012, just 38 per cent of persons from national minorities had been in work. Since 2011, the number of reported hate crimes against LGBT persons had fallen.

32. **Ms. Artuković Kunšt** (Croatia), in reply to a question about the LGBT pride march in Split on 11 June 2011, drew the Committee's attention to paragraph 73 of the periodic report. As to domestic provisions on defamation, the Government was drafting amendments to the Criminal Code to exclude liability in the case of factual, journalistic material published in the public interest. The amendments, which would be finalized by the end of 2015, would also lead to only the most serious forms of defamation being punishable.

33. **Ms. Štimac Radin** (Croatia) said that human rights, including women's rights, were the subject of ongoing debates at the local and national levels and that texts such as the Beijing Declaration and the Convention on the Elimination of All Forms of Discrimination against Women had been translated into Croatian and published in hard copy and online. The Office for Gender Equality had developed and implemented several national policies that served as the basis for the Gender Equality Act. It used a set of indicators to gauge the effectiveness of the policies and submitted a progress report to the Government every two years.

34. Among the Government's many achievements in the area of gender equality, she highlighted the development of a strategy to encourage women entrepreneurs for the period 2014–2020, efforts to implement United Nations Security Council resolution 1325 (2000), awareness-raising among the general public, the gathering of sex-disaggregated data, the adoption of gender-sensitive policies by government ministries and the election of a first female president in January 2015. NGOs played an important role in policymaking and regularly received funding from the State.

35. The Government had adopted rules of procedure for cases of sexual violence and domestic violence, translated the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence, holding discussions on its ratification, and drafted a bill on victims of sexual violence during the Croatian War of Independence that had been brought before parliament. It had also organized seminars and workshops as part of the process of drafting a national action plan to improve the situation of rural women and had sought to include a gender dimension in the draft Rural Development Programme for the period 2014–2020.

36. **Ms. Morosini Turčinović** (Croatia) said that 20 years had passed since the opening of the first shelter for victims of domestic violence. Measures were in place to provide support and protection to victims and psychosocial treatment to perpetrators. The greatest challenge in that regard was raising awareness of the resources available. Croatia acknowledged the need to strengthen trust in public institutions and in the Government's ability to respond to cases of domestic violence, which were addressed at the regional level with the participation of civil society organizations. An ordinance had been adopted to

regulate the quality of care in shelters, requiring social service providers to satisfy 17 minimum standards, which were continuously updated and related, inter alia, to access to information and the handling of complaints.

37. **Sir Nigel Rodley** invited the delegation to respond to reports of inadequate conditions in Zagreb prison, in particular that dormitories measuring 16 square metres were used to accommodate as many as seven inmates for 22 hours a day, toilets were not properly separated from living and dining areas, inmates were forced to eat on their beds because of a lack of chairs, and, despite a Constitutional Court decision of 2009 ordering the Government to increase the prison's capacity within five years, the necessary work had not even begun. He would welcome information on the time frame for ensuring adequate conditions in all places of detention in the State party.

38. **Mr. Muhumuza**, noting with interest that arms exports fell within the remit of the Ministry of Economy, as if to emphasize the monetary benefits and ignore concerns such as international peace and security, asked whether the Government planned to intensify efforts to prevent weapons manufactured in Croatia from being used by terrorists.

39. **Mr. Rodríguez-Rescia** asked whether the State party had adopted strategies for deinstitutionalization.

40. **Mr. Vardzelashvili** asked the delegation to provide official estimates of the number of victims of sex and labour trafficking in Croatia.

41. **Mr. de Frouville**, noting that he had not received a reply to his question on disappeared persons, invited the delegation to provide answers in writing.

42. **Ms. Artuković Kunšt** (Croatia) said that plans to renovate Zagreb prison were well under way and construction work was about to begin. A system had been established to provide outpatient care to persons with intellectual and/or psychosocial disabilities, leading to a reduction in the number of persons housed in institutions. Any outstanding replies would be submitted to the Committee in writing within 48 hours.

*The meeting rose at 1.05 p.m.*