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HUMAN RIGHTS COMMITTEE

**REPLIES TO THE LIST OF ISSUES (CCPR/C/HRV/Q/2) TO BE  
TAKEN UP IN CONNECTION WITH THE CONSIDERATION  
OF THE SECOND PERIODIC REPORT OF CROATIA  
(CCPR/C/HRV/2)\* \*\***

[4 August 2009]

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\* In accordance with the information transmitted to States parties regarding the processing of their reports, the present document was not formally edited before being sent to the United Nations translation services.

\*\* Annexes may be consulted in the files of the Secretariat.

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## Introduction

1. The Republic of Croatia hereby submits its written replies in accordance with Committee on Human Rights document CCPR/C/HRV/Q/2 of 5 May 2009, in connection with preparations for the presentation of the second periodic report of the Republic of Croatia according to the International Covenant on Civil and Political Rights.

### Answer to Question No. 1

2. The Republic of Croatia is a party to the International Covenant on Civil and Political Rights since 8 October 1991 (on the grounds of the Decision on Publishing of the Multilateral International Agreements to which the Republic of Croatia is a Party on the Grounds of the Notification on Succession (OG International Agreements 12/93)), the First Optional Protocol since 1995 (OG International Agreements (7/95) as well as the Second Optional Protocol since 1995 (OG International Agreements 11/95).

3. The Constitution of the Republic of Croatia (OG 41/01 - consolidated text, 55/01 - corrigendum) fully respects and supports the values and rights protected by the Pact. According to the domestic legal order, all international treaties signed and ratified by the Croatian Parliament are above national laws and by-laws in the legal hierarchy. The described system guarantees full compliance of the national legal order with assumed international obligations.

4. Since the values and principles fostered by the Covenant are incorporated into the Croatian legislation in force, all natural and legal persons seeking protection of their own rights before the Croatian courts directly invoke legal provisions of positive laws which are, in accordance with the principle of legality, harmonized with all the obligations stemming from the international agreements, and with the Covenant itself. Accordingly, the Croatian courts, while bringing in verdicts and decisions based on the Constitution and legislation in force, are on daily basis acting in accordance with the provisions of the Covenant.

5. The Republic of Croatia continuously maintains measures aimed at raising the general public awareness of the importance of the protection of human rights and fundamental freedoms. Among the measures are those relating to education in judicial bodies. Considering that data presented in the second periodic report of Croatia, and in relation to the implementation of education on human rights in the judicial bodies for the period 2004-2006 (CCPR/C/HRV/2, paras. 40-41.), it is necessary to supplement the existing data for the period 2007-2009.

6. The Judicial Academy accomplished the following educational activities in the period 2007-2009 in the area of protection and promotion of human rights:

- Year 2007:
  - Two-day workshop “European Convention on Human Rights” within the framework of the Community assistance for reconstruction, development and stabilisation (CARDS) 2003 project “Professional training of State attorneys”
  - Workshop “European Convention on Human Rights”

- Workshop “Suppression of violence in the family - legal context”
- Seminar/workshop “Suppression of people trafficking - practical experiences” co-organized by the Judicial Academy, the Government of Croatia Office for Human Rights and the United States of America
- Round table “Suppression of crime based on hatred (hate crime)” co-organized by the Judicial Academy, the Ministry for Foreign Affairs and European Integration and the Organization for Security and Cooperation in Europe Office for Democratic Institutions and Human Rights (OSCE-ODIHR)
- Professional debate “Manipulation of children during divorce” organized by the Ombudsman for Children of the Republic of Croatia and the Clinic for Protection of Children of the City of Zagreb
- Year 2008:
  - Round table “Gender Equality: Application of the United Nations Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) before the Croatian courts as well as the Croatian legislation and case-law/practice”
  - Seminar “European Convention on Human Rights: the Latest Developments, Application in National Legislation As Well As the European Union Legislation”
  - Workshop within the framework of the CARDS 2004 Twinning Project “Suppression of Human Trafficking” where there is joint participation, together with the EU partners, of the Office for Human Rights of the Government of the Republic of Croatia, the Ministry of Justice of the Republic of Croatia, the Office of State Attorneys of the Republic of Croatia, the Ministry of Health and Social Welfare as well as the Ministry of the Interior of the Republic of Croatia
  - Workshop “Compensation of damages in labour relations - mobbing”
- Year 2009:
  - Workshop “The European Convention on Human Rights”
  - Seminar “European Convention for the Protection of Human Rights and Fundamental Freedoms: the Latest Developments, Application in National Legislation As Well As the European Union Legislation”
  - Three-day seminar for leaders of the incoming professional training activities of judiciary officials in the field of application of the Anti-Discrimination Law, co-organized by the Judicial Academy, the International Organization for Migrations (IOM) as well as the Croatian Law Centre, for the implementation of the project “Building the capacities and raising the awareness level of judges and State attorneys on anti-discriminatory legislation”

- Seminar “Building the capacities and raising of awareness of judges and State attorneys in the area of anti-discrimination legislation”, co-organized by the Judicial Academy, IOM and the Croatian Law Centre

### **Answer to Question No. 2**

7. Article 14 of the Constitution of the Republic of Croatia provides that everyone in the Republic of Croatia shall enjoy rights and freedoms regardless of race, colour, gender, language, religion, political or other belief, national or social origin, property, birth, education, social status or other characteristics, and that all shall be equal before the law.

8. Since article 14 of the Constitution provides that the protection of human rights and fundamental freedoms applies to all persons in the Republic of Croatia, i.e. Croatian citizens as well as foreigners, and bearing in mind the fact that the Constitution of the Republic of Croatia is the fundamental political and legal act in the Republic of Croatia, by its legal force above all laws and by-laws that are, according to the principle of constitutionality, in conformity with constitutional provisions, there are no discrepancies whatsoever in the legal system of the Republic of Croatia from the protection of human rights and fundamental freedoms for foreigners, nor any discrepancy whatsoever from the ban on discrimination on any grounds mentioned above. In accordance with the above, there is no violation whatsoever of the provisions of article 2 (1) of the Covenant in the Republic of Croatia.

9. Prohibition of discrimination in the Republic of Croatia is enshrined in the new Anti-Discrimination Act (OG 85/08) which further promotes the stated constitutional values.

### **Answer to Question No. 3**

10. Significant progress has been made in the Republic of Croatia with respect to the suppression and prevention of discrimination. The comprehensive Anti-Discrimination Act was adopted, as well as national strategies and action plans with the aim of suppression of discrimination.

11. The Croatian Parliament adopted the Anti-Discrimination Act on 9 July 2008. The law entered into force on 1 January 2009. This Act ensures the protection and promotion of equality as the highest values of the constitutional system of the Republic of Croatia, provides the conditions for the realization of equal opportunities and regulates protection from discrimination on the grounds of race or ethnic affiliation, colour, gender, language, religion, political and other belief, national or social origin, financial standing, membership in labour union organizations, education, social status, marital or family status, age, health status, disability, genetic inheritance, gender identity, expression or sexual orientation.

12. Anyone considering that any of his/her rights have been violated because of discrimination may ask for protection of that right in proceedings wherein this right is decided upon as the main issue; he/she may also, seek protection in a separate proceeding. The person claiming to be the victim of discrimination is entitled, according to the Anti-Discrimination Act, to in a separate proceeding, file a claim for determination of the discrimination, a claim for the prohibition or elimination of discrimination, a claim for compensation for damages, or for the adjudicative judgement of violation of the right to equal treatment to be published in the media at the

defendant's expenses. Also, according to the provisions of the Act, a joint claim may be filed for protection from discrimination whereby associations, bodies, institutions or other organizations established according to the law, and having a legitimate interest for the protection of the collective interests of a particular group, or that within the framework of their activities deal with protection of rights to equal treatment, may file a claim against the person that violated such right.

13. In November 2007, the Government of the Republic of Croatia adopted the National Programme for the Protection and Promotion of Human Rights for the Period 2008 until 2011, which is aimed at enhancement of the state of human rights in the Republic of Croatia and whereby, inter alia, the accomplishment of the measure "Suppression of racial and other discrimination" is foreseen.

14. In September 2008, the Government of the Republic of Croatia adopted the National Anti-discrimination Programme 2008 - 2013 as well as the Action Plan for its implementation for 2008-2009.

#### **Answer to Question No. 4**

15. Besides strengthening of the fundamental institutional mechanisms for gender equality, new important **legislative amendments** have been introduced in the Republic of Croatia with the aim of prevention of gender discrimination and improvement of the implementation of the policy of equal opportunities for both genders.

16. The Croatian Parliament adopted on 15 July 2008 the Gender Equality Act (OG 82/08) which is harmonized with the provisions of international standards currently in force as well as the *acquis communautaire* in the field of equality of gender. The Act provides for the general prohibition of discrimination on the grounds of gender, marital or family status and gender orientation. Discrimination is also deemed to be a more unfavourable treatment of women because of pregnancy, parenthood and other forms of care they provide. The Act expands the area of the prohibition of discrimination to the area of employment and work and education, provides for the obligation of the promotion of the development of awareness of the general public relating to equality between men and women, and provides for the keeping of gender statistics. To the end of greater efficiency in the application of the Act, the obligation for the establishment of committees for equality of gender is made mandatory in the units of local (regional) self-government and the City of Zagreb, accompanied by the obligation to ensure the means for their proper functioning. Improvements have been introduced in the area of judicial protection against discrimination by means of principles such as the joint claim, establishment of the burden of proof and the urgency principle in court proceedings. Besides protection in civil proceedings, victims of discrimination may ensure their judicial protection in misdemeanour proceedings as well, which represents a significant novelty, taking due account of the fact that the non-existence of sanctions in the former Act (from the 2003) was one of the main objections made, pointing out its declaratory nature.

17. The Anti-Discrimination Act provides for preconditions for the realization of equal opportunities. Protection against any form of discrimination is thereby regulated, including discrimination on the grounds of gender.

18. The Maternity and Parental Benefits Act was adopted in July 2008 (OG 85/08) regulating the fundamental rights of the employed, the self-employed, as well as unemployed mothers/parents for maternity/paternity leave and remunerations.

19. In the area of pension fund insurance, the Act on Amendments to the Act on Rights to Pension Fund Insurance of Military Personnel, Police Officers and Authorized Officials was adopted in 2008 (OG 41/08) whereby realization of the rights to the mandatory pension fund insurance was arranged in a particular manner, in such a way that conditions for the retirement age and service accrual were equalized for men and women in order to realize the right to old age pension and early retirement.

20. The principle of the prohibition of discrimination, introduced in the Civil Servants Act (OG 27/08), is being applied in such a way that both male and female candidates for employment in State bodies may not be asked questions about family circumstances, marriage, number of children and the like.

21. In respect of the question on **special measures and action plans for promotion and establishment of gender equality**, it is to be emphasized that the Gender Equality Act, in its article 11 provides for the obligatory adoption of action plans for the promotion and establishment of gender equality for all bodies of State administration as well as to legal entities with State-majority ownership, which adopt the action plans within the framework of their competencies every four years. The same article provides for the framework content of action plans and also includes a plan for the accomplishment of activities relating to measures of the National Policy for the Promotion of Gender Equality within the competency of the bodies and activities of legal entities. The mentioned action plans are approved by the Office for Gender Equality of the Government. Article 11 foresees the obligation for the local and regional entities of self-government, legal entities with public authorities as well as other legal entities, and employers employing more than 20 workers to introduce the anti-discriminatory legal provisions in their general acts as well as measures for establishing gender equality. In the process of collective bargaining and negotiating collective agreements, social partners are obliged to follow at all levels and respect the provisions of the law as well as measures for the establishment of gender equality.

22. Article 27 of the Gender Equality Act defines the work of coordinators in the bodies of State administration and emphasizes that their rights, obligations and work methods are determined by the action plan for the promotion and establishment of gender equality. According to article 39 of the Act, all bodies and legal entities under article 11 are obliged to elaborate an analysis and deliver action plans with special measures to the Office within the period of one year as of the date of entry into force of the Act, i.e. by 15 July 2009. Relating to the employment market, article 13 of the Act determines the methods whereby discrimination on the grounds of gender is being suppressed during the process of publishing competitions for vacancies and establishes the use of the masculine as well as the feminine form in the names of workplaces in the public service.

23. In the course of 2008, the new National Classification of Occupations was adopted (OG 124/08) wherein all occupations are being stated in masculine and feminine genders and whereby linguistic preconditions for the balanced representation of men and women in the labour market have been established. According to the Ordinance on Unique Standards and Measures

for Determination of Names and Description of Workplaces in the Public Service (OG 116/07), while adopting decisions on distribution at the workplace and other decisions on the rights and obligations of State officials, the name of the workplace is being used in the masculine or feminine gender.

24. In the area of **promotion and establishment of gender equality in the public sector**, great improvement has been made at the level of regional and local self-government where continuous work was done recently with regard to the strengthening of capacities of local committees for gender equality.

25. Twenty-one committees for gender equality have been formed in the counties. These committees function as the working-counselling bodies of the counties' assemblies. They are composed of members of the county assemblies, NGO representatives, independent experts and coordinators in the offices of State administration. The new Gender Equality Act provides that for the implementation of the workplan of the counties' committees, the units of regional self-government are obliged to ensure work conditions as well as the necessary financial means. Financial means in the budget of the counties that are directed to activities of the committees for gender equality have been increased in the course of the last three years and in 2008 were increased by an average of 11 per cent as compared to the former period. The work of the counties' committees for gender equality is being coordinated by the Office for Gender Equality of the Government, and as of 2005, the counties' committees held a coordination meeting on regular yearly basis with the aim of exchanging experiences and planning further activities. Sixty-five city and 33 municipal committees for gender equality were established in cities and municipalities with the aim of promoting equality between women and men at the local level.

26. The education of coordinators for gender equality at the State administration offices has contributed to the strengthening of the county committees for gender equality. The training was organized by the Office for Gender Equality of the Government in collaboration with the Swedish Institute for Public Management within the project "Strengthening of National Mechanisms for Gender Equality Through Employment of Coordinators at the Institutions of State Administration", which was co-financed by the Swedish Fund for Institutional Support to Croatia (SISF) on the basis of the bilateral agreement with the Kingdom of Sweden, and which was implemented from June 2008 to January 2009.

27. Relating to the question of **representation of women in senior positions in Government bodies**, it is to be emphasized that Croatian positive legislation promotes the representation of women in public and political life.

28. The Gender Equality Act has adopted the definition of the Council of Europe of a significant imbalance of one gender in institutions for public and political if a particular gender has less than 40 per cent representation. For political parties and other authorized claimants, the duty to introduce special measures is explicitly prescribed. Representation of men and women on electoral lists for representatives in the Croatian Parliament, members of representative bodies of the units of local and regional self-government and members of the European Parliament (following the full membership of Croatia in the EU) should not be significantly unbalanced, i.e. less than 40 per cent. The deadline for reaching this limit is three election cycles. It is a question of a gradual increase that should be accomplished at the latest on the occasion of the third regular elections as of the date of the entry into force of the Act. The Act also prescribes financial



sanctions for political parties and other authorized claimants which, in the course of proposals for the electoral lists, do not respect the principle of gender equality and do not take account of the balanced representation of women and men on the electoral lists.

29. The Act on the Election of Members of Representative Bodies of Units of Local and Regional Self-government Units (OG 44/05) provides that the person proposing an electoral list must take account of the need for balanced representation of men and women, and the Political Parties Act (OG 76/93, 111/96, 164/98, 36/01) contains the principle of positive discrimination, given the fact that monetary compensation increased by 10 per cent is distributed to the elected representatives of an underrepresented gender.

30. The Office for Gender Equality of the Government, in collaboration with NGOs and counties' committees for gender equality, has been running campaigns for the increase in the percentage of women running in the 2007 parliamentary elections and the local elections in 2005 and 2007.

31. After the last parliamentary elections in 2007, of the total number of 153 representatives in the Croatian Parliament, 35 women were elected, i.e. 23 per cent. A woman is Vice-President of the Croatian Parliament and 21 per cent of the presidents of the parliamentary working bodies/committees are women. A woman is the President of the National Committee for Accession to the EU. Twenty-eight per cent of "junior ministers" are women, as are 23 per cent of State secretaries within that group. Among high-ranking administrative positions, 35 per cent are women and both the President and Vice-Prime Minister of the Republic of Croatia are women. A woman is the President of the Constitutional Court, 46 per cent of whose judges are women. Forty-seven per cent of the judges on the Supreme Court are women as are 71 per cent of the Administrative Tribunal. The State Attorney General has 22 Deputy State Attorneys of whom 7 are women (32 per cent). There are 9 women among 20 county State attorneys, i.e. 45 per cent.

32. Relating to the question on **measures undertaken within the framework of the educational system** of a Member State with the aim of challenging traditional stereotypes, the National Policy for Promotion of Gender Equality 2006-2010 (OG 114/06) contains a whole set of measures whereby are provided for:

- The introduction of gender-sensitive education throughout the entire educational system, accompanied by the removal of gender stereotypes from the textbooks and curriculum plans and programmes as well as systematic education on gender equality
- The achievement of a gender balance in the choice of area of education in secondary schools and university institutions
- Education on questions of gender equality at the academic level as well as stimulus of scientific research for the establishment of State follow-up to the achievement and evaluation of the effects of the equality policy at all levels of public and private life
- The development of awareness of all forms of violence against women by public officials, law enforcement personnel, judges, and health and social workers (education)

33. Colloquiums on gender/women studies have been introduced in all Croatian universities. In various faculties, there are courses which include themes such as the psychology of gender and sexuality, violence and maltreatment in families, sexual and gender identities, sexual orientation and culture, women and education, social work and violence in the family, introduction to gender studies, feminist theories, etc.

34. In September 2008, the National Council for Higher Education adopted a recommendation directed to the rectors' committee and senates of universities on the elaboration and introduction of "women's studies" in the framework of undergraduate and postgraduate education, where it is possible and conditions exist for this to be done.

35. **Removal of stereotypes** in the education system is a very long process in which coordination and mutual collaboration of the academic community, civil society, parents, students as well as the local community has proven to be the crucial factor. The Gender Equality Act prohibits any public exposure and presentation of women and men in an insulting, degrading or humiliating manner, in relation to gender and sexual orientation, and also obliges the media to promote the development of awareness of equality of women and men through their programme contents.

36. With a view to introducing gender-sensitive education throughout the entire educational system, with the removal of gender stereotypes from textbooks and educational plans and programmes as well as systematic education on gender equality, a Textbook Standard was developed that respects the requirements of the Gender Equality Act. There is a training programme in the area of gender equality for educators. Further improvement in this field was achieved in 2007 with the adoption of the Professional and Academic Titles and Academic Level Act (OG 107/07) according to which there is an obligation to state professional titles and academic levels in both masculine and feminine genders.

37. On the basis of an analysis of elementary school textbooks on the mother tongue and literature which was carried out in 2007 by the Gender Equality Ombudsman, it may be inferred that an improvement was made in the use of gender-sensitive language which is in conformity with the ethical requirements of the Textbook Standard - 94 per cent of the relevant texts in the textbooks used gender-neutral or gender-sensitive language.

38. With the aim of familiarizing the Croatian public with the most important international documents on the human rights of women from 2005 to 2009, dozens of thousands of different publications were translated, printed and widely disseminated, such as the "Short Guide Through CEDAW - Convention on the Elimination of All Forms of Discrimination against Women and its Application in the Republic of Croatia", i.e. recommendations of the Council of Europe on standards and mechanisms of gender equality, education, protection of women against violence, and balanced participation of men and women in political and public life.

#### **Answer to Question No. 5**

39. The Republic of Croatia **actively participates in the effective suppression of acts of violence in the family** by means of legislative provisions and by the implementation of the measures of the National Strategy for Protection from Violence in the Family for the Period 2008-2010.

40. Criminal Code (OG 110/97, 27/98, 50/00, 129/00, 51/01, 111/03, 190/03, 105/04, 84/05, 71/06, 110/07, 152/08) in Chapter XVI sanctions criminal offences against marriage, the family and youth. For violent conduct within a family (art. 215.a) a family member who by his or her violent, abusive or particularly insolent conduct puts another member of the family into a humiliating position shall be punished by imprisonment from six months to five years. A parent, adopter, guardian or other person who severely neglects his duties in maintaining or educating a child or a juvenile shall be punished by imprisonment for three months to three years. The same punishment is inflicted on a parent, adopter, guardian or other person who maltreats a child or a juvenile, or forces him to work in a way that is unsuitable for his age, or to work excessively, or to beg, or who exposes him to danger in any other manner (art. 213.).

41. The Misdemeanour Act (OG 107/07), effective as of 1 January 2008, in several of its provisions specifically emphasized violence in the family. It is therefore provided that for offences such as violence in the family, longer imprisonment may be prescribed than for other misdemeanour offences (art. 35(2)); precautionary measures limit certain rights of the accused such as the right to his/her own apartment and undisturbed relations with the co-habitants if the procedure is ongoing for an offence related to violence in the family (art. 130(3)); the police are authorized to arrest a person in flagrante for committing a misdemeanour offence related to the violence in family and is obliged to inform thereon, with no delay, the competent social welfare body for eventually taking care of the family members (art. 134); in certain conditions, the court may decide to order the detention of the person for a misdemeanour offence related to violence in family (art. 135); the final judgement is always also delivered to the injured party in the procedure for the misdemeanour offence of violence in the family (art. 184(4)).

42. The amendments to the Court's rules of procedure dated 23 January 2006 (OG 9/06) provide that cases related to the violence in the family inter alia, given priority.

43. The Criminal Procedure Act (OG 152/08) establishes new special rights of the victim and injured party in a criminal offence (arts. 43-63). The victim of a criminal offence is entitled to the effective psychological and other professional assistance and support of the body, organization or institution offering assistance to victims of criminal offences in conformity with the law, and to participate in a criminal procedure as an injured party. According to *lex specialis*, the victim of a criminal offence for which imprisonment for five or more years is provided is entitled to counsel at the expense of the State budget before giving a statement in criminal proceedings, as well as during submission of the monetary claim for material and non-material damages from the State fund under conditions and in such a manner as regulated by *lex specialis*. A child or a minor victim of a criminal offence, besides the rights that he/she has as a victim, is also entitled to a representative at the expense of the budget, is entitled to secrecy of personal data and exclusion of the public. The court, State attorney, investigator and the police must proceed in a particularly careful manner towards a child or a younger minor who is a victim of a criminal offence. The injured party is entitled, inter alia, to bring the court's attention to facts and to present evidence, participate in the court hearings on the presentation of evidence, participate in the hearings and participate in the evidentiary procedure as well as to deliver a final speech; to review files and objects; file a proposal for realization of a property-law claim as well as temporary measures for its insurance; file a complaint under conditions provided by this Act; be notified of the outcome of the criminal procedure; take over the criminal prosecution from the State attorney.

44. Following the National Strategy of Protection Against Family Violence for the Period 2005 to 2007, the Government of the Republic of Croatia adopted on 29 November 2007, the National Strategy of Protection Against Family Violence for the Period 2008 to 2010 (OG 126/07). The aims of the Strategy are the provision of an analysis of the legislation in the area of protection against violence in the family, research into the family violence phenomenon, harmonization of the legislation of the Republic of Croatia with the requirements stemming from international documents, as well as advancing the implementation of measures in the area of protection against family violence.

45. The Strategy provides for the whole set of measures for promotion of the protection against family violence: establishment of a working group for the elaboration of the analysis of the legislation of the Republic of Croatia in the field of protection against family violence; elaboration of the supplement to the analysis of the harmonization of the existing laws of the Republic of Croatia with the fundamental international documents for the abolition of family violence; the carrying out of research into the prevalence, causes, forms and recidivism of family violence; elaboration of proposals for amendment of the existing laws regulating protection against violence in the family if this is deemed necessary; elaboration of the new Family Violence Protection Act; collection of reports of the competent bodies on implementation of the laws sanctioning family violence; elaboration of the report on the implementation of the law. A Special Committee to follow up and further the work of the bodies concerned with the procedure for crimes and misdemeanours as well as the implementation of sanctions relating to protection against family violence were established.

46. Perpetrators of the misdemeanour offences related to the violence in the family may be sentenced to **monetary sanctions or imprisonment**. Besides the punishment pronounced, safeguarding measures are also prescribed such as obligatory psychiatric treatment, compulsory treatment of addiction, prohibition of exercising a profession, certain activities, work or duties, as well as confiscation of objects directly associated with the offence, all with the aim of removing conditions allowing for or having a stimulating effect for committing a new misdemeanour offence.

47. The right to **monetary compensation** of the victims of criminal acts of violence committed with intent is regulated by the Law on Monetary Compensation to Victims of Criminal Offences (OG 80/08) which prescribes the conditions and procedure for realization of the right to compensation and the bodies adopting the decisions and participating in the procedure relative to the right to compensation, and determines the bodies and procedure applied in trans-border cases.

#### **Answer to Question No. 6**

48. **Specific measures of protection of members of the Serbian national minority** are implemented in the Republic of Croatia in accordance with the principles established by the Constitutional Act on the Rights of National Minorities (OG 155/02). The Republic of Croatia continuously implements measures for the effective implementation of the Constitutional Act, and special attention is given to the implementation of measures connected to the participation of national minorities in the decision-making process and the participation of national minorities in

political life. The progress made is reflected in the fact that in the last two Government mandates, a representative of the Serbian national minority was appointed to the post of Deputy Prime Minister.

49. Programmes of education for the members of national minorities are one of the most important pillars of building democracy, tolerance and reconciliation in the region.

50. With the aim of continuing with the effective integration of the members of the Serbian national minority in the Republic of Croatia, the Government of the Republic of Croatia concluded the Agreement with the Government of the Republic of Serbia in 2005 which has opened the way to the teaching of history from identical textbooks (Podunavlje).

51. In cooperation with the Council of Europe, since 2004, the Republic of Croatia has organized many seminars on the implementation of Framework Convention for the Protection of National Minorities, and in 2008 it hosted the International Conference on Trans-Border Cooperation of National Minorities aiming at enhancing cooperation among the countries in the region in that field.

52. The issue of **return of the refugees** is one of the priorities of the Croatian Government. The efforts by the Government on establishing the preconditions for sustainable return as well as the visible results have been acknowledged by the fact that Croatia has become a member of NATO, and by the accession negotiations to EU. The Republic of Croatia encourages the policy of return and reintegration of all displaced persons regardless of their nationality.

53. In the implementation of the Government programme of return of displaced persons, so far the return of 221,000 displaced persons and 126,000 refugees from Serbia, Montenegro and Bosnia and Herzegovina has been provided for: 145,000 houses have been reconstructed, and in the last few years approximately 30,000 reconstructed houses have been allocated to members of the Serbian nationality minority. More than 45,000 refugees from Bosnia and Herzegovina and Serbia have been integrated locally and 19,200 houses have been returned to their owners.

54. As far as the **return of assets** is concerned, around 19,200 occupied properties were returned to the owners, apart from a few isolated cases that are in the final phase of restitution. The return of private property has been finalized, except for 34 cases where a court procedure for the evictions of temporary occupants has been initiated.

55. In December 2008 the Government of the Republic of Croatia reached a conclusion concerning a way to deal with the issue of the remaining agricultural land owned by 30 returnees in the area of Benkovac which is still in the possession of seven temporary users, mostly Croats from Vojvodina. The conclusion is intended to resolve in the short term the issue of the return of those agricultural lands allocated in the period from 1996 to 1998 according to the Temporary Takeover and Administration of Specific Property Act (OG 73/95, 7/96 and 100/98).

56. One of the remaining issues to be resolved regarding refugees relates to **housing of former holders of tenancy rights**. Since 2001, Croatia has established a full legal framework that includes laws and subsidiary legislation which will ensure the return of all refugees without any reservation. Key provisions that enable conditions for sustainable return and a unified manner for regulating issues related to the return of refugees were adopted in 2002 and 2003: amendments to

the Law on Areas of Special State Concern, in which clear links among procedures for repossession and the programme of housing including the former holders of tenancy rights are defined, and the Conclusion on Housing of Returnees Who Are Not Owners of the House or Apartment, and Who Lived in Socially Owned Housing on Croatian Territory which is Outside the Areas of Special State Concern (OG 100/03, 179/04, 79/05) in which was defined how the former tenancy rights holders would be cared for. The aforementioned regulations follow the principles of the Geneva Convention and Protocol on the Status of Refugees.

57. In order to speed up the housing of former holders of tenancy rights, in June 2008 the Action Plan for the Accelerated Implementation of Housing Within and Outside Areas of Special State Concern of Refugees - Former Holders of Tenancy Rights, which covers the period from 2007 to 2009, was adopted. The intensive implementation of all activities prescribed by the Action Plan is under way and the envisaged dynamics are being ensured, meaning that the planned deadline for the completion of all the activities and ensuring that the required number of "ready to move in" housing units for returnees are available by the end of 2009 are viable.

58. In accordance with the Action Plan, in the years 2007, 2008 and 2009 in Croatia residential accommodation for a total of about 5,000 former holders of tenancy rights was ensured. Including former holders of tenancy rights who had been accommodated by 2007, Croatia will provide flats and houses for a total of about 8,300 families of former holders of tenancy rights by the end of 2009.

59. In order to further encourage the return of refugees of Serbian ethnic origin, in June 2008 the Republic of Croatia concluded contracts with two NGOs in Serbia which are dealing with legal aid to refugees in order to facilitate locating applicants for housing. Attempts by the Republic of Croatia to contact applicants through the official channels of the Republic of Serbia turned out to be unsuccessful. Cooperation with these two associations proved to be excellent and in Serbia more than 400 applicants for housing have been located.

#### **Answer to Question No. 7**

60. Considering the fact that the Roma minority in the Republic of Croatia is the most vulnerable national minority, the Republic of Croatia pays particular attention to the fight against discrimination against them. In accordance with the National Programme for the Roma of 2003 and the Action Plan for the Decade of Roma Inclusion 2005-2015 of 2005, the Republic of Croatia implements measures with the aim of providing comprehensive help to Roma, especially with regard to improvement of their living conditions and their inclusion in social life, but at the same time having regard to the preservation of their identity, culture and traditions.

61. For the implementation of measures of the National Programme and Action Plan, the means were increased every year: from HRK 2,760,000 in 2005, to HRK 11,886,670 in 2006, to HRK 13,812,634 in 2007, to HRK 17,398,137 in 2008, which is the increase of approximately 630 per cent.

62. Regarding **health care**, hygiene and sanitary conditions in 20 Roma settlements were improved and the conditions for easier access to health care and health insurance were created, especially for the most vulnerable groups such as children, pregnant women and persons with special needs. In 2007, within the framework of a pilot project in the area of Baranja, 30 Roma

health care providers were educated. Also, the brochure entitled “My Rights” with information on health care was distributed among the Roma community. Approximately 90 per cent of Roma children of preschool age have been vaccinated.

63. The **living conditions** of the Roma national minority have significantly improved. However, since Roma settlements were built illegally the procedure for their legalization is long and complicated. So far, out of 14 counties in which Roma settlements exist, 12 have developed physical plans, and out of 12 Roma settlements that were legalized 9 are in Međimurje County. Consequently, the conditions for the development of the Roma settlements were created. The commission for the supervision and implementation of the National Programme for the Roma has approved the financing of Roma housing: HRK 80,000 for resolving the housing problems of Roma families and HRK 100,000 for resolving the housing problems of the Roma community in Donja Dubrava in Međimurje County. HRK 350,000 was approved for Međimurje County for a project for the improvement of the conditions in the Roma settlements.

64. Concerning the **access to education of members of the Roma national minority**, it is important to emphasize that the measures against discrimination are implemented in particular in the educational system where the inclusion of Roma children is on the same basis as that of the other children. Since the adoption of the Action Plan for the Decade of Roma Inclusion 2005-2015 in 2005 the number of Roma children enrolled in primary schools has tripled. Significant progress is visible in preschool, high school and higher education.

65. In preschool education in the academic year 2006/07, there were 518 children belonging to the Roma national minority in preschool; in the academic year 2007/08, there were 810, and at the beginning of the 2008/09, there were 661. In fiscal year 2009, the Republic of Croatia promotes by means of additional measures the inclusion of children belonging to the Roma national minority in pre-school education in integrated conditions in such a way that it co-finances the parental part of the price of the pre-school for Roma children, taking due account of the fact that preschool education in the Republic of Croatia is neither obligatory nor free.

66. In primary school education, the number of enrolled Roma children increased in the course of the last three school years: 3,010 students in school year 2006/07, 3,786 students in 2007/08 (1,934 boys and 1,852 girls), and 3,940 in school year 2008/09 (1,980 boys and 1,960 girls). Given that children belonging to the Roma national minority are being educated in integrated conditions, 23 Roma teaching assistants are employed in primary schools (11 women and 12 men) who speak the Roma language as well as the Croatian language, and are an aid to the teachers and students as well as intermediaries between the school and the Roma community.

67. An increasing number of students belonging to the Roma national minority are included in secondary education. Although the number of students continuing their education in three-year high school programmes is higher, the number of students in four-year schools is also increasing. The Republic of Croatia co-finances scholarships, i.e. prequalification for those who after the three-year education want to continue their education at universities. There was a total of 172 Roma students in secondary school in the school year 2006/07; in 2007/08 there were 186 students (117 men and 69 women); and in 2008/09 there were 244 students (145 men and 99 women). For all students belonging to the Roma national minority, the Republic of Croatia ensures scholarships, accommodation in the student dormitories if necessary, as well as free transportation.

68. At university, in the academic year 2006/07, the Republic of Croatia provided scholarships to 10 students (7 women and 3 men) belonging to the Roma national minority; in the academic year 2007/08 there were 12 students with scholarship (8 women and 4 men), and in the academic year 2008/09, there were 20 students with scholarship (12 men and 8 women).

69. The Republic of Croatia also co-finances the education of adults belonging to the Roma national minority in literacy programmes and in training for the simplest professions, in which there were 536 students (383 men and 153 women) in the academic year 2007/08.

70. One of the new measures of the Action Plan is integration and the **fight against segregation** in all four areas of the Action Plan: education, health, employment and housing. The Croatian educational policy prohibits any form of segregation as it ensures by its proactive measures the integrated education of persons belonging to the Roma national minority.

#### **Answer to Question No. 8**

71. By the means of analytical follow-up of the cases of violent behaviour, it is to be emphasized that in the Republic of Croatia there were no registered cases of organized violence towards particular groups. The individual and spontaneous violent acts that have occurred do not have any common characteristics indicating that they were planned, organized and executed by particular groups or individuals. By the continuous monitoring of **hate crimes**, including the criminal offences committed in hatred towards other persons/groups on the basis of their ethnic affiliation or origins, it may be concluded that there has been no increase in such criminal offences in the Republic of Croatia.

72. In 2006, there were 4 reported cases of criminal offences (hate crimes) committed against 10 perpetrators, of which the police criminal docket against 1 person was rejected; 9 persons were charged as follows: 1 for the criminal offence of attempted murder, and the others for the criminal offences of threat, interference in the inviolability of the home and damages to property of a third party, while 6 persons were convicted without accepting the qualification of a hate crime.

73. In 2007, 23 cases were reported against 26 known perpetrators: the police criminal docket against 3 persons was rejected; against 1 person the request for the initiation of an investigation was filed; towards 4 minor persons the preparatory procedure is under way; against 2 minor persons the proposal for a declaration of corrective measures has been filed; and 16 persons have been charged, 3 for the criminal offence of incitement to murder in the first degree and the others for the criminal offences of violent behaviour, destruction and damage to a third party's property and endangering life and property by dangerous public acts or means; 6 persons have been convicted, bearing in mind that for 2 of the convicted persons the court did not accept the qualification of a hate crime.

74. In 2008, 22 cases were reported against 36 perpetrators: the police criminal docket against 11 persons was rejected; against 2 minor persons the preparatory proceedings is under way; 22 persons have been charged for the criminal offences of racial and other discrimination, violent behaviour, threat, interference in the inviolability of home, and destruction and damage to a third party's property, and 7 persons were convicted.



75. By June 2009, 9 cases were reported against 17 perpetrators, of which in respect of 1 person the police criminal docket is in the phase of additional investigation, against 8 minor persons the preparatory proceeding is under way, while 8 persons have been charged for the criminal offence of violent behaviour and threat.

76. With the aim of the most efficient action in issues of hate crimes, following the entry into force of the Act on Amendments of the Criminal Code, whereby the term "hate crime" was defined for the first time in article 89, paragraph 36, in October 2006 the director of the police adopted an Instruction precisely prescribing the manner of acting and collecting data in relation to the issue of hate crimes. The main objective is the prevention of all incidents of this kind as well as undertaking the appropriate repressive measures, in an independent manner and in collaboration with other State bodies, citizens and associations of citizens.

77. With a view to **promoting the mediation and mutual trust between different ethnic groups including, inter alia, the Roma and the Serbian national minority**, the Government of the Republic of Croatia adopted in June 2008 the Action Plan for Execution of the Constitutional Law on the Rights of National Minorities, which provides for a whole set of action measures such as the promotion of official and public use of the language and script of national minorities; education in the language and script of national minorities; the use of symbols of national minorities; cultural autonomy of national minorities; the right to safeguard their religion as well as the formation of religious communities together with other persons belonging to this religion; access to the means of public information; self-organizing and associating to realize common interests; representation of persons belonging to national minorities in the State administration bodies, the justice administration as well as the administration bodies of the units of local and regional self-government; participation of national minorities in public life by means of councils and representatives of national minorities; development of tolerance towards difference and suppression of discrimination.

78. Within the framework of the National Programme for Roma Inclusion, in counties where a greater number of persons belonging to the Roma minority live, mobile teams were formed for Roma whose members are the officials of police administrations and offices as well as the offices of State administration and social welfare centres. Mobile teams assist Roma in realizing their rights and regulating their status and documents, which are very often preconditions for the realization of certain rights and inclusion in the social community.

79. The members of national minorities play an important role in Croatian political life. Eight representatives of the national minorities were elected in the last parliamentary elections held in November 2007 and the fact that they are a part of the governing coalition gives additional importance to their actions as well as to their participation in political decision-making. Of those eight representatives, three are members of the Serbian national minority. A member of the Serbian national minority is a Deputy Prime Minister Republic of Croatia and his responsibilities include development, reconstruction and return, which are issues of special interest for the members of the Serbian national minority, in particular their return, as well as the organization of their life in the Republic of Croatia, on the basis of the principles of tolerance, equality before the law, rights to equal opportunity, etc.

80. At the last parliamentary election, for the first time a member of the Roma community was elected as one of the representatives in the Parliament of the Republic of Croatia, and that offered an opportunity for more active advocacy of the rights of this national minority, which is one of the most vulnerable social groups in the Republic of Croatia as well as in many other European countries.

81. In accordance with positive legislation of the Republic of Croatia, a fair representation of members of national minorities in the State administration and judicial bodies is ensured. In practice, more than 3,000 members of the national minorities take an active part in the political life of local communities through participation in decision-making at that level.

### **Answer to Question No. 9**

82. With regard to statements in paragraph 9 of the previous concluding observations of the Human Rights Committee (CCPR/CO/71/HRV) expressing the opinion that Croatian constitutional grounds justifying derogation are unjustifiably broader than the “threat to the life of the nation“, as provided for by article 4 of the Covenant, the Republic of Croatia states that constitutional provisions are in conformity with the provisions of article 4 of the Covenant. Article 17 of the Constitution of the Republic of Croatia provides that certain freedoms and rights guaranteed by the Constitution may be restricted in the period of (a) a state of war or (b) an immediate threat to the independence and unity of the State, or (c) severe natural disasters. The Constitution of the Republic of Croatia restricts the mentioned situations to such an extent that in case of a threat to the independence and unity of the State, it prescribes the necessity of the existence of an *immediate* threat to the independence and unity, and in case of natural disaster the existence of a *severe* natural disaster. In any case, all three situations mentioned in article 17 of the Constitution represent only three of the many possible existing forms of a “threat to the life of the nation”, as is foreseen by article 4 of the Covenant.

83. As regards the statements in paragraph 9 of the previous concluding observations that measures of derogation are not restricted to those strictly required in extraordinary circumstances, the Republic of Croatia emphasizes that the Croatian Constitution in article 16 (2) provides: “Every restriction of freedoms or rights shall be proportional to the nature of the necessity in each individual case”, whereby the principle of proportionality defines the extent of limitation of freedoms and rights. Thus, the provisions of the Constitution of the Republic of Croatia are entirely in accordance with the provisions of article 4 (1) of the Covenant.

84. With regard to the statements in paragraph 9 of the previous concluding observations that in a state of emergency the Constitution of the Republic of Croatia provides for the possibility of derogation from the protection of rights stated in article 8 (1) (“No one shall be held in slavery; slavery and the slave trade in all their forms shall be prohibited.”); article 8 (2) (“No one shall be held in servitude.”), article 11 (“No one shall be imprisoned merely on the ground of inability to fulfil a contractual obligation.”) and article 16 of the Covenant (“Everyone shall have the right to recognition everywhere as a person before the law.”), the Republic of Croatia states that a breach of any of the mentioned rights is deemed to be a criminal offence according to Croatian positive legislation, and criminal offences prescribed by the law remain punishable during a state of emergency.

85. Relating to the statements in paragraph 9 of the previous concluding observations that article 100 of the Constitution allows the President of the Republic of Croatia to adopt decrees with the force of law “in case of a state of war or immediate threat to the independence and unity of the State” and that such solution is being used for the de facto derogation of the rights in the Covenant in a manner which bypasses the restrictions established in article 17 of the Constitution, the Republic of Croatia submits that according to the hierarchical order of legal sources in the Republic of Croatia, “decrees with the force of law” have the force of law, which means that they are below the provisions of the Constitution. Given that no provision whatsoever with the force of law can derogate from constitutional provisions, and particularly bearing in mind the fact that according to the principle of constitutionality all decrees with the force of law must necessarily be in conformity with constitutional provisions, the prohibition of restrictions on the protection of rights and fundamental freedoms set out in article 17 of the Constitution may not be derogated from by the means of decrees with the force of law.

86. It is also necessary to emphasize that in previous concluding observations it was wrongfully stated that “according to article 100 of the Constitution the President of the Republic is empowered to adopt decrees with the force of law”, as this formulation implies that the President executes this authority in an independent manner. However, article 100 (2) of the Croatian Constitution, by the means of the institution of the co-signature, provides that “the President of the Republic may, on the proposal of the Prime Minister and with [his/her] co-signature, adopt decrees with the force of law“. Furthermore, with a view to protecting the separation of powers and preventing interference with the exclusive authority of the Croatian Parliament to adopt the laws, article 100 (3) of the Constitution provides that all adopted decrees having the force of law must be confirmed by the Croatian Parliament as soon as it can convene a session. Should a decree with the force of law not be submitted to the Croatian Parliament for confirmation, or if the Croatian Parliament does not confirm the latter, the decree having the force of law ceases to be effective.

87. The Government of the Republic of Croatia established a working group of eminent constitutional experts which will discuss all aspects of the forthcoming constitutional amendments.

88. In view of the above, the Republic of Croatia considers that provisions of the Constitution of the Republic of Croatia are entirely in harmony with the provisions of article 4 of the Covenant in respect of acting in times of extraordinary conditions in which the life of the nation is threatened.

#### **Answer to Question No. 10**

89. In the context of the harmonization of Croatian penal law with international law and the *acquis communautaire*, by the Act on Amendments to the Criminal Code (OG 152/08), effective as of 1 January 2009, the part of Croatian penal legislation relating to terrorism was amended. By these amendments, Croatian legislation was harmonized with:

- Council of Europe Framework Decision on Combating Terrorism, 2002/5/JHA dated 13 July 2002

- International Convention for the Suppression of Acts of Nuclear Terrorism dated 13 April 2005
- Council of Europe Convention on the Prevention of Terrorism dated 16 May 2005
- International Convention for the Suppression of the Financing of Terrorism dated 9 December 1999

90. With the aim of harmonizing Croatian legislation with the Framework Decision, the title of article 169, “International terrorism”, of the Act on Amendments to the Criminal Code has been changed to “Terrorism”. The content of article 169 of the Criminal Code is in full compliance with the definition of “terrorism” according to article 1 of the Framework Decision, which defines a terrorist act as an act which, according to its nature and context, may seriously damage a country or an international organization and which is committed with the aim of seriously intimidating a population or unduly compelling a Government or international organization to perform or abstain from performing any act, or seriously destabilizing or destroying the fundamental political, constitutional, economic or social structures of a country or an international organization. At the same time, the Criminal Code prescribes stricter sanctions for associating with a terrorist group, and the criminal offences of terrorism against the nation (formerly art. 141) and the criminal act of sabotage (formerly art. 143) were deleted, by which means dual incrimination regarding the object of protection was no longer applicable (terrorism against the nation and international terrorism), which is in compliance with the European Commission’s requests, as well as with the recent trends in comparative law.

91. Upon ratification of the International Convention for the Suppression of Acts of Nuclear Terrorism by the means of the Act on Confirmation of the International Convention on the Suppression of Acts of Nuclear Terrorism (OG International Agreements 4/07), the Republic of Croatia became bound to incorporate its standards in its penal legislation as well. By the Act on Amendments to the Criminal Code, former article 172 (“Abuse of Nuclear Substances”) was amended and broadened to include the prohibition of abuse of nuclear and radioactive material (this term, according to the Convention, is broader than the term “nuclear substance” which was at the time the object of action of the criminal offence referred to in article 172).

92. The aim of the Council of Europe Convention on the Prevention of Terrorism is the increased efficiency of member States in preventing terrorism as well as filling the gaps in the existing global and sectoral antiterrorist conventions. The emphasis is on the prevention, i.e. the elimination, of the causes of international terrorism. According to article 3 of the Convention, the measures for the suppression of terrorism are exchanges of information between States parties, improvement of the physical protection of persons and property, as well as the enhancement of national systems for acting in civil emergencies. The Convention establishes the obligation of States parties in their national legislation to criminalize public provocation to commit a terrorist offence (art. 5), and recruitment (art. 6) and training (art. 7) for terrorism.

93. For the purpose of harmonization with the Convention, which became part of the Croatian legal system by the adoption of the Law on Confirmation of the Council of Europe Convention on the Prevention of Terrorism (OG International Agreements 10/07), by the Act on Amendments to the Criminal Code in Croatian substantive criminal law, new criminal acts of public incitement to terrorism were introduced (art. 169a), as well as recruitment and training

for terrorism (art. 169b). Legislation was also harmonized with the provisions of the above-mentioned articles 5, 6 and 7 of the Convention. Given that the issue is a particularly sensitive one in which many fundamental human rights may be questioned, such as freedom of expression and/or assembly, it is provided that the criminal proceedings for criminal offences referred to in articles 5, 6 and 7 of the Convention are instigated solely upon approval by the State Attorney General of the Republic of Croatia.

94. With a view to harmonizing legislation with the International Convention for the Suppression of the Financing of Terrorism, which was ratified by the Law on Confirmation of the International Convention on the Suppression of the Financing of Terrorism (OG International Agreements 16/03), amendments to the provisions on the financing of certain criminal offences referred to in Title XIII of the Criminal Code were made.

#### **Answer to Question No. 11**

95. The Amnesty Law (OG 80/96) does not contain the definition of a “war crime” since the criminal offences for which there is no amnesty are enumerated in the Criminal Code, and the Criminal Code contains the legal and factual description (“Definitions”) of each criminal offence referred to in the Amnesty Law. Therefore, the text of the Amnesty Law by itself cannot provide for the possibility that persons charged with serious human rights violations should remain unpunished.

96. It is the opinion of the Office of the State Attorney of the Republic of Croatia that the only criterion for beginning a criminal proceeding against a person suspected of a war crime (as for any other criminal offence) is the existence of sufficient evidence which would without doubt lead to the conclusion that a particular person in a particular place and time actually committed a particular unlawful act with the characteristics of a war crime, to the detriment of and with consequences for particular individuals or legal entities, regardless of national, religious, racial, ideological or political affiliation. The interpretation and application of the Amnesty Law by the court in a particular criminal proceeding is subject to the judgement of the court of appeal or any other higher court.

#### **Answer to Question No. 12**

97. On 1 April 2009, the statistical data on all filed investigation requests concerning persons accused and convicted for war crimes was as follows:

- A total of 1,829 persons were accused (this is not the number of cases or the number of indictments, as the statistics are kept for each particular person)
- There are ongoing proceedings against 1,176 persons (527 in the investigation stage and 649 in the stage of an ongoing or completed main hearing)
- In relation to 630 persons, proceedings were completed by final judgements of conviction and in relation to 550 persons, further criminal prosecution were discontinued or they were acquitted
- Before indictment, proceedings were discontinued against 1,472 persons

98. Reports and objections, according to which war crimes proceedings continue to be conducted in a discriminatory manner are without foundation. According to the Office of the State Attorney of the Republic of Croatia, the only criterion for initiating criminal proceedings against a person accused of perpetrating of war crimes (but also for any other criminal offence) is the existence of sufficient facts and evidence which will lead without doubt to the conclusion that a particular person in a particular place and time committed particular unlawful acts with the characteristics of a war crime against and with consequences for particular natural persons or legal entities, regardless of his/her national, religious, ideological, political or racial affiliation.

99. It is a matter of fact that of the 630 convicted persons, 465 were convicted in absentia. It is well known that the State Attorney's Office was, from the year 2000, strongly opposed to conducting trials in absentia, and that in the past three years the Supreme Court of the Republic of Croatia in appeal proceedings has supported to a great extent the view of the State Attorney's Office. It is without a doubt that during 1990s certain in absentia cases were initiated and completed prematurely.

100. For that reason, in the course of the implementation of the Action Plan of the State Attorney's Office and the Ministry of the Interior of the Republic of Croatia, the competent county State Attorney offices, on the grounds of article 504 (2), and within the meaning of article 501 (1), point 3, of the (new) Criminal Procedure Act, submitted requests for the renewal of criminal proceedings in favour of the persons convicted in absentia in respect of 14 cases regarding 90 persons. Hence, in each case where State attorney's offices believed that in the meantime there emerged new facts and evidence which are likely to result in the acquittal of the convicted person or to his conviction according to the more lenient Criminal Code, they submitted requests for the renewal of proceedings to the competent county courts. Until now, according to the available data, the competent county courts have accepted requests for the renewal of proceeding regarding 5 cases in respect of 30 persons, while in 2 cases the relevant courts rejected requests for renewal in respect of 22 persons. The State Attorney's offices filed appeals to the Supreme Court of the Republic of Croatia against the court decisions refusing the requests.

101. There are no particular statistics on how many prosecutions for war crimes were conducted before the special war crimes chambers. The *Ademi-Norac* case was heard by a special chamber which, according to the general provisions of *lex loci*, should have been conducted by the County Court in Gospić but, on the basis of a request by the State Attorney General of the Republic of Croatia and a decision of the President of the Supreme Court of the Republic of Croatia, was conducted before the County Court in Zagreb. Also, the proceedings against Branimir Glavaš and others in the "Drava" and "Sellotape" cases, which should have been conducted, according to the general rules of *lex loci*, before the County Court in Osijek, were conducted before the special chamber of the County Court in Zagreb.

### **Answer to Question No. 13**

102. The Republic of Croatia entirely and fully cooperates with all bodies of the International Criminal Tribunal for the former Yugoslavia (ICTY), in conformity with the Constitutional Law on Cooperation of the Republic of Croatia with the International Criminal Court (OG 32/96).

103. The Office of the Prosecutor of ICTY submitted a total of 835 basic requests for assistance as well as several dozen supplementary requests, and they have all been entirely fulfilled. Only one request, for the delivery of artillery documents, was, in the opinion of the Prosecution, partially fulfilled. Furthermore, the Republic of Croatia executed orders and other decisions of the Tribunal. The cooperation with the ICTY also included the delivery of documentation as well as other materials of varying degrees of secrecy by the bodies of State administration and judicial bodies (mostly from the Ministry of Defence of the Republic of Croatia as well as the Ministry of the Interior). Access to the documentation and evidence was approved, and particularly to the documentation in the Croatian State Archive as well as the documentation of the Croatian intelligence and security services, which was of the highest level of secrecy. The hearing of witnesses and suspects was allowed as well as the provision of assistance in the work of ICTY investigation teams in the field (logistical support, connection with contact persons in the field, allowing access to sites, security of ICTY officials during their visit to the Republic of Croatia).

104. It is also important to emphasize that all Croatian citizens who were accused by ICTY appeared before that Tribunal and that currently nine of them are in the custody of the United Nations in The Hague, given that proceedings are ongoing against Gotovina, Čermak and Markač as well as Prlić and others. Both procedures are at the stage of presentation of the evidence by the defence.

105. Considering the cooperation of the Republic of Croatia regarding “Operation Storm” and the question about the case Gotovina, Čermak and Markač, the requests of the Prosecution were fully met. However, the Prosecution was not satisfied by the fulfilment of the requirement for the delivery of documents of the Special Police and the artillery documents of the Ministry of Defence of the Republic of Croatia, and for that reason requested in June 2008 from the Tribunal the issuance of a subpoena whereby the Republic of Croatia would be ordered to deliver the missing documents or information on these documents. In September 2008 the Trial Chamber issued an order whereby the deadline was extended to the Republic of Croatia for conducting an investigation, as the Court was not convinced of the existence of the requested documents.

106. In the course of the administrative investigation in the Republic of Croatia, more than 400 documents of the Ministry of the Interior and more than 200 documents of the Ministry of Defence of the Republic of Croatia were found. In both institutions about 250 former and active policemen and military officers as well as other persons were questioned who might have had any knowledge whatsoever about the missing documentation. The Prosecution gave a statement in January 2009 that it was satisfied with the documents of the Special Police that had been found and that there were no further requests addressed to the Republic of Croatia in relation to police documentation.

107. Given that the Chief Prosecutor of ICTY, Mr. Brammertz, in his semi-annual evaluation of the cooperation of the Republic of Croatia with the Prosecution, which was presented orally at the beginning of June 2009 before the Security Council of the United Nations, made certain remarks in relation to the artillery documentation, and given that the initiative by the Croatian side to harmonize the views of the Croatian military experts and their colleagues from the Prosecution did not succeed, the Republic of Croatia submitted a request to the Trial Chamber for the urgent rendering of a decision on the request by the Prosecution for the issuance of a subpoena. This is a question of law, and certainly not a question of the political will of the Republic of Croatia to cooperate with ICTY, which is not to be doubted.

108. The activities of the Republic of Croatia to cooperate with ICTY had a positive effect on the awareness of the public that every crime, regardless of the nationality of the perpetrator, must be punished. Therefore, the competent State bodies on the territory of the Republic of Croatia shall continue to conduct investigations, issue indictments and conduct criminal proceedings against all perpetrators of war crimes. Also, the Republic of Croatia shall continue its full and continuous cooperation with ICTY in all areas and shall undertake all measures at its disposal in order to determine the complete truth about the war in the Republic of Croatia and the countries in the region.

#### **Answer to Question No. 14**

109. In the Republic of Croatia, in 1991, a systematic approach in the search for missing persons was established and developed over time, and today is recognized as the “Croatian Missing Persons Research Model”, which incorporates positive experiences of international organizations dealing with this issue and of the countries that encountered problems with searching for missing persons. This model encompasses all activities in relation to the search for missing persons, from registration up to the final establishment of their fate, regardless of the origin, nationality, religion, sex, age, status or any other affiliation; this may be discerned from the following results.

110. **Registering of the missing persons.** In the Republic of Croatia, in 1994, in accordance with the highest international standards, all relevant data were collected and unified on the persons missing in the aggression against the Republic of Croatia. An electronic database was also established. Starting from there, the data were collected on the persons missing in 1995. On the basis of the collected data, the “Book of the missing persons on the territory of the Republic of Croatia” was published.

111. **Collection of information on missing persons and places of mass and individual graves.** For the collection of information on the fate of the missing persons, in the Republic of Croatia all mechanisms and sources of information at our disposal are used, from citizens’ association to international organization. Besides, the Directorate for Detained and Missing Persons at the Ministry of the Family, Veterans’ Affairs and Intergenerational Solidarity introduced a telephone line for anonymous calls on missing persons and eventual graves.

112. **Exhumation of mass and individual graves.** As missing persons are most often found in mass and individual graves, an expert group to carry out exhumations was formed in the Republic of Croatia, with the highest level of equipment and expertise. This is confirmed by the fact that this group, led by the Directorate for Detained and Missing Persons, performs exhumations for the needs of ICTY. In the process of exhuming mass and individual graves, which commenced in 1995 after the liberation of the occupied territories of the Republic of Croatia, 143 mass and over 1,700 individual graves were found and the remains of 4,455 persons were exhumed.

113. **Identification of remains.** For the identification of the exhumed remains by means of the classical methods of forensic medicine methods (which includes anthropological and dental analysis as well as X-rays), seven professionally and technically equipped medical institutions are used. Three centres for DNA analysis have been set up in the Republic of Croatia (Zagreb,



which is at the same time the referral centre for Europe), Split and Osijek). For the decent temporary placement of the non-identified remains, two graves were constructed in which the remains of 800 persons were interred.

114. **Burial of identified victims.** All identified remains are buried according to the desires of their families in respect of the protocol, place and time of burial. This is done by the Directorate for Detained and Missing Persons. The burial of the remains of all identified victims is financed by funds from the State budget of the Republic of Croatia.

115. **Cooperation with competent bodies of other countries.** The Agreement on Cooperation for the Search for Missing Persons (1995) was signed, as well as the additional Protocol (1996), by the Republic of Croatia and the Republic of Serbia. On the initiative of the Republic of Croatia, the signing is under way of the Protocol on Cooperation with Bosnia and Herzegovina, by which the arrangement on cooperation in the search for missing persons, based on humanitarian principles, is being implemented.

116. **Cooperation with international organizations.** As of 1991, the Directorate for Detained and Missing Persons was actively cooperating with the International Committee of the Red Cross (ICRC), mechanisms established at the United Nations (Human Rights Committee and, at the time, the special procedure of the United Nations for the search for missing persons in this region), ICTY, the European monitoring mechanisms (Observer Mission of the European Commission, and then OSCE), as well as numerous other international and humanitarian organizations. Valuing as positive the contribution of the Republic of Croatia in the search for missing persons and recognizing the very high standards that it reached, the international organizations have ceased the follow-up of this process. Moreover, ICRC closed its office in Zagreb at the end of 2006 and for the first time in its history, delegated its data and mandate to the relevant bodies of one State, in this case the Republic of Croatia.

117. It is necessary to emphasize that the Government of the Republic of Croatia signed the Agreement with the International Commission for Missing Persons on the basis of which the common project of identification by DNA analysis, following the principles of equal relations and partnership, continues to find missing persons.

118. **Cooperation with families of missing and taken away by force.** The Directorate for Detained and Missing Persons has since 1991 continually and intensively cooperated with families of the detained and missing, as well as with the associations of families of the detained and missing which the Government of the Republic of Croatia prescribed, including by legal acts, to be within the competence of the Directorate for Detained and Missing Persons. By this cooperation, the families are informed about the mechanisms, the process and the results of the activities undertaken, and whenever possible and necessary, families are also included in the search process. In addition, the Government of the Republic of Croatia, by resolving the status issues of the families of the detained and missing persons, for which the legislative framework was also created; by providing support to the projects conducted by associations of families of the detained and the missing; as well as by the establishment of the system of psychosocial assistance, devotes particular care to the families of the detained and the missing as a particular category of war victim.

**Answer to Question No. 15**

119. The data of the Ministry of the Interior indicate that for the criminal act of trafficking of human beings, in the course of 2008 one citizen of the Republic of Croatia was sentenced by the competent court in Zagreb to imprisonment for one year and four months; one citizen of the Republic of Croatia was sentenced by the competent court in Pula to imprisonment for eight years; two citizens of the Republic of Croatia were convicted by the competent court in Zagreb for the criminal act of trafficking of human beings, one person being sentenced to one year in prison while the other was sentenced to imprisonment for 18 months; two adults were sentenced by the competent court in Čakovec to prison for two years, while the juvenile perpetrator of the criminal act of trafficking of human beings was sentenced to educative measures. Furthermore, the competent State attorney's office in Zadar ceded to the Republic of Serbia the criminal prosecution of a citizen of the Republic of Serbia who committed the criminal act of trafficking of human beings in respect of a female citizen of the Republic of Serbia, who was identified as the victim of trafficking of human beings while being in transit. Two persons who were convicted by the competent court in Zagreb for the criminal act of trafficking of human beings were sentenced to prison for three and four years. In August 2008 the competent State attorney's office in Kutina rejected criminal charges against one citizen of the Republic of Croatia for the criminal act of trafficking of human beings because the existence of the characteristics of the criminal act had not been established.

120. During 2007, investigations were conducted in accordance with the criminal law provisions of the Republic of Croatia in respect of 20 perpetrators of the criminal act of trafficking of human beings and 10 of them were convicted. During 2008, a request for investigation was lodged against three persons for the criminal act of trafficking of human beings and eight judgements were rendered.

121. In respect of the issue of improving assistance to the victims of trafficking, it must be emphasized that a **significant improvement has been made in the Republic of Croatia relating to the adoption of new legislative solutions as well as the adoption of plans and strategies**. In December 2004, the Government of the Republic of Croatia adopted the National Programme for Suppression of the Trafficking of Human Beings from 2005 to 2008. In June 2007, the Law on Confirmation of the Convention of the Council of Europe for the Suppression of the Trafficking of Human Beings was adopted (OG International Agreements 7/07). Furthermore, in December 2007, the Government of the Republic of Croatia adopted the Operative Plan for the Suppression of Trafficking of Human Beings for 2008 and adopted the Report on Execution of the Operative Plan for 2007. In November 2008 the Government of the Republic of Croatia adopted the comprehensive Protocol for Identification, Assistance and Protection of the Victims of Trafficking of Human Beings. In March 2009, the new National Plan for Suppression of the Trafficking of Human Beings for the Period 2009-2011 was adopted whereby measures for the continuation of the activities of all competent institutions in this area were determined; this represents an improvement of the established system for the suppression of trafficking of human beings in the Republic of Croatia.

122. Within the CARDS 2004 project under the title "Fight Against Trafficking of Human Beings", which was conducted in the period from 2007 to 2008 with the aim of additional strengthening of the Croatian institutional capacities in the suppression of trafficking of human beings, Standard Operating Procedures in Cases of Trafficking of Human Beings were adopted

for the Ministry of the Interior, the Ministry of Health and Social Care and the State Attorney's Office of the Republic of Croatia. Also, the system for quality assurance was adopted as well as the Manual for the Training of Trainers on Issues of Trafficking of Human Beings. Recommendations for amendments to the Criminal Code as well as the Criminal Procedure Act were made, and were subsequently incorporated in the Act on Amendments to the Criminal Code (OG 152/08).

123. With the purpose of further improving assistance to the victims of trafficking of human beings, the **strengthening of inter-institutional cooperation was continued** in the Republic of Croatia. In December 2007, the Agreement on Cooperation was signed between the Office for Human Rights of the Government of the Republic of Croatia and the network of civil society organizations PETRA. Furthermore, the Ministry of Health and Social Care, the Ministry of the Interior and civil society organizations (the organization for integrity and prosperity Split and the Croatian Red Cross) on 27 June 2008 signed an agreement on cooperation whose aim is mutual cooperation related to offering assistance and protection to the victims of trafficking of human beings located in shelters.

124. The Ministry of Health and Social Care provided new premises for the shelter for adult victims of trafficking of human beings. The shelter was organized on the premises of the Croatian Red Cross, and the expenses were covered by the Ministry. Furthermore, concerning the work with the victims, the Ministry financially supported alternative forms of accommodation of those victims who returned to the Republic of Croatia, and were neither able nor wanted to return to their family.

125. The most frequent **forms of assistance to the victims of the human trafficking** are the medical examination (psychological, psychiatric, gynaecological, dental, testing for the sexually transmissible and other diseases), psychosocial support, supplying clothes, shoes and various hygienic and personal needs, legal counselling, assistance with the process of issuance of personal documents, continuation of education, and assistance during organization of the voluntary return to the country of origin for the victims who are citizens of a foreign country.

126. With the aim of increasing broader public awareness on the issue of trafficking of human beings, in the course of the last period numerous **education lectures** were held for representatives of family centres, as well as for persons belonging to the Croatian Armed Forces who are headed to United Nations peacekeeping missions, officials of the military police, people working in the tourism sector, members of mobile teams, and children and youth in institutions for children without appropriate parental care and special homes for children with behaviour disorders.

127. In 2007, a **public campaign** was held on the topic of suppression of trafficking of children, while the campaign that was run in 2008 was held on the topic of victims of trafficking of human beings. Following the campaigns, in the course of 2007, a total of 4,165 phone calls were registered on the telephone SOS line for the suppression of trafficking of human beings, 16 related to concrete reported cases of trafficking of people. In 2008, a total of 2,234 phone calls were received, of which 18 related to concrete reported cases of trafficking of human beings.

128. An analysis of the statistical data on victims of trafficking of human beings reveal an increasing number of male victims of trafficking and an increase in trafficking of human beings for the purpose of labour exploitation. Given that measures 2.1 and 2.2. of the National Plan for the Suppression of Trafficking of Human Beings for the Period 2009-2011 provide for **scientific research** on the latest developments in the problem area of trafficking of human beings, the results of that research shall be taken into account as a reference for further work in the field of the suppression of trafficking of human beings.

#### **Answer to Question No. 16**

129. Concerning the **statistical data and information** on the number of detainees and the period of their detention, in the Republic of Croatia during 2008, there were 4,334 registered detainees, while 4,195 detainees were released. On 31 December 2007, 1,294 persons were held in custody. On 31 December 2008, there were 1,354 prisoners in custody (an increase of 4.4 per cent as compared to 2007), who were held for the following periods:

- Up to 30 days - 202 detainees
- From 1 to 3 months - 352 detainees
- From 3 to 6 months - 314 detainees
- From 6 to 12 months - 297 detainees
- From 12 to 18 months - 101 detainees
- From 18 to 24 months - 68 detainees
- More than 24 months - 20 detainees

130. Regarding, **compensations for unlawful detention**, under the provisions of the Constitution and the Criminal Procedure Act, a person who was in detention but was acquitted by final judgement, or the accusations were rejected, or the procedure was dismissed by the final decision, is entitled to damages.

131. The Ministry of Justice receives in average of 200 claims for damages per year. In the course of 2007, 214 claims were received and 105 requests were settled through mediation, while in the course of 2008, 213 claims were received and 110 cases were resolved through mediation.

132. In 2007 the Ministry of Justice paid to injured parties following settlements reached through mediation damages in a total amount of HRK 2,291,856.80 from the State budget; in 2008 the amount was HRK 3,441,938.58.

133. Persons in custody in the Republic of Croatia are given fast and efficient access to **legal and medical aid**, as provided by the national legislative framework. According to the provisions of the Criminal Procedure Act all detainees are ensured legal assistance by their attorney. Contact with an attorney is allowed in writing, by phone and through visits. The secrecy of communications of persons in custody with their attorney is guaranteed. Further, for detainees

who have medical insurance, medical help is provided according to the general provisions on medical protection, and for persons in custody who do not have medical insurance, such protection is provided from the State budget. Medical treatment is provided by doctors from the public sector, i.e. the prison. Besides doctors and nurses, medical technicians are also employed in prisons and they attend to the medical conditions of persons in custody.

**Answer to Question No. 17**

134. In order to improve the material conditions in the prison system, the Republic of Croatia, with the revised Action Plan of the Judicial Reform Strategy of June 2008, focuses its activities on strengthening the legislative and institutional framework, on the education of prison staff in order to increase the level of qualification for the work and to increase the level of security in the prison system, on the training of prisoners and specific treatment programmes for specific groups of prisoners, on the establishment of the probation system, on full implementation of the prison IT system and on the building of accommodations for prisoners.

135. In order to strengthen the legislative framework, the Act on Amendments to the Execution of Prison Sentences Act (OG 76/07) has been adopted. It enables direct application of international normative instruments, especially the Recommendations of the Committee of Ministers of the Council of Europe. The Ordinance on the Amendments to the Ordinance on the Disposal of Funds (OG 111/07), the Amendments to the Ordinance on the Methods of Performing Activities in Security Departments in Penitentiaries and Prisons (OG 48/09) and the Amendments to the Ordinance on the Methods of Applying Means of Coercion (OG 48/09) have been adopted as well.

136. In June 2009 the Action Plan for Improving the Prison System in the Republic of Croatia from 2009 to 2014 was adopted; it foresees measures such as a more rational utilization and conversion of the existing prison capacity; construction of new prison capacities; employment of new staff, training and IT connections; procurement of equipment; strengthening of the legislative framework and the adoption of the Probation Act by the end of 2009 with the aim of establishing a coherent probation system.

137. In order to solve the problem of overcrowded prisons, and pursuant to the Action Plan, during 2009:

- Attic spaces in Bjelovar prison have been rearranged in order to accommodate 22 prisoners
- Two rooms in Pula prison have been rearranged in order to accommodate 12 prisoners
- Some buildings of the Ministry of Defence in Valtura prison have been rearranged and equipped in order to accommodate 24 prisoners

138. Furthermore, the Action Plan envisages:

- The completion of a new building in Glina prison for 420 prisoners and the construction of a building for the reception of visitors, expansion of the kitchen and dining room for prisoners and adaptation of the building of the health department in Glina prison

- The construction of new prison and jail in Šibenik for 1230 prisoners
- The construction of an additional wing to the Zagreb prison building for 376 prisoners
- The construction of an additional wing to the Zagreb prison hospital for 106 prisoners

139. By the end of the year 2011 the relocation of the educational institution in Požega is planned. On the premises the men's block for serving prison sentences will be arranged for approximately 100 prisoners from the penitentiary in Požega. By the end of the year 2011 the arrangement of the premises of Ljubova prison in Gospić and the accommodation of one floor of Zadar prison is planned.

140. According to the Criminal Procedure Act (OG 152/08), detention in police detention units shall be executed as of 1 July 2009, in cases of criminal acts under article 21 of the Law on the Office for the Suppression of Corruption and Organized Crime (OG 76/09), and as of 1 September 2011 for the remaining criminal acts.

#### **Answer to Question No. 18**

141. The aim of the Republic of Croatia is to ensure to all returnees sustainable conditions for return and local integration. Clear deadlines have been set in order to create conditions for the return of all Croatian citizens to their home towns, first of all for refugees who still live abroad.

142. Under the current Government programme for the return of exiles and refugees, the return of 220,857 exiles and 126,146 minority returnee refugees from Serbia, Montenegro and Bosnia and Herzegovina has been ensured - a total of 347,003 returnees registered in the Republic of Croatia. The Republic of Croatia in 2008 invested HRK 38 billion (€5.3 billion) from the State budget for the programmes of return of exiles and refugees: reconstruction of houses and infrastructure, return of property, provision of housing and welfare of exiles and refugees. International donations are estimated to be 5 per cent of the mentioned amount. Annually HRK 1.5 billion are set aside for the programmes related to the return of refugees.

143. Since 2005 particular attention has been devoted to the renewal of the electrical network in places of minority return. The renewal of electrical networks in all the places that since 2005 have been identified as being without an electrical network has been completed and an amount of HRK 200 million has been invested. The Independent Democratic Serb Party (SDSS) and OSCE participated in the selection of the places that have priority for the renewal of the electrical network. In 2008 implementation continued on the renewal and construction of municipal and social infrastructure in stricken areas during the war according to the European Investment Bank (EIB) I and the Council of Europe Development Bank (CEB) V programmes initiated in 2004, as well as EIB II, initiated in 2006, and the programmes that are financed from State budget funds. Besides the mentioned programmes, in July 2008 the new Law on Areas of Special State Concern (OG 86/06) was adopted; it expands the rights and incentives to these areas, which most of the time overlap with the areas of refugee return.

144. For the renewal and construction of municipal and social infrastructure and development programmes in the areas of special State concern, in 2009 an amount of HRK 815.2 million was foreseen, most of which is for the renewal and construction of municipal and social infrastructure

that include the implementation of three programmes for the construction of municipal and social infrastructure, EIB I and II and CEB V. Apart from the renewal of war damaged and destroyed infrastructure, new buildings are under construction and projects are being financed with the purpose of economic and social recovery of areas of special State concern from the programme of World Bank loans “Socioeconomic recovery of areas of special State concern (European Bank for Reconstruction and Development-EBRD)”. This programme mainly relates to capital assistance and subventions to farmers, tradesmen, and small and medium entrepreneurs.

145. The Strategy and the Law on Regional Development are planned to be adopted by the end of 2009; the Law shall in a unified way solve the problem of underdeveloped areas, and the data shall be updated according to the economic, structural and demographic criteria.

146. For the issues concerning the **restitution of property** see paragraphs 53-54 in response to question number 6.

#### **Answer to Question No. 19**

147. Currently 2,704 persons have the status of exiles and refugees in the Republic of Croatia: 746 exiles are from the area of the city of Vukovar, where the restoration of residential buildings is under way; 1,256 refugees are from Bosnia and Herzegovina and 684 returned to Croatia during the last six months, during which they use the right of returnee status and to financial compensation until they solve other status issues.

148. For all remaining exiles and refugees, the return to their homes is ensured through the reconstruction of apartments in Croatia and assistance with the reconstruction of houses in Bosnia and Herzegovina, and if they do not want to return housing is provided in Croatia in areas of special State concern. All refugees can stay in Croatia according to the regulations that enable permanent residence in Croatia and facilitate the acquisition of Croatian citizenship.

149. A total of 943 exiles and refugees have been accommodated, most of them in six refugee settlements and in two housing accommodations for the elderly and infirm. Since the beginning of 2008 497 persons have been moved out and four buildings have been closed. It is planned to close three settlements in 2009 - Pisarovina, Dumače and Strmica. By next year at the latest Blace, Mala Gorica and Kovačevac shall be closed.

#### **Answer to Question No. 20**

150. The fundamental provision regulating the area of migration (lawful, working and unlawful) is the Foreigners Act (OG 79/07) adopted by the Croatian Parliament on 13 July 2007, and applied as of 1 January 2008. The Foreigners Act was amended in 2009 by the Act on Amendments to the Foreigners Act (OG 36/09), effective as of 31 March 2009.

151. According to the legislative provisions, the **stay of a foreigner** is defined as a short-term stay, temporary stay or permanent stay. Short-term stay is the stay of a foreigner for up to 90 days on the basis of a visa, or without a visa. A temporary stay is for a stay in the Republic of Croatia longer than 90 days, or for a particular purpose such as family reunion, work, studies, scientific research, humanitarian reasons, as well as other exceptionally justified reasons. With legislative amendments, the category of foreigners entitled to a temporary stay for family

reunion was enlarged to allow members of the close family of a foreigner on temporary stay in the Republic of Croatia without a time limit to stay for two years (for instance, a member of the close family of a foreigner who works on the basis of an international agreement; a foreigner on temporary stay whose status is regulated by the Stabilization and Accession Agreement (OG International Agreements 147/01); a foreigner who is relocated within the framework of an internal transfer within companies, such as defined by the Protocol on Accession of the Republic of Croatia to the Marrakesh Agreement on Establishment of the World Trade Organization (OG International Agreements 13/00); a foreigner on temporary stay who performs a religious service in the Republic of Croatia; a foreigner who is a foreign correspondent accredited in the Republic of Croatia; a foreigner who performs key functions in companies; a foreigner who was awarded a business permit.

152. Foreigners who, by the date of submission of the request for temporary stay, had the status of a refugee in the Republic of Croatia for at least 10 years or who are included in the programme of reconstruction, return and care of refugees from the Republic of Croatia, may be allowed a temporary stay for humanitarian reasons. Foreigners who by the date of submission of request for temporary stay had the status of a refugee in the Republic of Croatia for at least 10 years may be allowed a permanent stay if they had a temporary stay approved for three years, and foreigners who are included in the programme of reconstruction, return and care of refugees from the Republic of Croatia shall have a permanent stay if they have a temporary stay that is in order.

153. A new provision was added when the Act was amended, which allows foreigners who were approved for a temporary stay up to the end of their use of real estate on the basis of the former Foreigners Act, to have their temporary stay extended up to one year, and not only up to six months. Foreigners who are approved for a temporary stay for humanitarian reasons may work in the Republic of Croatia without a work or business permit.

154. The request for a permanent stay may be submitted by foreigners who, by the date of submission of the request, have a temporary stay approved for an uninterrupted period of five years. However, for persons returning to the Republic of Croatia under the Programme for the Return and Accommodation of Displaced Persons, Refugees and Resettled Persons (OG 92/98), better conditions are provided for acquiring permanent residence (they must have regular temporary residence in the Republic of Croatia).

155. Relating to the **entrance and exit of foreigners** from the Republic of Croatia, there are certain innovations in the legislative amendments to the provisions on refusal of entry or exit of foreigners from the Republic of Croatia. Also, the provision relating to the entry and exit of minors from the Republic of Croatia was deleted as the issue of the entry of minors shall be settled by the Supervision of the State Border Act. Provisions relating to the unlawful residence of foreigners are further developed in the Act, as well as the issues of expulsion, forced displacement, and accommodation in accommodation centres for foreigners.

156. In the part relating to the regulation of the **work of foreigners**, in accordance with the provisions of the Act greater protection of foreign workers is provided for, with respect to the conditions of employment as well as the rights resulting from the regulations whereby working relationships are determined as well as collective agreements (duration of work time, health conditions, protection of pregnant women, women and minor workers, ban on discrimination).



Furthermore, conditions under which foreigners may be issued a **business permit** were amended so as to explicitly state that the permit may be issued to the founder of his/her own company or to a foreigner who is a holder of the majority part of at least 51 per cent, as well as to the person who has registered the business on his/her own or to one of the persons in a common business. Foreigners who are in independent professions may be issued business permits on the basis of registration in the appropriate register of the Republic of Croatia.

#### **Answer to Question No. 21**

157. The judicial reform has been one of the priority tasks of the Republic of Croatia during the past several years. In order to define a strategic approach to the judicial reform, in September 2005 the Croatian Government adopted the Strategy for the Reform of the Judicial System and its Action Plan.

158. During the implementation of the Strategy and the Action Plan certain weaknesses had become apparent and it was therefore necessary to redefine the measures to remedy the shortcomings and to ensure more effective implementation. Therefore, on 25 June 2008 the Government of Republic of Croatia adopted the revised Action Plan of the Judicial Reform Strategy. The revised Action Plan represents an instrument for accelerating the judicial reform process and resolving the main difficulties facing Croatia's judicial system. The main preconditions for successful implementation of judicial reform are independence, impartiality, professionalism and expertise in the judiciary and efficiency of the judiciary.

159. As regards the **independence of the judiciary**, the Action Plan devotes several measures to the career management of judges and State attorneys, in particular to the system of their appointment to and removal from their posts.

160. In October 2008, the Act on the Amendments to the Courts Act (OG 113/08) was adopted and additionally strengthened the role of councils of judges in the procedure of giving opinions about the candidates for a judgeship by a public vote. The Amendments introduce the obligation of the adoption of rules of procedure according to which councils of judges have to perform their duties. Furthermore, the Amendments introduce the obligation of the Minister of Justice to conduct an interview with candidates before deciding on the appointment of a court president and to evaluate the candidates, among other things, on the basis of the Programme for Improving the Work of the Court.

161. The new Act on Trainees in Judicial Bodies and the Bar Exam (OG 84/08) which entered into force on 1 January 2009 promotes an objective, transparent and uniform selection procedure of judicial staff.

162. With the aim of enhancing the selection of candidates for appointment as judges and State attorneys, in December 2008, the Strategic Study for the Development of Standardized, Objective and Transparent Criteria for Entering the Professions of Judge and State Attorney and for Establishing a State School for Judicial Officials was adopted.

163. Concerning the issue of **impartiality**, in February 2009 departments for cases of organized crime and corruption in the county courts of Zagreb, Split, Rijeka and Osijek began work according to the provisions of the amendments to the Rules of Procedure of Courts of 2008.

164. Continuous efforts are being made to strengthen professional responsibility in the judiciary. In 2008 the State Judicial Council initiated 11 disciplinary procedures against judges, of which 3 have been completed. On the basis of 11 court inspections conducted in 2008, 2 presidents of courts were relieved of duties due to the misuse of office regarding court administration and determined irregularities in the financial matters of the court; 3 courts were given specific recommendations to improve their effectiveness.

165. The Act on the Amendments to the Courts Act (OG 113/08), adopted in October 2008, stipulates as a disciplinary offence the conduct of a judge contrary to the fundamental principles of the Code of Ethics for Judges which are harmful to the reputation of the judicial function.

166. As for impartiality in the allocation of court cases, random case allocation through project e-file (ICMS) is in full production at nine courts. In addition, the Administrative Court has a separate IT system which enables random case allocation.

167. Lifelong professional development is at the very heart of the judicial reform. To achieve this goal the Judicial Academy develops systematic education of judicial officials through all phases of their career. The work of regional centres and their independent participation in the process of professional development has been strengthened. The centres with the county courts in Zagreb, Split, Rijeka and Varaždin have been provided with necessary equipment and new titles are being added to their libraries. In 2008, a full-time director of the Judicial Academy was appointed and the administrative capacities of the Academy were strengthened. The Academy's budget is increasing every year.

168. The strong vertical hierarchy in the **fight against organized crime and corruption** is established through special court departments in county and municipal courts in Zagreb, Split, Osijek and Rijeka, special police departments and special departments within State attorney's offices. Judges and officials employed in these departments have been selected in accordance with their capacities and readiness to cope with these professional challenges.

169. Within the Action Plan several major and demanding projects were initiated with the aim of improving the **efficiency of the judiciary**, such as rationalization, reducing the backlog of cases and ensuring conditions for holding trials within a reasonable time.

170. In accordance with the new Act on Jurisdiction and Seats of Courts (OG 85/08), as of 1 January 2009 the number of municipal courts was functionally reduced from 108 to 67 (41 municipal courts discontinued their work). On 1 January 2009, six municipal courts were physically merged into three courts. The deadline for the physical merger of all courts is 31 December 2019, with the concrete dynamics for the physical merger of the rest of the courts being defined by an ordinance.

171. The adoption of the Act on Jurisdiction and Seats of State Attorney's Offices (OG 146/08) followed, reducing the number of State attorney's offices from 71 to 55. The Act on Jurisdiction and Seats of Misdemeanour Courts is undergoing an urgent parliamentary procedure. Both networks will follow the territorial organization of municipal courts.

172. Special Action Plans aimed at better effectiveness of the courts (in particular regarding old cases) are being implemented by the Supreme Court, the High Misdemeanour Court, the Administrative Court and the Municipal Civil Court in Zagreb.

173. Since 31 December 2004, the number of unresolved cases in all courts in the Republic of Croatia has been reduced by 43 per cent. The number of old criminal cases (older than three years) was reduced from the end of 2005 to 30 September 2008 by 39 per cent while the number of old civil cases in the same period was reduced by 24 per cent.

174. In 2008 the total number of 886,000 unresolved cases in the courts was further reduced by 8.5 per cent in comparison with the end of 2007. The number of unresolved old civil cases was reduced by 31.37 per cent, and the number of unresolved old criminal cases by 52.43 per cent.

175. The Supreme Court systematically monitors the resolution of cases following requests for the protection of the right to a trial within a reasonable time in all county courts and in the Supreme Court, and produces statistical reports on a regular basis. In 2008, 99 per cent new lawsuits filed following requests for a trial within a reasonable time were civil lawsuits. In 2008 1,402 out of 2,895 requests were resolved. On the basis of well-grounded requests for compensation for the infringement of the right to a trial within a reasonable time, compensation in an amount of €3,687,452.96 has been awarded. During 2008 the Supreme Court delegated 10,054 cases to less-burdened courts.

176. In order to **accelerate proceedings**, the Act on Amendments to the Civil Procedure Act (OG 84/08) entered into force on 1 October 2008 and introduced numerous procedural innovations which accelerate first-instance proceedings and increase the efficiency of first-instance courts, in the interests of cost-effectiveness.

177. The new Criminal Procedure Act, adopted in December 2008 (OG 152/08), reforms and introduces significant novelties to the criminal proceedings. The investigation phase has experienced the greatest changes, by having the main role assigned to the State attorneys, while the investigating judge is assigned the role of protecting the rights of the suspect. The satisfactory speed of procedures is planned to be achieved through a wider application of the reduced procedure and the possibility of negotiation and reform of the serving of documents.

178. The Act on Amendments to the Execution Act (OG 67/08) additionally accelerates execution (enforcement) procedures and facilitates procedures for executing departments within the courts. Furthermore, in the field of execution procedure a Strategic Study has been drafted for a more efficient method of enforcement on movables and introducing a bailiff (private enforcer).

179. On the basis of the Strategic Study for Drafting a New Administrative Disputes Act (2008), the new Administrative Disputes Act is in the process of being drafted. It will reform the administrative dispute procedure and make the Administrative Court the court of full jurisdiction.

180. As for mediation, on 1 October 2008 the amendments to the Civil Procedure Act entered into force, facilitating the possibility of mediation in the course of proceedings. In 2009, within

the framework of the PHARE 2005 project “Strengthening Conciliation as an Alternative Method for Solving Court Disputes”, the realization of all components of the project is under way. The undertaking of a Strategic Study for development of the system of mediation is in the final stage.

### **Answer to Question No. 22**

181. According to the provisions of the Constitution of the Republic of Croatia, all are equal before the law and the equality of persons belonging to all national minorities is guaranteed. According to the relevant constitutional provision, one criterion for granting Croatian nationality is the fulfilment of legislative conditions provided for by the Croatian Nationality Act (OG 53/91, 70/91, 28/92), whereby the acquiring of Croatian nationality is ensured to all persons regardless of their national or social origins, language, race or other circumstances.

182. Relating to the realization of the right to Croatian nationality of the members of the Roma national minority, the Republic of Croatia implements the National Programme for Roma of 2003 and provides mobile teams which in the areas inhabited by the Roma assist in the realization of status rights, particularly registrations of residence and nationality.

183. Proceedings instigated following individual requests for acquisition of Croatian nationality by persons of the Roma national minority are conducted under an urgent procedure because of specific problems the Roma population faces in the Republic of Croatia (poor inclusion in social life, insufficient education, poor economic life conditions, etc.). The Ministry of the Interior had several meetings in 2008 with the representatives of the Association of Roma of the City of Zagreb and Zagreb County, i.e. the representatives of the Union of the Roma of the Republic of Croatia, with the aim of facilitating and accelerating the procedures for acquisition of Croatian nationality and other status rights of the persons belonging to the Roma national minority.

184. On the basis of the National Programme for Roma, the Ministry of Justice concluded agreements with 32 lawyers on the provision of free legal aid for the Roma in status cases, on the basis of which the persons belonging to the Roma national minority realized that right until 31 January 2009. On 1 February 2009, the application of the Free Legal Aid Act (OG 62/08) began in relation to all citizens, including members of the national minorities. In conformity with the Act, legal aid is ensured in such a way that the expenses with regard to the access to justice, i.e. court expenses as well as the expenses related to other bodies that decide on the rights and obligations of Croatian nationals as well as foreigners, are entirely or in part covered by the Republic of Croatia, taking due account of the financial situation and circumstance of the persons concerned, i.e. that they would not be able to realize their right without threatening their existence and the existence of the members of their family. Legal assistance is ensured by the Act under the same conditions to all persons belonging to national minorities, which also includes the procedures for acquisition of Croatian nationality under the reciprocity system.

### **Answer to Question No. 23**

185. It is difficult to concur with the statement that the small number of physical attacks, death threats and other forms of intimidation of journalists are neither investigated nor processed. It is

necessary to emphasize that each attack on journalists reported to the police or competent office of the State attorney and which contains the elements of a particular criminal offence for which there is an ex officio prosecution, is being processed.

186. For all attacks, threats and intimidations which are reported to the police, police officers conduct an investigation. In cases where the investigation results in a reasonable doubt concerning the perpetrator, appropriate charges are filed with the competent authorities. It is necessary to emphasize that certain cases of attacks on journalists are qualified as the most serious criminal offences (attempted murder, serious body harm, etc.) and thus, extensive criminal investigations are conducted with a view to finding the perpetrators.

187. The statistics show that with regard to the number of processed threats to journalists in the period between 1990 and 1 April 2009, 36 cases were registered against 36 known perpetrators. Of these cases the criminal charges against five persons were rejected and the request to initiate an investigation against two persons was refused; of the 29 accused persons, 20 were convicted.

188. There are also six cases of attacks on journalists (Drago Hedl - two attacks, Nino Pavić, Dušan Miljuš and Hrvoje Appelt - two attacks) that have not yet been resolved and where the criminal investigation is still being conducted against unknown perpetrators. The criminal offences in question are the following: threat - art. 129, para. 2, of the Criminal Code; attempted murder - art. 90 together with art. 33 of the Criminal Code; and endangering life and property by dangerous public acts or means - art. 271, para. 1, of the Criminal Code).

#### **Answer to Question No. 24**

189. According to article 22 of the Constitutional Act on the Rights of National Minorities, all texts of public announcements of vacancies contain the information on the priority right of national minorities in the employment procedure under same conditions. The Central State Office for Administration on its website regularly announces possibilities of employment of persons belonging to national minorities in the bodies of State administration, and in its Centre for Professional Training and Specialisation of Civil Servants the educational programmes for civil servants are held on a regular basis and they also include the content of the rights of national minorities.

190. According to the Plan of Access to Public Service for Bodies of State Administration, Expert Services and Offices of the Government of the Republic of Croatia for 2007, for the first time the number of recruited persons belonging to national minorities was announced and made public as well as the number of persons belonging to national minorities that are planned to be recruited. For 2007, a total of 1,987 persons belonging to national minorities were employed, 1,971 in bodies of State administration and 16 in expert services and offices of the Government of the Republic of Croatia. Of the 336 persons belonging to national minorities planned to be recruited in central bodies of State administration, 107 persons were recruited in 2007.

191. According to the Plan of Access for 2008, a total of 2,031 persons belonging to national minorities were recruited (2,007 in the bodies of State administration and 24 in expert services and offices of the Government of the Republic of Croatia). Of the planned recruitment of

226 persons belonging to national minorities (224 in the bodies of State administration and 2 in expert services and offices of the Government of the Republic of Croatia), 129 persons were recruited in 2008.

192. In the month of February 2009, there were 2,160 employed persons belonging to national minorities. The percentage of the recruited persons belonging to national minorities in the ministries is 4.02 per cent, in central State offices 0.87 per cent, in State administration organizations 4.26 per cent, in the offices of State administration in counties 5.84 per cent, in expert services and offices of the Government of the Republic of Croatia 4.59 per cent, in judicial bodies 4.2 per cent, and in other State bodies 2.34 per cent. The number of persons belonging to national minorities recruited in State bodies is 4.13 per cent.

193. In the month of February 2009, of the total of 576 units of local and regional self-government, 110 recruit persons belonging to national minorities. In these 110 units, a total of 7,785 civil servants and workers are employed, of whom 590, or 7.58 per cent, are persons belonging to national minorities. In 72 units (in 62 municipalities and cities and 10 counties) it is necessary to ensure the representation in administrative bodies of persons belonging to national minorities, who are guaranteed this right by the provisions of the Constitutional Law on the Rights of National Minorities and the Local and Regional Self-government Act (OG 33/01, 10/02, 155/02, 45/03, 43/04, 40/05, 44/05 - consolidated text, 109/07, 125/08 and 36/09), and which has so far been realized in 53 units.

194. As regards paragraph 607 of the second periodic report of the Republic of Croatia, it is to be emphasized that persons belonging to national minorities have previously realized the right to representation in executive bodies of local and regional self-government units, i.e. in municipal, city and county executive governments. After the local election in May 2009, the Head Offices, which were the executive bodies of the units of local and regional self-government, ceased to exist; the executive authority in municipalities became municipal managers, in towns, mayors and in counties, county officers. Persons belonging to national minorities shall realize their right to representation in executive bodies of the units of self-government having the right to a deputy municipal manager, a deputy mayor and a deputy county officer, in conformity with the Constitutional Law on the Rights of National Minorities and the Local and Regional Self-government Act.

195. Relating to the **question of which groups of national minorities are protected in the Republic of Croatia, as well as the question why the Roma national minority is not mentioned in the Constitution**, it is necessary to emphasize that the Constitution of the Republic of Croatia in its preamble only indicatively mentions some of the national minorities, ending the enumeration by the term “and others”, which undoubtedly indicates that the list is not a *numerus clausus*, i.e. not exhaustive. Furthermore, the fundamental national legislation for determination of the rights of persons belonging to national minorities in the Republic of Croatia is the Constitutional Law on the Rights of National Minorities which, as an organic law, is by its legal force placed immediately below the Constitution and above all other laws and by-laws. The Constitutional Law provides in article 5 that a national minority is a group of Croatian nationals which traditionally inhabit the territory of the Republic of Croatia, and whose members have ethnic, linguistic, cultural and/or religious characteristics different from other citizens and who wish to preserve these characteristics.

196. According to the census of 2001, members of 22 national minorities live in the Republic of Croatia: Albanians, Austrians, Bosnians, Bulgarians, Montenegrins, Czechs, Hungarians, Macedonians, Germans, Poles, Roma, Romanians, Russians, Ruthenians, Slovaks, Slovenians, Serbs, Italians, Turks, Ukrainians, Vlachs and Jews. The persons belonging to these national minorities enjoy protection and rights in conformity with the provisions of the Constitutional Law on the Rights of National Minorities.

**Answer to Question No. 25**

197. Equal official use of the languages and scripts of the national minorities is provided for by the Constitution of the Republic of Croatia, particularly in articles 12 and 15, by the Constitutional Act on the Rights of National Minorities and by the Act on the Use of Languages and Scripts of National Minorities in the Republic of Croatia (OG 51/00), while the education in the languages and the scripts of the national minorities is prescribed by the Education in the Languages and the Scripts of the National Minorities Act (OG 51/00, 56/00).

198. According to data from June 2009, of the 27 self-government units in which persons belonging to national minorities form at least one third of the citizens, or the units in which there is equal official use of the languages and scripts of the relevant national minorities as prescribed by law, 8 of them did not regulate by statute the equal official use of the minority languages and scripts. Furthermore, 29 units have established and regulated the modalities of equal official use of the languages and scripts of the relevant national minorities in the entire unit territory or for a particular settlement, so that bilingualism is realized either entirely or is related only to certain areas (for instance, bilingual towns, street and square names, etc.).

199. While in a certain number of self-government units there has been an obvious improvement in the establishment and practical use of official bilingualism, in other units the right to equal official use of minority languages and scripts is realized to a lesser extent due to the lack of awareness interest of the national minority members, the lack of knowledge of local civil servants (for instance, when prescribing official bilingualism by local statutes), or of the employees in public companies (for example, the lack of bilingual name signs of settlements adjacent to the county or State roads in the units where bilingualism has been officially introduced).

200. Relating to the **question of education in minority languages**, the Ministry of Science, Education and Sport co-finances the organization and implementation of all models of education in the languages and scripts of national minorities. Education in the languages and scripts of national minorities, depending on the model which is being realized, is implemented for the Czech, Hungarian, Serbian, Italian, Albanian, Austrian, German, Macedonian, Slovak, Slovenian, Ukrainian and Ruthenian national minorities. Although education in the languages and scripts of national minorities is realized as of the pre-school age up to university, for those national minorities that do not initiate education in their language and script or where, for objective reasons, education in the languages and scripts of national minorities is not organized institutionally, national minority languages and scripts are taught in summer and winter schools, and by distance learning, etc.

201. In the Croatian educational system there are three models of organization and execution of education in the languages and the scripts of national minorities:

- Model A - The entire education is carried out in the language and the script of the national minority, with obligatory learning of the Croatian language for the same number of hours as the language of the minority is being taught. This model of education is used in special school institutions in which the entire education is in the particular minority language, or in special departments in institutions with education in the Croatian language. In this model, the Italian national minority, the Serbian national minority and the Hungarian national minority are being education in primary and secondary schools, and the Czech national minority in primary school.
- Model B - In this bilingual model teaching of the natural sciences is conducted in the Croatian language, while the other subjects are taught in the minority language. This model is realized in special departments in schools with teaching in the Croatian language. In this model, the Hungarian national minority is being educated in primary school, and the Czech and Serbian national minorities in high school.
- Model C - Besides the regular education in the Croatian language, the language and culture of the national minority is taught in their language for two to five school hours a week, and encompasses the language and literature of the national minority, geography, history, music and art. In this model the Albanian, Czech, Hungarian, Serbian, Slovakian, Macedonian, German and Austrian, Ukrainian, Ruthenian and Slovenian national minorities are being educated in primary school, and the Hungarian and Serbian national minorities in secondary school.

202. In the school year 2007/08 the Ministry of Science, Education and Sport, in accordance with the amendments to the Primary and Secondary School Textbooks Act, ensured that all **textbooks** were free of charge for all students of primary school and the first classes of secondary school, and in 2008/09 also for other classes of secondary schools, which also includes students who are being educated in the language and script of a national minority.

203. In accordance with article 15 of the Education in the Language and Script of National Minorities Act, schools use textbooks in the language and script of the national minority from the kin-State, primarily for the learning of the mother tongue. For the school year 2008/09, the Ministry approved textbooks imported from the national minorities kin-States as follows:

- 137 textbooks for education in Italian in secondary schools
- 33 textbooks for education in Italian in primary schools
- 47 textbooks for education in Serbian in primary schools
- 7 textbooks for education in Serbian in secondary schools
- 47 textbooks for education in Hungarian in primary and secondary schools



- 12 textbooks for education in Czech in primary schools
- 11 textbooks for education in Czech in secondary schools

204. Of the several approved textbooks for education in the Croatian language, the persons belonging to national minorities have chosen to translate certain textbooks into the language of their national minority, or are even authored certain textbooks. For the preparation (from the translation to the publishing) of the translated textbooks as well as for the preparation of original textbooks, the means were assured from the State budget. In the school year 2008/09 there were published:

- 30 textbooks for education in Czech, of which 3 are author's textbooks
- 24 textbooks for education in Hungarian
- 97 textbooks for education in Serbian
- 33 textbooks for education in Italian, of which 8 are author's textbooks
- 4 author's textbooks for education in Slovakian

205. **Professional training of teachers, professors and professional counsellors** is in the competency of the Education and Teacher Training Agency. In 2006, 15 professional meetings were organized, 3 for education in Czech, 2 for education in Hungarian, 1 for education in Slovakian, 3 for education in Serbian and 6 for education in Italian. In 2007, 25 professional meetings were held, and in 2008, 31 professional meetings took place for the needs of professional training in the languages of minorities.

206. For the needs of education in the languages and scripts of national minorities, seven professional counsellors are employed, two full-time professional counsellors for the Italian national minority, two counsellors for the Serbian national minority, one half-time counsellor for the Czech national minority, one half-time counsellor for the Hungarian national minority and one half-time counsellor for the Slovakian national minority.

207. **Pre-school education.** According to the parameters of the kindergartens and other legal entities exercising programmes of pre-school education, and according to the data of the social activities services in the State administration offices in counties, in 2008, a total of 1,684 children belonging to national minorities attended pre-school education in the language and the script of a national minority, which is an increase as compared to 2007 (1,539) and 2006 (1,532).

208. As may be observed from table 1 (annex 1), there has been a decrease in the number of children belonging to the Hungarian national minority and an increase in the number of children belonging to the Serbian and Italian national minorities, while the number of children belonging to the Czech national minority has remained constant. For the Slovakian national minority, despite the increase in the number of pupils who learn the Slovakian language and culture in primary schools, interest in the pre-school and secondary school programmes did not exist, despite the offer and the effort of the Union of Slovaks. As to the issue of learning the Ukrainian

language and culture, in the school year 2008/09 there are only 11 students learning the Ukrainian language and culture in primary school. In the programme for learning the Ruthenian language and culture, a total of 72 students are included in primary school. In respect of Ruthenian pre-school in Vukovar several years ago, the Council of the Ruthenian national minority sent out a questionnaire among the persons belonging to the Ruthenian national minority and there was no interest expressed in initiating pre-school education in the Ruthenian language.

209. **Primary school education.** The total number of students belonging to a national minority attending education in the language and script of the national minority in primary school, in all education models, varied from 6,741 students in 2006, to 6,728 students in 2007, and up to 6,818 students in the school year 2008, i.e. the number of students is constant.

210. As may be observed in table 2 (annex 1), there has been a decrease in the number of pupils of the Hungarian national minority in model A, but the number of pupils in models B and C is relatively constant. A slight increase in the number of pupils belonging to the Czech national minority in model A may be observed, as well as a decrease in the number of pupils in model C. A decrease in the number of pupils of the Italian national minority may be observed; they generally do not follow models B and C. The number of pupils belonging to the Serbian national minority is on the increase in models A and C. The number of pupils of the Slovakian national minority in primary school is increasing constantly.

211. **Secondary school education.** In the secondary school education in the language and the script of a national minority, a decrease in the number of students in education in the Italian and Hungarian languages may be observed (see table 3, annex 1). A decrease in the number of students is observed in model A in the Serbian language. For that reason, in 2008, a programme in model B was started, i.e. the double language programme, as well as a programme in model C, which shows an increase in the number of students in the programme for the Serbian language and culture. Despite the engagement of the Slovakian, and partly the Ruthenian national minority and the ensured offer, there was no interest by the persons belonging to those national minorities; for the Ukrainian national minority there is an ongoing project of revitalization of the learning of the Ukrainian language and culture, started and run by the reorganized Ukrainian community.

212. **University education.** Mother-tongue Italian university education is organized in Pula at the University of Juraj Dobrila, at the Department for the Education of Teachers where there is an integrated undergraduate programme for teachers lasting five years (300 European Credit Transfer and Accumulation System (ECTS) points), as well as professional study for pre-school education lasting three years (180 ECTS points) in the Croatian and Italian languages. In 2007, there were 14 students in pre-school education programme and 16 students in the programme for class teachers. In 2008 there were 21 students in the pre-school programme and 8 students in the class teacher programme, while 4 students study according to the pre-Bologna programme.

213. In the Department for Hungarian Studies at the Faculty of Philosophy of the University of Zagreb, in the academic year 2008/09, there are 90 students studying (3 regular/full-time professors are teaching, 2 guest professors and 2 external collaborators). In the Department of Hungarian Language and Literature of the University J.J. Strossmayer in Osijek, there are 20 students studying (1 teaching assistant and 5 external collaborators), and in the Department of Foreign Languages of the same university, there are 100 students studying (1 professor).

214. The class teachers' programme at the Teachers' Academy of the University of Zagreb had a strengthened programme for the Serbian language up to the academic year 2005/06; however, due to a lack of interest the programme was no longer offered as of the academic year 2006/07.

215. At the Faculty of Philosophy of the University of Zagreb, there is also an undergraduate programme of study of the Czech language and literature (180 ECTS), undergraduate study of the Slovakian language and literature (180 ECTS) and undergraduate study of the Ukrainian language and literature (180 ECTS).

**Answer to Question No. 26**

216. The Ministry of Justice of the Republic of Croatia, as the central body competent for the elaboration of the report on the application of the Covenant in the Republic of Croatia, has published on its website ([www.pravosudje.hr](http://www.pravosudje.hr)) comprehensive texts of the Covenant and its Optional Protocols, the evaluation report and previous concluding observations of the Human Rights Committee and the comments of the Republic of Croatia on the previous concluding observations of the Committee.

217. During the elaboration of the second periodic report, the Ministry of Justice invited the collaboration of the non-governmental organization Centre for Direct Protection of Human Rights, which has among its aims encouraging work on the protection of human rights as well as the promotion of the protection of fundamental human rights among the public.

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