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

**COMMENTS OF THE GOVERNMENT OF  
CROATIA ON THE SECOND OPINION OF THE ADVISORY COMMITTEE ON  
THE IMPLEMENTATION OF THE FRAMEWORK CONVENTION FOR THE  
PROTECTION OF NATIONAL MINORITIES  
IN CROATIA**

(received on 01 April 2005)

The competent government bodies welcome the Advisory Committee's Second Opinion on Croatia of 1 October 2004 and appreciate its findings, especially in the part which recognizes the efforts made by the Government of the Republic of Croatia to ensure the national minorities in Croatia a high level of protection and participation without discrimination in decision-making processes and in public life.

The Croatian government attaches great importance to the implementation of the Framework Convention for the Protection of National Minorities. In this connection, we should like to underline that the Government Office for National Minorities and the Council for National Minorities of the Republic of Croatia jointly organized a round table (Cavtat, 20-21 September 2004) with the participation of the representatives of all ethnic minorities, which discussed the report of the Croatian government on the implementation of the Framework Convention and the Alternative Report prepared by the Centre for Peace, Legal Advice and Psycho-Social Care of Vukovar and the Community of Serbs of Rijeka. The opinions and proposals resulting from the round table will play an important role in the further work aimed at promoting ethnic minority rights.

We should also like to mention that the Office for National Minorities translated the Opinion of the Advisory Committee and circulated it to all the national minorities' associations in Croatia with the request to send us their comments and proposals.

What follows are the statements of the responsible governmental bodies, the Council for National Minorities and the opinions sent in by the national minorities' associations.

## RESPONSE TO THE MAIN FINDINGS

### The participation of national minorities

9.

In connection with this finding, which states that the newly-established councils of national minorities can have an important role in the implementation of Article 15 and other principles of the Framework Convention, provided they develop into bodies with wide support amongst communities they represent and provided they have a clear role in the decision-making process, it is important to mention that the Croatian government, through its Office for National Minorities and the newly-established independent body for national minorities, the Council for National Minorities, has so far organized 16 seminars aimed at training the members of the councils of national minorities and representatives of national minorities as well as members of local and regional government and self-government.

10.

Concerning the implementation of the provisions of the Constitutional Law on the Rights of National Minorities relating to the participation of ethnic minorities in state administration and judicial bodies, it is important to note that a comprehensive reform of the state administration system is underway in order to harmonize it with the principles of work and operation prevalent in European countries.

Furthermore, it is planned to establish a register of civil servants in order to monitor trends and developments in that sphere, identify possible irregularities and react with adequate measures where necessary. The register will be an important element in the realization of the right of national minorities to representation in state administration bodies.

The Constitutional Law on the Rights of National Minorities ensures representation in the administrative bodies of units of self-government in accordance with the provisions of a special law regulating local and regional self-government as well as with acquired rights.

In this connection, please note that the above mentioned provisions will be further elaborated in the new law on local and regional self-government that is under preparation. It will define the way in which persons belonging to national minorities can realize the rights they are guaranteed under the provisions of the Constitutional Law.

11.

Concerning the comment on the employment of persons belonging to national minorities, it is important to note that a proposal has been made to prepare an analysis of the position of persons belonging to national minorities on the labour market, thus enhancing the implementation of Article 4 of the Framework Convention and comply with the recommendation to incorporate better methods of assessment of developments in this area (in which reliable statistics are still lacking) into the National Strategy for Combating Discrimination, the preparation of which is underway. This will be done through:

- a system of indicators monitoring the employment or unemployment of persons belonging to national minorities compared to the total number of persons belonging to a national minority at

regional and national level. The results of the analysis will serve as the basis for taking the necessary measures for preventing discrimination in employment.

### **Return process**

12.

Concerning the comments relating to the return process, it is important to mention that the right to return is a right guaranteed by Croatia to all refugees regardless of the time of return. This right is unconditional and not subject to any deadlines. The deadlines which have been set apply only to the realization of the right to special state assistance for the repair of houses and the provision of accommodation for returnees.

It is important to note that Croatia now has the necessary legislation designed to help all returnees in solving their housing problems. The rate of implementation of these programmes depends solely on funds allocated annually from the government budget. Most of the earlier problems have been solved and the programmes are now running smoothly. It is the task of the state to ensure sustainable conditions of return for all those who wish to return to Croatia, the decision on this being the prerogative of the individual family.

In order to encourage the return of refugees who still live in Serbia and Montenegro and Bosnia-Herzegovina, and especially of those who have expressed the intention to return, the Croatian government and the OSCE will this year launch a public information campaign in these two countries on the conditions of return to Croatia. A similar campaign will be conducted in Croatia relating to the reception of returnees. It should also be noted that the Croatian government has been conducting a media campaign since October 2004 in Croatia, Serbia and Montenegro and Bosnia-Herzegovina providing information about housing claims by former tenancy rights holders outside areas of special state concern, the deadline for which is June 2005. In this campaign the refugees are encouraged to return and are given comprehensive information on the conditions of return and the assistance to which they are entitled to in Croatia.

The measures introduced by the Croatian government to support return are being implemented with vigour, as evidenced by the results achieved so far in the restitution of property, which has been almost completed, the repair of the damaged houses and flats and the resolution of housing problems in general.

### **Discrimination**

13. Cf. response to Finding 11.

### **Role of the judiciary**

14.

The entire project of the reform of the judicial system, consisting of a variety of measures, is aimed at improving the efficacy of the judiciary and ensuring the right to a fair trial. The right to a fair trial, including the right to access to justice and equality before the law, is an aim which can only be achieved by making the courts more effective and eliminating undue procedural delays. The reform also includes measures aimed at eliminating situations which jeopardize the right to a fair trial and court impartiality.

An important measure in improving the functioning of the judicial system is the training of judges at the Judicial Academy that has been established within the Ministry of Justice.

As regards war crimes trials in selected domestic courts of general jurisdiction, a number of measures have been taken aimed at ensuring fair trials and a more effective operation of the courts. In 2004, special judicial councils for war crimes were set up at the county courts in Zagreb, Rijeka, Split and Osijek. This will ensure that war crimes cases are decided by specially trained judges.

In its response regarding the prosecution of persons belonging to the Serbian national minority indicted for war crimes, and the number of Croats prosecuted for war crimes, the State Prosecutor's Office states that there are no registers of indictees according to ethnicity. But since the indictments are related mostly to war crimes committed in the rebellion against the Republic of Croatia, one can assume that they were brought against members of the Serb national minority. As the prosecuting authorities are obliged to make sure that the indictments are well founded, and especially in the light of the instructions issued by the Prosecutor General of the Republic of Croatia on the need for the indictments to be re-examined, indictments against 1,200 persons have been withdrawn. The State Prosecutor's Office reports that criminal proceedings for war crimes have been instituted against 3,540 persons.

## **Citizenship**

16.

Article 9 of the Croatian Constitution stipulates that matters pertaining to Croatian citizenship, its acquisition and termination are regulated by law. This Article also states that no citizen of the Republic of Croatia may be exiled from Croatia, deprived of citizenship or extradited to another state.

The Law on Croatian Citizenship (*Official Gazette Nos 53/91, 28/92 and 113/93*) has been in force since October 1991. Its fundamental principles are in full conformity with European and international regulations in this area. It is based on legal continuity, which means that all citizens who held Croatian citizenship on 8 October 1991 are citizens of the Republic of Croatia. This Law is also based on the legal principles of exclusiveness of Croatian citizenship, the principle of origin, the principle of prevention and protection of statelessness, the principle of equality of men and women, the principle of independence of married women, the principle of equality of children born in and out of wedlock and the principle of equality of adopted children.

It is important to mention that the procedure of signing the European Convention on Citizenship is underway. In this connection, the Law on Croatian Citizenship will be amended as necessary, the preparations for the amendments having already been completed.

## **Education**

17.

By-laws are under preparation which will clarify and facilitate procedures for the implementation of educational models envisaged in the Law.

The new Law on Primary Education and the Law on Secondary Education will contain the necessary provisions that will ensure transparency of the education of persons belonging to national minorities, including the establishment of schools providing education in the language and script of the national minority when demanded by it.

The new legislation will precisely define the responsibility of the state, county and municipal bodies concerning the establishment and operation of schools providing education in the language and script of national minorities.

The existing disputes will be resolved by amendments to school statutes, i.e. their harmonization with the Constitutional Law and the Law on Education in Languages and Scripts of National Minorities and the gradual registration of schools providing education in the Serbian language.

18.

New textbooks for primary schools and textbooks in the language and script of national minorities will be based on the Catalogue of Knowledge and co-financed by the Ministry of Science, Education and Sports, which will help to resolve the existing problems. Part of the problems relating to textbooks in minority languages will be solved thanks to the intergovernmental agreements concluded by the Croatian government.

Secondary school textbooks have so far not been translated or published in the language and script of national minorities (small number of copies printed). It is the intention of the Ministry of Science, Education and Sports to improve this situation, in which priority will be given to textbooks on social sciences and the humanities.

#### **Use of minority languages in relations with administrative authorities**

19.

This area is regulated by the Law on Identity Cards (*Official Gazette* Nos. 11/02 and 122/02). Article 8 of this Law provides for the possibility of issuing an identity card in the language and script of a national minority in cases stipulated by a special law or an international agreement.

Identity cards in the language and script of a national minority may be issued only in areas where the language and script of the national minority has equal official status. In 2003, 8,206 such documents were issued:

- In the language and script of the Italian national minority: 8,097
- In the language and script of the Serbian national minority: 103
- In the language and script of the Hungarian national minority: 5
- In the language and script of the Czech national minority: 1

In 2004, 4,591 identity cards in the language and script of a national minority were issued:

- In the language and script of the Italian national minority: 4,454
- In the language and script of the Serbian national minority: 133
- In the language and script of the Hungarian national minority: 4

5 of the above listed identity cards were issued outside the area where the language and script of the national minority is used.

In the year 2003, the police administrations and police stations of the Ministry of the Interior received no applications for administrative procedure being conducted in the language and script of a national minority; 74 bilingual documents on matters pertaining to the official registers kept by the Ministry of the Interior were issued at the applicants' request.

In the year 2004, the police administrations and police stations of the Ministry of the Interior received no applications for administrative procedure being conducted in the language and script of a national minority; 86 bilingual documents on matters pertaining to the official registers kept by the Ministry were issued at the applicants' request.

### **The National Programme for the Roma**

21. The line ministries have been taking the necessary steps to implement the National Programme for the Roma. The following activities have been reported by the ministries:

#### *The Ministry of the Interior*

1. Mobile teams have been set up composed of the representatives of line ministries, the State Administration Office, welfare centres, Roma NGOs and representatives, who will examine individual cases in areas inhabited by Roma and inform the inhabitants about how to regulate the problems relating to their status, especially registration with the police and applying for Croatian citizenship.
2. Procedures have been prescribed for applying for Croatian citizenship, bearing in mind the difficulties encountered by Roma in regulating their citizenship status in the Republic of Croatia. Consultations have been conducted with Roma associations on Roma customary rights.
3. In order to prevent all forms of discrimination of the Roma, ministry officials regulating the citizenship status of the Roma have been acquainted with the customs and behaviour of the Roma.
4. Roma language speakers have been employed in offices dealing with applications for citizenship and related matters.

Section B of the National Programme for the Roma deals with the prevention of violent behaviour against the Roma by police officers. The measures defined in this part of the National Programme are intended to:

1. Achieve greater police efficacy in detecting and preventing violence against the Roma as well as violence in Roma communities.
2. Encourage the Roma to report racial and other forms of violence against them and statistically monitor such incidents.

3. Increase the number of police officers in the Ministry of the Interior in the Community Policing project in those local communities where there is a higher risk of racial and other forms of crime; further training of police officers participating in the project.

The Ministry of the Interior has allocated 300,000 kunas for the year 2005 for the implementation of the National Programme for the Roma and the Government Office for National Minorities a further 65,000 kunas.

#### *The Ministry of Justice*

The Ministry of Justice has reported that funding for free legal assistance for the Roma has been secured from the 2005 government budget. Public funds have also been made available for education programmes for Roma serving prison sentence, aimed at providing them with knowledge and skills which will facilitate their reintegration into society after discharge. The Programme also includes literacy courses because a large number of prison inmates belonging to the Roma national minority are illiterate.

Statistical monitoring will be established of penal policies relating to criminal and petty offences whose perpetrators or victims are the Roma. The measure is aimed at timely intervention and prevention of discrimination against the Roma.

This measure is part of more broadly conceived changes in establishing judicial statistics and monitoring all forms of discrimination.

#### *The publication "My rights"*

The Ministry of Health and Social Welfare, the Ministry of the Interior and the Office for National Minorities have published the book entitled "My Rights", which explains in a simple and easily digestible way how members of the Roma national minority can regulate matters relating to their status, health and social insurance. The book has been published in Croatian and the Roma language and made available for potential users via the Roma NGOs.

#### *Action Plan for the Decade of Inclusion of Roma 2005 – 2015*

The Action Plan for the Decade of Inclusion of Roma 2005 – 2015 is about to be adopted. It has been prepared by the Croatian government and includes a whole range of measures aimed at Roma participation in four key areas: education, employment, health and housing.

#### *Seminars for young Roma*

The Office for National Minorities has organized six seminars for young Roma, which has been attended by 60 participants. The seminars provide young Roma with training for the implementation of the measures envisaged in the National Programme for the Roma and the Action Plan, as well as for participation in decision making processes.

### **RESPONSES TO ARTICLE-BY-ARTICLE FINDINGS**

Note: responses are given only to those questions that were not dealt with in the previous section.

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

The term national minority is defined in the Article 5 of the Constitutional Law on the Rights of National Minorities. According to that provision, a national minority is a group of Croatian citizens whose members have traditionally inhabited the territory of the Republic of Croatia and whose members have ethnic, linguistic, cultural and/or religious characteristics that are different from those of other citizens and who wish to preserve these characteristics.

The Croatian Constitution contains the following formulation: “The Republic of Croatia is hereby established as the national state of the Croatian nation and of members of autochthonous minorities: Serbs, Czechs, Slovaks, Italians, Hungarians, Jews, Germans, Austrians, Ukrainians, Ruthenian and others.” It should be underlined that the term “and others” relates to the listing of national minorities and not to the term “autochthonous” national minorities. It is therefore clear that no minority is excluded from the original provisions of the Constitution of the Republic of Croatia despite the fact that it is not explicitly mentioned.

The status of national minorities in Croatia is not determined by the fact that they are explicitly mentioned in the Constitutional provision, all national minorities who live in Croatia enjoying the same status. The individual rights guaranteed by the Constitutional Law on the Rights of National Minorities in the Republic of Croatia are realized on the basis of the number of members of a minority in a particular area (for example, the right to representation in self-government bodies, etc.). In adopting the Law on the Rights of National Minorities, Croatia has opted for an open approach to the definition of national minorities, determining only which group of Croatian citizens can realize the right to consider itself a national minority, and leaving the members of individual ethnic groups the right to declare themselves a national minority.

The constitutional term “national origin” denotes the membership of a national group which may but need not be constituted as a national minority. Consequently, the term “national origin” is broader, signifying both membership of a national minority and membership of any other ethnic group.

### **The status of Muslims**

38.

*Preporod*, the cultural society of Bosniacs in Croatia, has been advocating that “the political capacity deriving from the national category *Muslim* should be realized within the rights of the Bosniac national minority”. Concerning the question of persons belonging to a national minority who have declared themselves as Muslims, it should be noted that the authorities have taken steps to ensure that such persons may change their declaration if they wish to do so. Consequently, persons belonging to national minorities have been informed that they may, especially when voting, change their declaration on nationality in the electoral register. Most of the persons in this population category are Bosniacs, but there are also some Roma and Albanians. Regardless of their declaration, all persons belonging to national minorities enjoy all the rights in accordance with the Constitutional Law on the Rights of National Minorities and other regulations.

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

### **Novelties in the legislation dealing with discrimination**

Article 14 of the Croatian Constitution contains a general provision on the prohibition of discrimination, according to which everyone enjoys the rights and liberties guaranteed by the Constitution regardless of, *inter alia*, national origin. Furthermore, in specific areas regulated by legislation there are provisions on the prohibition of discrimination. However, there is no specific piece of legislation prescribing the prohibition of discrimination.

At the beginning of the year 2005, the Croatian government will adopt the National Strategy for Combating all Forms of Discrimination. The Strategy will provide the legislative framework, an assessment of the situation and proposals for measures that need to be taken in individual areas for combating discriminatory behaviour, with special emphasis on vulnerable social groups. The document will also specify the bodies responsible for the implementation of the measures and implementation deadlines.

One of the elements of the strategy will be statistical monitoring of judicial proceedings and decisions, so that the sanctioning of the various forms of discrimination may be monitored according to the motive of discrimination and penal policies. In this way the necessary measures will also be implemented through new legislation.

### **The restitution of property**

47.

In connection with the resolution of housing problems encountered by the refugee Serbs who have expressed the wish to return and have applied for Croatian government assistance, the following should be noted:

There are now 756 outstanding claims for property repossession, which will be settled by mid-2005, by which time the temporary occupants will have vacated the properties, having been provided with adequate housing. Likewise, 303 houses will be vacated by temporary occupants although their owners have not claimed the restitution of their property.

11,900 reconstruction claims remain to be decided, the majority of which were filed before the expiration of the extended deadline (September 2004). Part of these claims will have been fully settled by the end of this year, when the reconstruction of 8,200 houses and flats is planned. The completion of the reconstruction of housing damaged or destroyed during the war has been planned until the end of 2006.

Most of our efforts this and next year will focus on providing adequate housing for former tenancy rights holders, a minor part of whom have so far been provided for. Until now, a priority in our efforts was the process of private property restitution, which is now nearing completion. 7,480 claims have to be settled, 2,336 of which are for the provision of housing outside areas of special state concern. The approximate number of claimants will be known only after June this year, which is the extended deadline for filing the claim outside areas of special state concern. We are planning to provide adequate housing for these claimants and complete the programme by the end of 2006. In December 2004 the government extended the deadline for filing claims

outside areas of special state concern (mainly in big cities), until the end of June 2005, whereas there are no deadlines for filing housing claims in areas of special state concern (i.e. areas directly affected by the war, which are at the same time areas of the highest refugee return today). In the meantime, the government and the UNHCR have continued the information campaign in the media in Serbia and Montenegro and Bosnia-Herzegovina, calling on the refugees to return to Croatia and to file claims for housing provision. This campaign will be intensified in May and June, when a large number of newly filed claims is expected. We intend to settle a number of claims outside the areas of special state concern before the end of June, which will serve as a positive example and an additional incentive for refugees to return. Intensive efforts are being made to achieve this goal.

In cases in which the repossessed property was damaged by the previous occupants, the government has taken a number of measures to compensate the owners. A procedure is under preparation in which the owner's claim for compensation will be settled out of court and compensation will be given either in money or in construction work according to documents prepared by the Administration for Reconstruction. It is planned to involve the State Prosecutor's Office in the procedure. The Ministry of the Interior is expected to identify the perpetrator, against whom the State Prosecution will file a claim. The scheme will include those properties that had been sequestered by the Republic of Croatia and given to temporary occupants, by whom they were subsequently damaged. The Ministry is now elaborating the details of the procedure in conjunction with the State Prosecutor's Office and will soon submit the resulting proposal to the Croatian government.

An important measure for sustainable return is the social welfare of returnees immediately after their return, when they have to be provided with at least minimal livelihood. Although these are only temporary solutions for most returnees, a small group of elderly persons and invalids need permanent social protection and assistance. These persons will be taken off the system of returnee welfare and placed on the regular welfare system and institutions.

In addition to the encouraging results achieved in housing programmes, it should be noted that a regional meeting of ministers on refugee return was held in Sarajevo on 31 January 2005 with the participation of Serbia and Montenegro, Bosnia-Herzegovina and Croatia, and the OSCE, the UNHCR and European Commission missions to the three countries. A joint declaration was signed and more intensive cooperation and dialogue on the final solution of the refugee question were agreed. It was also agreed that the deadline for resolving refugee problems in the three states would be the end of 2006, which was also indicated in the final declaration.

Considerable funds and efforts have been directed in the past years toward speeding up the process of economic revitalization of areas of refugee return and areas of special state concern. In addition to providing economic incentives, the Croatian government has invested large funds in the reconstruction and construction of municipal and social infrastructure, which was the main precondition for the development of economic activity in this area. The sum of 678 million kunas (90 million euros) has been allocated from the state budget this year alone. 60% of the funds will be used for the municipal infrastructure and 40% for social welfare and the social infrastructure in the places of return. While the results of the reconstruction, restitution and housing programmes are more than significant, economic and social recovery in the areas of special state concern is still a great challenge and the main preoccupation of all the inhabitants, returnees and other residents alike. It is also the main preoccupation of the government, a concern that is reflected in the preparation of the new Law on Areas of Special State Concern.

Refugee return programmes, including the provision of adequate housing and other projects providing incentives for economic recovery in the areas of return, have this year been funded in the amount of 1,997 billion kunas from the government budget.

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

#### *The Ministry of Culture*

The Law on the Media (*Official Gazette* No. 59/04), Articles 40-58, provides for the right to the correction of incorrect or incomplete information published or broadcast by the media in question. Provisions are made for effective legal protection in cases when this right has been breached. This right may be invoked by individuals, as well as legal persons, organizations and bodies, including minority NGOs and associations.

This shows that the Republic of Croatia has established a system of dealing with complaints relating the work of the media, including coverage of minority issues.

#### *The Ministry of Justice*

### **The judiciary and war crimes trials**

The entire project of the reform of the judicial system, consisting of a variety of measures, is aimed at improving the efficacy of the judiciary and ensuring the right to a fair trial. The right to a fair trial, including the right to access to justice and equality before the law, is an aim which can only be achieved by making the courts more effective and eliminating undue procedural delays. The reform also includes measures aimed at eliminating situations which jeopardize the right to a fair trial and court impartiality.

An important measure in improving the functioning of the judicial system is the training of judges at the Judicial Academy that has been established within the Ministry of Justice.

As regards war crimes trials in selected domestic courts of general jurisdiction, a number of measures have been taken aimed at ensuring fair trials and a more effective operation of the courts. In 2004, special judicial councils for war crimes were set up at the county courts in Zagreb, Rijeka, Split and Osijek. This will ensure that war crimes cases are decided by specially trained judges.

In its response regarding the prosecution of persons belonging to the Serbian national minority indicted for war crimes, and the number of Croats prosecuted for war crimes, the State Prosecutor's Office stresses that there are no registers of indictees according to ethnicity. But since the indictments are related mostly to war crimes committed in the rebellion against the Republic of Croatia, one can assume that they were brought against members of the Serb national minority. As the prosecuting authorities are obliged to make sure that the indictments are well founded, and especially in the light of the instructions issued by the Prosecutor General of the Republic of Croatia on the need for the indictments to be re-examined, indictments against 1,200 persons have been withdrawn. The State Prosecutor's Office reports that criminal proceedings for war crimes have been instituted against 3,540 persons.

## **Article 8 of the Framework Convention**

### **Religious communities**

#### *The Commission for the Relations with the Religious Communities*

The Opinion makes no mention of the agreements concluded by the Croatian government with the religious communities in the course of 2003. On 4 July 2003, the Croatian government signed agreements with the following churches and religious communities: the Protestant Church in Croatia, the Reformed Christian Church in Croatia, the Evangelical Pentecostal Church in Croatia, the Christian Adventist Church in Croatia, the Union of Baptist Churches in Croatia.

Articles 3, 4 and 5 of these agreements also cover the following churches or religious communities: The Church of the Lord in Croatia, the Union of Christ's Pentecostal Churches in Croatia, the Reformed Movement of Seventh Day Adventists in Croatia, the Union of Christ's Churches in Croatia.

29 October 2003 agreements were signed with the Bulgarian Orthodox Church in Croatia, the Croatian Old-Catholic Church and the Macedonian Orthodox Church in Croatia.

The Croatian government has also signed agreements with the Serbian Orthodox Church in Croatia and the Islamic community in Croatia and an international agreement with the Holy See, and has thus regulated its relations with a total of 15 churches and religious communities.

It should be noted that the signatory of the concordat with the Holy See is not the Croatian government, as stated in Finding 101, but the Republic of Croatia.

In connection with b) Outstanding issues, Finding 102, it should be noted that on 10 October 2003 the Croatian Government approved the agreement on questions of common interest with the Jewish community in the Republic of Croatia, including all the comments and proposals made by the Jewish community. Unfortunately, the Jewish community has not signed the agreement to date. It should also be mentioned that all the signed agreements are similar to those signed in 2002.

#### *The community of Macedonians in the Republic of Croatia*

This community has stated that the Macedonian Orthodox believers do not belong to the Serbian Orthodox Church but to the independent Macedonian Orthodox Church, which signed an agreement on questions of common interests with the Croatian government on 29 October 2003.

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

107.

It should be noted that the Council on National Minorities has financed the Croatian Television seminars for the preparation of programmes in the languages of national minorities and the training of national minority journalists, which is a precondition for more broadcasting in national minority languages.

108.

In connection with the comment on the absence of Ruthenian and Ukrainian language radio programmes, please take note that the Council for National Minorities funded the programme broadcast by Brod Radio of Slavonski Brod entitled “Ukrainians in Croatia”. In 2003 and 2004 the Council provided around 700,000 kunas to finance radio and television programmes in minority languages broadcast by Radio Daruvar, Radio Dunav, Radio Banska Kosa, Beli Manastir, Radio Brod, Slavonski Brod, Radio Našice, Radio Osijek, Radio Pula, Radio Ilok, Radio Pitomača, Radio Ogulin, Croatian Radio Karlovac, Radio Borovo – Vukovar, and Čakovec Television.

In its response to the opinion of the Advisory Committee, the Association of Ruthenians and Ukrainians of Vukovar has called for half-hour TV programmes in the national minority languages. The Association’s proposal is that local and regional TV stations in areas where there are significant numbers of national minority members broadcast at least one programme a month.

Under the Law on Electronic Media (*Official Gazette* No. 122/03) a fund was set up for the encouragement of pluralism and diversity in the media. The fund will be used to promote local and regional production and broadcasting of programmes that are both of public interest and of particular interest for the national minorities in Croatia (Article 57). This will expand the scope of public service broadcasting for national minorities at local and regional level.

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

### **Use of minority languages in relations with authorities**

#### *The Ministry of Justice*

Article 7, paragraph 1 of the Constitutional Law on the Rights of National Minorities provides for special rights and liberties of persons belonging to national minorities, which these enjoy individually or jointly with other persons belonging to the same national minority. One of these rights is the use of the mother tongue and script in private, public and official use.

The equal official use of the languages and scripts of national minorities is realized if the national minority group at issue accounts for one third of the unit’s (municipality or town) population or when the equality of the minority language is prescribed by international agreements or when the county or town municipality prescribes the use of the script and language of a national minority in relations with its bodies of authority (Article 4 of the Law on the Use of Language and Script of National Minorities).

In municipalities and cities, the equal official use of the language and script of the national minority is realized in the work of the representative and executive bodies, in dealing with the municipal or city administrative bodies, in dealing with first-instance state administrative bodies, in the structural units of central state administrative bodies acting in the first instance, before courts of first instance, state prosecutor’s offices and the ombudsman in the first instance, notaries public and legal persons with public authority who have been authorized to act in the territory of the municipality or city in which the minority is in equal official use (Article 5 of the Law on the Use of Language and Script of National Minorities).

Equal official use of the language and script of a national minority is generally introduced for the entire area of a municipality or town; only in exceptional cases may it be introduced only in part of the area of a municipality or town (Article 6 of the Law on the Use of Language and Script of National Minorities).

In municipalities, cities and counties in which the language and script of the national minority is in official use, municipal and city councils, authorities and assemblies use the Croatian language and the Latin script and the language and script of the national minority at issue (Article 8 of the Law on the Use of Language and Script of National Minorities).

Municipalities, cities and counties in which the language and script of the national minority is in official use are obliged to issue all public documents and forms used for official purposes in two or several languages (Article 9 of the Law on the Use of Language and Script of National Minorities).

## **Article 11 of Framework Convention**

### **Topographical indications**

#### *The Ministry of Justice*

The Constitutional Law on the Rights of National Minorities prescribes in Article 10 that persons belonging to national minorities have the right to the free use of their language and script in private and in public, including the right to display signs, topographical indications and other information in accordance with the Law.

Pursuant to Article 10 of the Law on the Use of Language and Script of National Minorities, in municipalities and cities in which a minority language is in equal official use, that language is used in displaying topographical indications. Topographical indications (traffic signs and other written signs in traffic, names of streets and squares, place names and geographical names) are written in two or several languages in the same letter size.

Whether topographical indications in a minority language are displayed in the whole territory of the municipality/town or only in particular places, and for which places traditional place or geographical names are used is stipulated in the statute of the municipality or town in which a minority language and script is in equal official use.

Only eight municipalities in which the Serbian language should be in equal official use under the Law on the Rights of National Minorities in the Republic of Croatia have not complied with their legal obligation to date. In six of these municipalities representatives of the Serbian national minority constitute the majority in the representative and executive bodies. One can therefore assume that the fact that the Serbian language is not in equal official use is not the consequence of political pressure.

The report on this situation has been submitted to the responsible central government authority so that it may take the necessary measures in accordance with the law.

The provisions that stipulate that legal and physical persons who perform a public activity may write place and other names in two or several languages may be contained in municipal or town statutes.

## **Article 12 of the Framework Convention**

### **Content of history textbooks**

*The Ministry of Science, Education and Sports*

The Commission for the Teaching of Recent History has been working on the text of the Supplements, the deadline for the submission of which is 15 February. The text will then be debated and analyzed and then published. The Commission has recommended that the Supplement be recommended to all schools and primary and secondary school history teachers and made available to all pupils in Croatia rather than only to pupils in the Danube region (according to the national curriculum, the content of the supplement is taught in May and June). Thanks to the Catalogue of Knowledge and the new history textbooks, a balanced approach to recent history will be achieved.

### **Availability of textbooks in minority languages**

*The Ministry of Science, Education and Sports*

By analyzing the current situation, we have realized that there is a problem with the availability of textbooks in minority languages. New textbooks for primary schools and textbooks in the language and script of national minorities will be based on the Catalogue of Knowledge and co-financed by the Ministry of Science, Education and Sports, which will help to resolve the existing problems. Part of the problems relating to textbooks in minority languages will be solved thanks to the intergovernmental agreements concluded by the Croatian government. Secondary school textbooks have so far not been translated or published in the language and script of national minorities (small number of copies printed). It is the intention of the Ministry of Science, Education and Sports to improve this situation, in which priority will be given to textbooks on social sciences and the humanities.

### **Education of Roma children and contacts amongst pupils from different communities**

The programme of pre-school education is intended to encompass as large a number of Roma children as possible and thus create the precondition for their successful entrance into the primary education system. The Ministry of Science, Education and Sports has also supported the establishment of kindergartens for Roma children in cooperation with Roma NGOs, international organizations and local authorities. The responsible bodies are also helping with the enrolment of Roma pupils in institutions of secondary and higher education and are providing student grants.

By increasing the number of Roma children in pre-school education, conditions are created for their enrolment in regular primary schools.

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

### **Teacher training**

*The Ministry of Science, Education and Sports*

The Ministry will pay particular attention to regular and in-service teacher training. As regards Ruthenians, the Ministry will try to find an adequate solution in direct consultations with the representatives of the Ruthenian minority.

## **Article 15 of the Framework Convention**

### **Participation in economic life**

The Employment Bureau has worked out the National Employment Strategy. On the basis of this document and in conjunction with the National Employment Plan and the CARDS and PHARE programme funds, a number of measures will be implemented aimed at increasing employment, including that of persons belonging to national minorities, and particularly the Roma.

### **Participation within the administration and the judiciary**

*The Ministry of the Justice*

The Constitutional Law on Rights of National Minorities stipulates in its Article 22 the right of national minorities to be represented in the judiciary, a provision that should be further elaborated in special laws. The overall reform of the judiciary and the legislative amendments regulating this area will take into account the necessary elaboration of the provisions of Article 22 of the Constitutional law, so as to ensure the necessary representation of national minorities in judicial bodies.

Equal access to judicial office for all citizens, including members of national minorities, is also the subject of the National Strategy for Combating all Forms of Discrimination. More detailed on the National Strategy is given in Item 4.

The Croatian government has submitted to the Croatian Parliament the proposal of the National Programme for the Protection and Promotion of Human Rights for 2005-2008. One of the priority objectives of the Programme is increased participation of members of national minorities in the judiciary. All these measures form part of the comprehensive reform of the judiciary. It is to be expected that the completion of the legislative framework for the reform of the judiciary will remove all obstacles to the consistent application of the Constitutional Law concerning the participation of persons belonging to national minorities in judicial bodies.

The Ministry of Justice has particularly emphasized the fact that the annual report on the work of courts and other judicial bodies contains information on the ethnicity of judges and state prosecutors.

According to indicators as at 31 December 2004, the ethnic composition of the personnel of courts and state prosecutors' offices is as follows:

<i>Municipal courts</i>	<i>Number of judges</i>	<i>Of these</i>		
		<i>Croats</i>	<i>Serbs</i>	<i>Others</i>
<i>TOTAL</i>	883	838	23	22
<i>%</i>	100 %	94.9 %	2.6 %	2.5 %

<i>County courts</i>	<i>Number of judges</i>	<i>Of these</i>		
		<i>Croats</i>	<i>Serbs</i>	<i>Others</i>
<i>TOTAL</i>	378	346	14	18
<i>%</i>	100 %	91.5 %	3.7 %	4.8 %

<i>Commercial courts</i>	<i>Number of judges</i>	<i>Of these</i>		
		<i>Croats</i>	<i>Serbs</i>	<i>Others</i>
<i>TOTAL</i>	136	135	0	1
<i>%</i>	100 %	99.3 %	0 %	0.7 %

<i>Name of court</i>	<i>Number of judges</i>	<i>Of these</i>		
		<i>Croats</i>	<i>Serbs</i>	<i>Others</i>
<b><i>Supreme Court</i></b>	<b>42</b>	<b>39</b>	<b>1</b>	<b>2</b>
<b><i>Administrative Court</i></b>	<b>33</b>	<b>33</b>	<b>0</b>	<b>0</b>
<b><i>High Commercial Court</i></b>	<b>24</b>	<b>24</b>	<b>0</b>	<b>0</b>
<i>Total courts:</i>	1496	1415	38	43
<i>%</i>	100 %	94.6 %	2, %	2.9 %

<i>Municipal state prosecutor's offices</i>	<i>Number of state prosecutors</i>	<i>Of these</i>		
		<i>Croats</i>	<i>Serbs</i>	<i>Others</i>
<i>TOTAL</i>	366	357	4	5
<i>%</i>	100 %	97.5 %	1.1 %	1.4 %

<i>County state prosecutor's offices</i>	<i>Number of state prosecutors</i>	<i>Of these</i>		
		<i>Croats</i>	<i>Serbs</i>	<i>Others</i>
<i>TOTAL</i>	158	148	7	3
<i>%</i>	100 %	93.7 %	4.4 %	1.9 %

Name of state prosecutor's office	Number of state prosecutors	Of these		
		Croats	Serbs	Others
<b>State Prosecutor's Office</b>	<b>24</b>	<b>23</b>	<b>1</b>	<b>0</b>
<b>Total state prosecutors' offices</b>	<b>548</b>	<b>528</b>	<b>12</b>	<b>8</b>
<b>%</b>	<b>100 %</b>	<b>96.2 %</b>	<b>2.4</b>	<b>1.4</b>
<b>Grand total</b>	<b>2044</b>	<b>1943</b>	<b>49</b>	<b>51</b>
<b>%</b>	<b>100 %</b>	<b>95.1 %</b>	<b>2.4 %</b>	<b>2.5 %</b>

The above table shows that the share of persons belonging to national minorities in judicial bodies in Croatia is 4.9 per cent. Of a total of 7,197 civil servants and employees in the courts and state prosecutor's offices, 6,897 (95.8%) are Croats, 189 (2.6%) are Serbs, and 111 (1.5%) are persons belonging to other national minorities. The statistics show to what extent the national minorities are represented in the judiciary and how this representation complies with Article 22 of the Constitutional Law on the Rights of National Minorities

### **Participation of persons belonging to national minorities in elected bodies**

*The Ministry of Justice*

*The Central State Administration Office*

The Constitutional Law on the Rights of National Minorities (*Official Gazette No.155/02*) provides for the right of national minorities to representation in the representative bodies of local and regional self-government units and the right to representation of Croats in the administrative units in which persons belonging to national minorities are in the majority.

The realization of this right in the electoral procedure is ensured through the law regulating the election of members of the representative bodies of local self-government units. This complies with Article 24 of the Constitutional Law on the Rights of National Minorities and, more concretely, with the provisions of the Law on the Changes and Amendments to the Law on the Election of Members of Representative Bodies in Local and Regional Self-Government Units (*Official Gazette No. 4/04*).

In view of the fact that in some administrative units the necessary level of representation was not achieved in regular elections, the Croatian Government called by-elections by passing the Decree on By-elections for Representatives of National Minorities in Representative Bodies of Local and Regional Self-Government Units (*Official Gazette No. 4/04*), and the Decree on By-Elections for Representatives of Croats in Representative Bodies of Local and Regional Self-Government Units (*Official Gazette No. 4/04*).

The by-elections were held on 15 February 2004.

Following the by-elections, the Office prepared a data base with statistics on the representation of national minorities in the representative bodies of counties, cities and municipalities. This

was done on the basis of the relevant documentation, the statutes and statutory decisions of local and regional self-government units.

Please take note that the by-elections resulted in the necessary level of representation of national minorities as well as of Croats in all local representative bodies.

### **Minority councils**

#### *The Central State Administration Office*

Elections for minority councils were held on 18 May 2003 following the government Decree on Elections of Members of National Minority Councils in Local and Regional Self-Government Units (*Official Gazette Nos 64/03 and 71/03*) and the Decree on Elections of the Representative of the National Minority in the Local and Regional Self-Government Unit (*Official Gazette No. 64/03*).

After the elections, a decree was issued by the Government (*Official Gazette No 97/03*) authorizing mayors and prefects to call the constituent meetings of minority councils.

In connection with the results of the regular elections, please note the following: at county level, elections were called for 74 councils, of which 53 were elected; at city level the corresponding figures were 148 councils, of which 15 were elected, and at municipal level 249 councils, of which 97 were elected.

As regards national minority representatives, please note that of the prescribed number of 80 representatives, 26 were elected at county level, the respective figures for city level being 15 of 59 representatives and for municipal level 1 of 2 representatives.

Since the elections held on 18 May 2003 failed to produce the necessary number of minority councils and of representatives, by-elections were called by the Government (Decree on By-Elections or the Rerun of Elections of National Minority Councils in Local and Regional Self-Government Units, *Official Gazette Nos 4/04 and 16/04*, and Decree on the Rerun of Elections of Representatives of National Minorities in Local and Regional Self-Government Units, *Official Gazette No. 4/04*).

The by-elections were held on 15 February 2004.

Following the by-elections, the Croatian Government passed a new decree authorizing mayors and prefects to call constituent meetings of the minority councils elected in the by-elections or in re-run elections (*Official Gazette No. 44/04*).

In connection with the by-election results, please note that elections were called for 291 councils, of which 115 were elected; of the available 101 seats for representatives of national minorities, 27 representatives were elected.

3. In this context we should like to stress that the Central State Administration Office keeps statistics on and issues certificates for the elected representatives of national minorities and is responsible for the registration of minority councils.

In order to facilitate the keeping of these statistics, the Office sent official letters on 20 August 2003 (reference number 951-03/01-03/69; 555-08-03-03-2) with 200 personal identity numbers (from number 70000778 to 7002975), and the activity code numbers in compliance with the National Activity Classification (*Official Gazette*, 13/03).

The activity code numbers for the activity of the elected representatives are as follows:

- 75.11.2. – for national minority representatives at county level
- 75.11.3. – for national minority representatives at city level
- 75.11.5. – for national minority representatives at municipality level

Based on the official results of election re-runs (15 February 2004) announced by the State Electoral Commission of the Republic of Croatia, the Office issues certificates for elected representatives of national minorities.

Furthermore, based on the Decision of the Central Statistical Office (reference number: 951-03/01-03/69, 555-08-03-03-2) of 20 August 2003, the activity of representatives of national minorities is attributed an activity code number and the representatives are given a personal identity number.

The certificates are issued for the purpose of opening an account with a bank and participating in physical and legal persons' payment transactions, and for the realization of the rights to which the representatives of national minorities are entitled under the provisions of the Constitutional Law on the Rights of National Minorities.

Following the announcement of the official results of the elections of members of minority councils and representatives of national minorities in local and regional self-government units, held on 18 May 2003, 41 certificates were issued to the elected representatives of national minorities.

Following the re-run of the elections of representatives of national minorities in local and regional self-government units (held on 15 February 2004) and the official announcement of the results, the Office issued 26 certificates to the elected representatives of national minorities.

Pursuant to the Regulation on the Internal Organization of the Central State Administration Office, the Office is responsible for the registration of minority councils.

262 councils have so far been entered on the Register of Councils of National Minorities (as at 7 February 2005).

169.

The seminars organized by the Office for National Minorities and the Council for National Minorities have resulted in significant progress in the participation of minority councils in the decision-making process. Local and regional authorities are increasingly co-operating with the councils and ensuring that they can express their views and proposals in the decision-making process.

The Union of Albanian Communities in Croatia has expressed its approval of the Constitutional Law on the Rights of National Minorities, stating that the Law “contains very good provisions

for the participation of national minorities in decision-making at the local and regional level". The Union supports the organization of seminars with representatives of councils and minority NGOs.

170.

### **The Council for National Minorities**

Based on Articles 35 and 36 of the Constitutional Law on the Rights of National Minorities, the Council for National Minorities has adopted the necessary acts and acquired legal capacity. Please note that the Croatian Government has appointed the prescribed number of members (19) of the Council for National Minorities, who have been in office for 20 months.

## **ARTICLE 17 OF THE FRAMEWORK CONVENTION**

### **Transfrontier contacts**

Of all the countries neighbouring on Croatia, only Serbia and Montenegro are subject to the visa regime; this regime has been suspended by a special decision for tourist visits of up to 90 days and the suspension will apply until the end of 2005. There is no visa regime with the other neighbouring countries, while identity cards are sufficient for Italy, Slovenia, Hungary and Bosnia-Herzegovina.

## **ARTICLE 18 OF THE FRAMEWORK CONVENTION**

### **Bilateral agreements**

Please note that an agreement on the protection of national minorities has been signed with Serbia and Montenegro.

## **CONCLUDING REMARKS**

186.

Item 186 ("Issues of concern") states that there are still real obstacles hindering sustainable return of persons belonging to the Serbian national minority, such as incidents of hostility in certain localities and remaining housing concerns, including those involving former tenancy rights holders. It is important to note that the Government has been successfully eliminating the remaining problems. Ethnically motivated incidents, which were present in previous years and in early 2004, are now very rare. It is by no means justified to speak about hostility toward refugees in some municipalities of return where Serb returnees are in the majority and the mayors are Serbs. The climate has changed significantly in communities with Croatian majority populations as well. This is particularly true of the period after the unequivocal and open calls made in 2004 by the highest Croatian officials on members of the Serbian minority to return and after the measures taken following isolated incidents in 2004, such as the burning down of the reconstructed house at Biljani Donji.

Housing problems, which are being resolved successfully, are no longer the main reason for refugees not to return. In this context it is important to mention the findings of the comprehensive study carried out by the independent agency Puls for the OSCE in late 2003,

covering refugees who live in Serbia and Montenegro and Bosnia-Herzegovina and their attitude to return to Croatia and the attitude of several groups of Croat citizens regarding the return of Serbs. 14% of the refugee Serbs were in favour of returning to Croatia, of whom 4% were firmly resolved to return, while 5% intended to return within the next five years. The remaining interviewees had no intention of returning and are firmly resolved to work for a better life in Serbia and Montenegro regardless of the hardships they are facing at present.

The main reason for their decision is the fact that they are now well integrated into the communities in which they live. They do not wish to start life afresh nor do they want to take their children out of the environment in which they now feel at home and where they are surrounded by their compatriots. Moreover, despite their positive feelings for Croatia, they believe that the places where they lived before the war have changed out of recognition. Only one quarter of them said they considered themselves refugees. A large number of refugee Serbs (41%) have bought property in Serbia and Montenegro, and most of the rest plan to do the same, thus improving their economic situation. Most of them already hold Serbian and Montenegrin personal documents.

As for reasons that might induce them to consider return to Croatia, such as the reconstruction of their homes, repossession and economic incentives, these did not seem to be of great importance for them. Both refugee Serbs in Serbia and Montenegro and refugee Croats in Croatia clearly say that they would be more motivated to return if all these conditions were to be fulfilled, however, even that would be no guarantee that they would actually return. Sustainable conditions for life – the reconstruction of the home, repossession and economic incentives in Croatia - are important for those refugees who are still considering return as a possibility. The fear of discrimination and war crimes trials are not stressed as a serious obstacle to return in this study.

It is for these reasons that Croatia, in co-operation with the OSCE, has been conducting a media campaign in Serbia and Montenegro aimed at encouraging return. Another campaign, underway since last year in co-operation with the UNHCR, is aimed at providing adequate housing for former tenancy rights holders.