

**Resolution CM/ResCMN(2011)12
on the implementation of the Framework Convention for the Protection of National Minorities
by Croatia**

*(Adopted by the Committee of Ministers on 6 July 2011
at the 1118th meeting of the Ministers' Deputies)*

The Committee of Ministers, under the terms of Articles 24 to 26 of the Framework Convention for the Protection of National Minorities (hereinafter referred to as "the Framework Convention");

Having regard to Resolution Res(97)10 of 17 September 1997 setting out rules adopted by the Committee of Ministers on the monitoring arrangements under Articles 24 to 26 of the Framework Convention;

Having regard to the voting rule adopted in the context of adopting Resolution Res(97)10;¹

Having regard to the instrument of ratification submitted by Croatia on 11 October 1997;

Recalling that the Government of Croatia transmitted its state report in respect of the third monitoring cycle under the Framework Convention on 12 October 2009;

Having examined the Advisory Committee's third opinion on Croatia, adopted on 27 May 2010, and the written comments of the Government of Croatia received on 25 November 2010;

Having also taken note of comments by other governments,

1. Adopts the following conclusions in respect of Croatia:

a) Positive developments

Croatia has pursued a constructive approach towards the monitoring process and has taken useful steps to disseminate the results of the two first cycles of monitoring. The authorities have also maintained an inclusive approach in practice in the communication with representatives of the national minorities.

Since ratifying the Framework Convention in 1997, Croatia has continued in its efforts to protect national minorities. The authorities have continued to show their commitment to the implementation of this treaty and have drawn on it when drafting the Constitutional Act on the Rights of National Minorities, which entered into force in 2002.

Measures have been taken with a view to improving the legislative framework to prevent and combat discrimination. The Discrimination Prevention Act was adopted in 2008. The authority for its implementation was vested in the Office of the Ombudsman, thus making the Office the main institution for the protection of human rights with an emphasis on human rights promotion. The act further introduced in the Croatian legal system the principle of the shifting of the burden of proof and contained a provision allowing third parties to intervene as *amicus curiae* in cases of discrimination.

The Office of the Ombudsman, in addition to fulfilling its primary monitoring role, has also developed awareness-raising programmes for judges, lawyers and the public aimed at familiarising them with the existing possibilities of seeking legal redress in cases of discrimination. There is deep concern surrounding the continued impunity of perpetrators of ethnically-motivated incidents, particularly against persons of Serbian and Roma origin, and the Ombudsman's efforts seeking redress in these cases deserve strong support.

The progress made in the repossession of property as well as in the allocation of housing care for former tenancy rights holders has had a positive effect on the overall return process, including its sustainability. The 'co-validation' mechanism, making it possible to validate, for pension purposes, the years of employment spent in areas not controlled by the authorities of Croatia during the armed conflict, was recently re-opened and improves access to social benefits for returnees.

The authorities continue to provide various forms of assistance to national minorities, such as support for cultural centres, libraries, music and drama festivals, art exhibitions, amateur cultural productions and other artistic events.

A well-developed system of minority language education exists in Croatia, permitting students belonging to national minorities to receive instruction in or of their languages. The number of children attending schools teaching minority languages or in minority languages remains stable.

The authorities have increased efforts to combat discrimination and integrate Roma into society. The National Action Plan for the Decade of Roma Inclusion 2005-2015 has already yielded some results, especially through increased inclusion of Roma children into the educational system (from the preschool to higher-level educational institutions), improved access to healthcare for the Roma population, and sustained efforts to resolve housing issues.

b) Issues of concern

Cases of discrimination of persons belonging to the Serbian minority and the Roma in the fields of education, employment, housing, recognition of property and other acquired rights, reconstruction of housing units damaged during the war, sustainability of the return of persons belonging to national minorities, health care and social protection continue to be reported. In the field of employment, in particular in public administration, judiciary, local government, the non-respect of the right to proportional representation of persons belonging to national minorities established under the provisions of the Constitutional Act on the Rights of National Minorities gives rise to serious concern.

Ethnically-motivated incidents against persons belonging to national minorities, in particular the Serbs and Roma, continue to be a serious problem in Croatia, with many cases of attacks remaining unreported due mainly to a lack of trust in the police and judicial system. Various sources concur that the response from law enforcement officials to ethnically-motivated incidents is inadequate. In addition, racism and anti-Semitism continues to plague Croatian football stadiums.

A considerable number of persons belonging to national minorities, in particular elderly Serbian returnees, Bosniaks and the Roma living in Croatia, continue to face difficulties in obtaining Croatian citizenship and in consequence from being afforded the protection of the Constitutional Act on the Rights of National Minorities as well as that of the Framework Convention. Cases where Roma children were not granted access to school because of their lack of a regularised status were reported.

The functioning of the councils of national minorities is, in many self-government units, unsatisfactory. In particular, co-operation between the councils of national minorities and local authorities is lacking. In addition, the low turnout at elections to the councils of national minorities undermined the democratic legitimacy of the electoral process. The funding for the councils, which should be secured through the local self-government units and the state budget, remains inadequate, seriously limiting their capacity to function effectively.

Roma continue to face persistent discrimination and difficulties in different sectors, in particular in employment, education and housing. In some settlements, the inhabitants face most deplorable living conditions, without proper roofing, electricity, running water, sewage treatment and roads.

2. Adopts the following recommendations in respect of Croatia:

In addition to the measures to be taken to implement the detailed recommendations contained in sections I and II of the Advisory Committee's opinion, the authorities are invited to take the following measures to improve further the implementation of the Framework Convention:

Issues for immediate action:²

- complete promptly and without any discrimination all pending cases concerning the repossession and reconstruction of private property;
- continue the implementation of the "Housing Care Programme for Refugees – Former Tenancy Right Holders (FTRH) who wish to return to Croatia";
- prevent, identify, investigate, prosecute and sanction, as necessary, all racially and ethnically-motivated or anti-Semitic acts; take decisive action against racist and anti-Semitic acts perpetrated prior to, during and after football matches in the spirit of the Committee of Ministers' Recommendation Rec(2001)6 on the prevention of racism, xenophobia and racial intolerance in sport;
- review the procedures applicable to the implementation of the right to proportional representation

of persons belonging to national minorities in public administration, the judiciary, local government and public enterprises, in conformity with Article 22 of the Constitutional Act on the Rights of National Minorities; observe stricter monitoring and enforce possible sanctions, in order to ensure the full and effective implementation of this provision at all levels;

- review legal provisions and administrative practice regulating the election and functioning of the councils of national minorities with a view to eliminating the identified shortcomings, as regards the representativity of these organisations, their funding and their co-operation with local authorities.

Further recommendations:²

- continue the dialogue with the group of persons identifying themselves as "Muslims" by nationality regarding the possibility of including them in the scope of application of the Framework Convention;

- review the provisions on the acquisition of dual citizenship in order to avoid unequal treatment based on ethnic origin;

- undertake further efforts to prevent, to combat and to sanction the inequality and discrimination suffered consistently by the Roma; thoroughly investigate any complaint of alleged discrimination of Roma in access to employment and provision of goods and services;

- prosecute and sanction adequately perpetrators of discriminatory acts; step up efforts, in particular at local level, to improve the living conditions of Roma and promote their inclusion into society;

- review the demand for the introduction of bilingual topographical signs and for the use of minority languages in dealings with the administrative authorities in the municipalities inhabited by a substantial number of persons belonging to national minorities and ensure that the right to use a minority language and script in relations with the administrative authorities is respected in all bodies of local self-government where the law is applicable;

- put an end, without further delay, to the continued segregation of Roma children in schools and redouble efforts to remedy other shortcomings faced by Roma children in the field of education.

3. Invites the Government of Croatia, in accordance with Resolution Res(97)10:

a. to continue the dialogue in progress with the Advisory Committee;

b. to keep the Advisory Committee regularly informed of the measures it has taken in response to the conclusions and recommendations set out in Sections 1 and 2 above.

¹ In the context of adopting Resolution Res(97)10 on 17 September 1997, the Committee of Ministers also adopted the following rule: "Decisions pursuant to Articles 24.1 and 25.2 of the Framework Convention shall be considered to be adopted if two-thirds of the representatives of the Contracting Parties casting a vote, including a majority of the representatives of the Contracting Parties entitled to sit on the Committee of Ministers, vote in favour".

² The recommendations below are listed in the order of the corresponding articles of the Framework Convention.

Related Documents

Meetings

- [1118th meeting of the Ministers' Deputies \(CM Room\)](#) / 06 July 2011

Other documents

- [CM/Del/Dec\(2011\)1118/4.5aE](#) / 08 July 2011 