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Summary record of the 2662nd meeting

Held at the Palais Wilson, Geneva, on Thursday, 15 October 2009, at 10 a.m.

Chairperson: Mr. Iwasawa

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The meeting was called to order at 10.05 a.m.

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

Second periodic report of Croatia (HRI/CORE/1/Add.32/Rev.1; CCPR/C/HRV/2; CCPR/C/HRV/Q/2; CCPR/C/HRV/Q/2/Add.1) (continued)

1. *At the invitation of the Chairperson, the delegation of Croatia took places at the Committee table.*
2. **The Chairperson** invited the delegation to reply to the additional questions that had been raised by the Committee members at the previous meeting.
3. **Mr. Maderić** (Croatia) said that the Anti-Discrimination Act was very broad in scope, and applied to all State bodies at national, regional and local level, private-law corporations, and to all natural persons. The Act defined three kinds of civil proceedings that could be brought by a person who believed he had been discriminated against. The purpose of the first kind of proceedings was to have the discrimination acknowledged, the second was intended to put a stop to discrimination and the third to obtain compensation for harm suffered as a result of discrimination. The Act provided for collective proceedings to be brought in the event of discrimination against a group. Any action motivated by hate was considered to be a criminal offence. In 2009, 11 such offences had been brought before the courts. Remedies against discrimination in the workplace and in employment were provided for both by the Anti-Discrimination Act and the Labour Code, meaning that victims of discrimination in that area could avail themselves of a wide range of remedies to enforce their rights. The Anti-Discrimination Act contained specific provisions on discrimination against sexual minorities. The National Anti-Discrimination Programme 2008–2013 provided for a range of measures aimed at eliminating all forms of discrimination. War veterans were a particularly vulnerable group, on account of the physical and psychological trauma they had suffered as a result of the war. For that reason, they were given priority in recruitment, in order to help them return to work. However, they were only given preference over another candidate if they could demonstrate that they had the same skills.
4. **Mr. Kukavica** (Croatia) said that following publication by the media of photographs and first-hand accounts of serious violations of the rights of patients at the Rijeka psychiatric hospital, in the *Ana Dragičević* affair, in March 2009, the police had begun an investigation at the request of the prosecution services, as a result of which the hospital director had been prosecuted. The trial was under way.
5. The racist incidents reported in the country had been committed by individuals, and there was no link between them to show the existence of organized action. In addition, the statistics given in the written reply to question 8 showed that there had been no increase in the number of racist incidents since 2007. One Committee member had asked why incidents that had clearly been directed at the Serbian community had been prosecuted as minor offences and not as hate crimes, which had been introduced into the Criminal Code in 2006. In order to reply to that question, he would need to know exactly what incidents were being referred to. Only criminal acts motivated by discrimination could be considered as hate crimes. If it could not be unequivocally established that the perpetrator had deliberately targeted his victim on the grounds of his race, sex, sexual orientation, language, religion, political convictions or for other reasons defined under the relevant article of the Criminal Code, the offence could not be considered as a hate crime, and the acts in question would be punished under other articles of the Criminal Code. It was often very difficult to establish the motive for discrimination; it was up to the prosecutor, after weighing up the evidence compiled by the police, to decide on the appropriate classification of the offence.

6. In 2006 Croatia had taken part in a project of the Organization for Security and Cooperation in Europe (OSCE) to train police forces to recognize offences motivated by discrimination, and to provide an effective response. Approximately 20 Croatian police officials had taken the course and were expected to train, in turn, other police officials. In order to raise awareness of all sectors of society, thereby improving prevention, the training had also been offered to representatives of the prosecution services, the Office for Human Rights and of civil society. In addition, offences motivated by discrimination were covered by the basic training for future police officers. Since 2006, in accordance with instructions from the director of police, police officers had been required to register all instances of ideas or sentiments that were likely to lead to the commission of offences motivated by discrimination. Croatian society had undergone profound changes, and racist behaviour was no longer tolerated by the authorities or by the population in general.

7. **Ms. Nola** (Croatia) said, with regard to the application of the Amnesty Law, that over 22,000 people had been granted amnesty under the Law, including many Serbs. The Amnesty Law (art. 3), specifically excluded war criminals from its scope of application. Anybody who had been granted amnesty for a criminal offence, which was later established to be a war crime, could be retried. The Supreme Court had handed down several judgements confirming that it was perfectly legitimate to bring new proceedings in such cases, and was not incompatible with the principles of *res judicata* and *non bis in idem*.

8. **Mr. Palijaš** (Croatia) said that the allegations that prosecutions for war crimes were conducted in a discriminatory manner depending on the nationality of the perpetrator of the victim were unfounded. The prosecutor initiated criminal proceedings as soon as there were sufficient facts and evidence to suspect an individual of having committed a war crime. In addition, cooperation agreements concluded with neighbouring States, and access to the archives of the International Criminal Tribunal for the former Yugoslavia, had facilitated the gathering of information and improved the effectiveness of prosecutions. The special seminars and other training activities on war crimes that had been organized with the help of various international organizations had provided the judges and prosecutors dealing with those matters with the necessary skills to conduct proceedings with due diligence. The Committee would find in the written reply to question 12 detailed statistics on proceedings initiated in respect of war crimes, convictions, acquittals and proceedings that had been discontinued. There were no detailed statistics to show whether the persons involved were Serbian or Croatian nationals.

9. The Criminal Procedure Act had been amended in order to improve witness protection. Specific legislation on witness protection had also been adopted, under which a special police unit had been set up to ensure that witnesses were protected. Bilateral agreements had also been concluded in that area. In response to the recommendation by a Committee member that the statute of limitations should be suspended for all homicides and crimes involving serious physical injury committed during the war, he said that in both cases, even if the statute of limitations had expired, the perpetrator would be prosecuted if the offence in question was established to be a war crime.

10. **Mr. Turkalj** (Croatia) said that Croatia had made considerable progress towards ensuring justice by acknowledging that some trials that had been held in the 1990s in the absence of the defendants had not respected the guarantees of due process, and by amending its Criminal Code and Criminal Procedure Act in order to allow judgements handed down at the time to be reviewed. Croatia had also demonstrated its willingness to cooperate fully with the International Criminal Tribunal for the former Yugoslavia. With regard to the documents requested by the Office of the Prosecutor of the International Criminal Tribunal for use in the trial of a former Croatian general, which were still missing, Croatia had invited the Office of the Prosecutor to send its own experts to take part in the search. A cooperation agreement with Bosnia to guarantee the enforcement of convictions

had been submitted to parliament for approval. Under the agreement, perpetrators of offences having dual nationality, who had been convicted in one country and had fled to the other, could no longer evade justice.

11. **Ms. Štimac-Radin** (Croatia) said that the strategic national plan on gender equality, together with legislation in that area, were bearing fruit. Stereotypes of women as mere housewives no longer corresponded to reality. Women currently held 35 per cent of senior posts in the civil service, and the proportion of women elected in the local elections of May 2009 had increased by 7 per cent compared to the 2005 elections. Several women were candidates in the forthcoming presidential elections.

12. The Government's policy had also seen results in the private sector. Incentives had been introduced by the Ministry of the Economy, including loans at preferential rates for the creation of companies, and approximately 30 per cent of Croatian company directors were women, which was in line with the European average. Women were also well placed in the area of science and research, where they held 45 per cent of available posts, and in 2009 there were more women doctoral students in science than men, which was a first. In addition, some 60 per cent of university students were women. Nevertheless, women still accounted for the majority of the unemployed, one reason being that employers were reluctant to hire women who had, or were likely to have, maternal obligations. A broad survey of the labour market had been conducted, the results of which had been used to draw up new legislation. The resulting Act, adopted in July 2009, provided for penalties against employers who discriminated against women in recruitment. Young, poorly qualified women constituted a particularly vulnerable group, and a special programme had been set up to make it easier for them to find employment, funded by a budget of 1 million euros.

13. The Government had taken a number of steps to eliminate stereotypes in the education system. The Ministry of Education had adopted standards prohibiting the use of stereotypes in drafting textbooks. To date, some 94 per cent of school textbooks used language that promoted gender equality, in order to combat discrimination, with convincing results. Stereotypes had also been eliminated in the area of employment. People no longer believed that certain professions were reserved for men or for women and, in practice, both sexes were represented in all professions. In conjunction with NGOs and various ministries, the Government had organized several campaigns, conferences and round tables, with the aim of eliminating stereotypes in different areas of society.

14. A national campaign against domestic violence had been ongoing for several years, and other campaigns had been launched in conjunction with the Council of Europe. Video clips against domestic violence were broadcast on television by the Government. As a result, Croatia had managed to reduce the number of cases of domestic violence. Statistics showed that, at the same time, there had been an increase in the number of complaints lodged in the previous eight years; that did not mean that there were more cases, but that more cases had been reported. A joint campaign to combat domestic violence and other forms of violence against women had been launched by the Government in conjunction with NGOs. In addition, legislation applying to radio and television now prohibited programmes portraying men or women in a humiliating or stereotypical manner. A number of commercials based on stereotypes had been banned. Many practical steps had therefore been taken, and had borne fruit, as illustrated by the fact that for the first time in many years a woman had been granted funds to make a film, following a round table to combat stereotypes in the film industry.

15. **Mr. Turkalj** (Croatia) said, with regard to the scandal concerning psychiatric institutions, that everybody — both the delegation and the Committee — had been shocked to see the photos of the beds used in those institutions. However, the beds were those that had always, and still were used in hospitals and psychiatric institutions, to which cotton nets had been fitted in order to prevent children jumping from their beds. When the photos

had been published, the nets had been removed immediately. Shortly afterwards, a child had jumped out of bed and had injured himself. The Government was aware that conditions in the institutions were unsatisfactory, and intended to continue its efforts to improve them, within the limits of the funds available.

16. **The Chairperson** thanked the delegation of Croatia for its detailed replies, and invited Committee members to make additional comments.

17. **Mr. Amor** congratulated the Croatian Government on its work in the area of human rights and thanked the Government for its report and its written and oral replies. With regard to implementation of article 4 of the Covenant, the State party had indicated in its replies, referring to article 17 of the Constitution, that the restrictions that could be imposed in the event of a public emergency did not concern fundamental rights. He wished to know whether there was any legislation governing states of emergency, giving effect to article 17 of the Constitution, and if so, whether the legislation specified what restrictions could be imposed, and defined their scope. He also wished to know whether any legislation existed that specifically punished propaganda for war, and the advocacy of national, racial or religious hatred, as required under article 20, paragraphs 1 and 2, of the Covenant, or whether general criminal law applied. With regard to article 18 of the Covenant, the State party had said that religious education classes were provided in schools, for two hours a day. He asked whether those classes were compulsory or whether pupils practising another religion, or no religion at all, could be exempted.

18. **Ms. Wedgwood** thanked the Croatian delegation for its comprehensive report and replies. However, her question concerning the procedure for checking a person's past history — the procedure known as lustration — had been misunderstood. She had not been referring to cases where people had been removed from office following their conviction, but to cases where people had been removed from office without proceedings having been instituted. She wished to know whether senior officials who had been found to have committed serious acts had nevertheless remained in office. With regard to the statute of limitations, her concern had not been that it was impossible for a case to be reopened, but that, once the statute of limitations had expired, even the investigation itself stopped. According to information received from an NGO, the vast majority of persons who had been prosecuted and convicted were Serbs. While she did not know if that was true, she did know that the threat of prosecution was very often used to dissuade some people in Belgrade from returning home. She wondered whether at the local level, there might be an inadvertent tendency to prosecute some groups of persons rather than others, and whether the Government had drawn up statistics with the aim of remedying any imbalance. She wished to know whether the Government had studied such statistics, whether the NGO's impression was correct, and if so, what steps would be taken as a result.

19. **Mr. O'Flaherty** thanked the delegation for the answers to his questions. If he had understood correctly, all existing constitutional ambiguities regarding the protection of human rights would be considered during the forthcoming review of the Constitution. He would welcome an assurance that all aspects still unclarified would in fact be examined. With regard to the case of the young girl who had been treated with the aim of "curing" her homosexuality, which was considered to be an illness, it was encouraging to learn that the case had been followed up. However, the mere fact that such a thing had been possible would seem to indicate the persistence of certain prejudices. He hoped that the Government would make available the necessary resources to conduct public information campaigns in order to combat homophobia and related prejudices, and to prevent such acts from reoccurring.

20. The delegation had not really answered the question concerning the segregation of Roma in schools. It had said that there were excellent programmes and policies in that

sphere, and that the Government had made the issue a priority, but the Committee wished to know whether the segregation of Roma children continued in practice.

21. With regard to children kept in caged beds, he noted that the delegation had also been shocked by the photos published; however, such a surprised reaction showed how that vulnerable group was hidden from society. The more a vulnerable group was hidden, the more the State should try to guarantee the group's fundamental rights. The Government should therefore give the matter priority in the allocation of its resources, and in its programmes.

22. **Ms. Keller** said that the information she had quoted earlier had been taken from the Human Rights Watch report of September 2006 entitled "Croatia: A Decade of Disappointment – Continuing Obstacles to the Reintegration of Serb Returnees". According to the report, while many of the incidents that had occurred in 2006 were acts of intimidation, such as insults and verbal threats, property had also been deliberately damaged, people had been beaten up and there had been racist graffiti. The report contained a list of very representative cases that the delegation might wish to read through, before explaining why those offences were considered to be minor offences.

23. With regard to the witness protection programme, she asked what specific steps were taken before, during and after a trial, and whether the programme was applied in cases other than organized crime and war crimes. She also wished to know whether special measures were planned for the protection of particularly vulnerable people such as women and children.

24. **Mr. Fathalla** asked whether a definition existed of the three cases in which a state of emergency could be declared, as described in the written reply to question 9. For example, was there a definition of the acts that constituted an "immediate threat to the independence and unity of the State", or did a list of those acts exist?

25. **Ms. Majodina** noted the progress made concerning the representation of women in senior posts in both the civil service and the private sector. However, it would be interesting to know how those changes affected women's daily lives. The delegation had said that many steps had been taken to combat domestic violence. She wished to know how many cases had been brought before a court, the number of convictions and what sentences had been handed down. She asked whether special courts heard such cases, and if not, whether there were specific chambers within the courts, in order to make access to justice easier for women victims, and whether there were State-run shelters for women who were victims of domestic violence.

26. **Mr. Turkalj** (Croatia) said that the delegation had believed that the question relating to the procedure of "lustration" referred to the action taken in some countries following the collapse of the Communist regime, and that it did not concern Croatia. He had had the opportunity, when participating in the proceedings instigated by Croatia against Serbia, to speak with Croatian victims in the Vukovar region, where the majority of people who had returned home lived; they had told him that police officers of Serbian origin were still employed in the Croatian police force. However, there had already been three changes of government since the early 1990s, and no police chiefs from that period were still in office. Some 17 years had gone by, and it was too late to embark on such a procedure.

27. **Mr. Palijaš** (Croatia) said that there was no reason to be concerned that investigations into war crimes would stop following the expiry of the statute of limitations, since it was always possible to reopen a case at any time. On that subject, Croatia had started to gather additional information and documentation, and was currently establishing its own database. That would make it possible to centralize all information relating to those cases and, where relevant, to bring court proceedings.

28. **Mr. Turkalj** (Croatia) added that the Government had been discussing the issue for two years, and had reached the conclusion that the best way to obtain objective, transparent answers was to establish a database for all acts considered to be war crimes. That initiative had become a regional undertaking, which would enable information to be exchanged between countries. Several conferences had been held, bringing together the chief prosecutors of countries in the region. With regard to the statute of limitations, Croatia had an extended network of NGOs, which examined all the cases that had not been brought before the courts. There was therefore no risk of a case being overlooked.

29. **Ms. Jakir** (Croatia) said that segregation in the school system was, of course, prohibited. However, since some Roma children did not speak Croatian, several primary schools had been obliged to set up special classes, containing no more than about 10 pupils. In those classes teachers taught Croatian, with the help of Roma assistants, and prepared those children to continue their education in the primary system, and at secondary school. The schools involved were generally local schools, in small villages with a large Roma population. For the school year 2008/09, there were Roma pupils in 944 classes in 17 districts, 877 classes of which were mixed and 67 reserved for Roma. In response to a case brought before it, the Constitutional Court had handed down a judgement authorizing those classes to be held, exceptionally, from the fifth to eighth school year, for children with insufficient knowledge of Croatian. She acknowledged that it was not an ideal solution, but said that the problem should go away with time. With regard to religious education, the State had concluded agreements with different religious communities to determine the religious education to be given in schools. Contrary to what had been stated, there were two hours of religious education every week, not every day. The classes were optional. At the start of the school year a questionnaire was sent to parents asking them whether they wished their child to attend religious education classes or not. At secondary level, religious education was replaced by ethics classes.

30. **Ms. Nola** (Croatia) said that, with regard to propaganda for war, the Constitution contained an article that, in line with the provisions of article 20 of the Covenant, prohibited any incitement to war or intolerance. Since the submission of Croatia's initial report, the Constitution and legislation had been amended, and Croatia applied the provisions of the Covenant in that regard. New classifications of offences had been introduced, such as crimes against humanity and the recruitment of mercenaries. In addition, article 244 of the Criminal Code, on discrimination, had been improved. Paragraph 3 punished incitement to war crimes, propaganda for war, incitement to racial, sexual and religious hatred, and the propagation of any idea of superiority or domination of one group over another. Paragraph 4 covered the same acts committed using computer resources, in particular the Internet. Those offences were punishable by a prison sentence of three to six years. The definition of the crime of terrorism had also been amended, and new offences such as public incitement to terrorism had been introduced, in line with the provisions adopted by the Council of Europe in order to combat terrorism. The penalties for domestic violence had been described in the written replies. Specific legislation also existed to punish acts of domestic violence by, for example, prison sentences and fines. In addition, various protection measures could be applied. That legislation was currently being amended. In 2007, some 625 people had been convicted of domestic violence, including 25 women; in 211 of those cases, a suspended sentence had been handed down. In 2008, some 676 people had been convicted, including 25 women; in 577 of those cases a suspended sentence had been handed down.

31. **The Chairperson** invited the delegation to reply to the second part of the list of issues (questions 15 to 26).

32. **Mr. Turkalj** (Croatia) said that in 2008 Croatia had adopted a protocol for the identification, assistance and protection of victims of trafficking in persons, and a

programme to combat trafficking, for the following three years, and had provided intensive training to 450 people working in that field. Also, in 2007 a campaign had been conducted with the aim of combating trafficking.

33. Improvement of the prison system had been one of the Government's priorities for three years. Steps had been taken to resolve the problem of overcrowding in prisons and to improve the administration of prisons; many prison directors had been replaced by more competent officials. The system for the enforcement of sentences had been amended in 2008, and the decision had been taken to set up a new probation system. A strategy had been drawn up, draft legislation was before parliament and a probation directorate had been set up within the Ministry of Justice.

34. Some 350,000 refugees or displaced persons had returned home and 5.3 billion euros had been invested in programmes to assist their return. The Foreigners Act had been adopted in 2007 and subsequently amended twice, bringing the Act fully into line with similar legislation in other European countries. The harmonization of legislation had been a precondition for Croatia's entry into the European Union.

35. Judicial reform was one of the Government's main priorities. The main objective of the action plan adopted in July 2008 was to improve the independence, impartiality and professionalism of the judiciary. For example, the "map of the judiciary" had been reviewed, in order to reduce the number of courts and the length of proceedings, and 10 courts had been computerized, the aim being to computerize all courts within five years. Cases were assigned randomly, in order to guarantee impartiality. New, more transparent criteria had been defined for the recruitment of judges and prosecutors. Management training had been given to judges to improve their managerial effectiveness.

36. Access to nationality was guaranteed to all on an equal footing, both by the Constitution and legislation. Special attention was paid to Roma: special teams had been set up to help them exercise their rights in that area, but also to carry out other procedures, for example residence formalities. Roma also had access to free legal aid.

37. With regard to attacks on journalists, only one case had involved a journalist investigating war crimes. In general, the authorities had always reacted immediately, and several perpetrators had already been identified, although it was true that the cases with the most media coverage had not yet been resolved.

38. **The Chairperson** thanked the delegation for its replies and invited the members of the Committee to ask questions relating to questions 15 to 26 of the list of issues.

39. **Mr. O'Flaherty** said that he would appreciate more information on trafficking in persons. He wondered, in particular, whether the State party had a policy of granting residence to victims on humanitarian grounds, and if so, whether that measure was reserved for those who cooperated with the judiciary. He also wished to know whether cooperation agreements existed with neighbouring countries, in order to combat trafficking in persons at regional level. He would also appreciate information on the effectiveness of initiatives in that area.

40. With regard to attacks on journalists, there was no denying that they were particularly frequent for a democratic country. Numerous organizations had reported that problem to the Committee, and more detailed information on the subject would be useful. It appeared, for example, that the police had not yet opened an investigation into the death threats made against Mr. Peratović. Civil society had the impression that the authorities were not doing enough; even if that were not true, the impression alone could often result in self-censorship of the press. The Government should therefore consider taking steps to improve its credibility.

41. The State party's reply concerning the promotion of the Covenant had been particularly brief. In the Committee's view, it was not enough to make relevant documents such as the text of the Covenant, the periodic reports and the concluding observations available online. The States parties must play a more active role, in order to familiarize the public with the Committee's work. Those documents should, for example, be made available in public libraries, and to the civil service at all levels, particularly the local level. In addition, they should be disseminated not only in the official languages of the country, but also in the most commonly used languages.

42. It was apparent from the written replies that only one NGO had been invited to take part in the preparation of the periodic report. However, a great many NGOs had shown interest in the consideration of the report, and in providing information to the Committee. The State party should therefore consider broadening participation in the process, drawing on the recommendations of the Human Rights Council in relation to the drafting of the reports submitted as part of the universal periodic review process.

43. **Ms. Majodina** noted that overcrowding in prisons was the main reason for the worsening of detention conditions; according to some reports, half the country's prisons exceeded their capacity by over a third. The action plan to improve the prison system, adopted in 2009, contained measures designed to improve the legislative framework for detention, renovate prisons, build new prisons and offer training to both staff and prisoners. However, no provision appeared to have been made for the specific needs of groups of prisoners deemed to be "at risk", such as those suffering from post-traumatic disorders, drug addicts or former members of the military. In addition, there were worrying reports of arbitrary and excessively severe punishment; for example, 28 non-Croatian prisoners who had been convicted of war crimes had been deprived of work, and leave privileges, simply for having complained about their detention conditions. The absence of medical care also appeared to be a serious problem, resulting in a ruling against the State party by the European Court of Human Rights in July 2009 in the case *Testa v. Croatia*.

44. The efforts made by the Government to facilitate the return of displaced persons or refugees were to be commended, but it must be borne in mind that those persons, who had been uprooted and often separated from their family, were particularly vulnerable. While considerable funds had been assigned to initiatives in that area, the measures taken mainly concerned the rebuilding of housing and infrastructure, or the return of property. However, it was also necessary to pay attention to the psychological support those people might need. Their long-term reintegration was only possible if they had confidence in themselves and in the host system, particularly if they belonged to a minority. According to information received from NGOs, there were problems with the return and resettlement of displaced persons and refugees: 60 per cent of those who had returned home had left again because of the prevailing inhospitable conditions. In addition, care should be taken to ensure that return was always voluntary. In that regard, the State party was invited to take into account the Guiding Principles on Internal Displacement. Many efforts had also been made to boost economic growth in the regions devastated by the conflict, but they continued to lag far behind the rest of the country; in some formerly prosperous rural areas, the presence of mines prevented the resumption of farming. Lastly, care should be taken to ensure that housing in temporary communal centres, which currently accommodated almost 1,000 people wishing to return, remained just that: a temporary measure. In many cases, people did not return for the simple reason that they could not afford the travel fare; it should therefore be relatively simple to help them.

45. With regard to access to nationality, the State party had only mentioned the steps taken to help Roma, but other minorities also experienced problems in that area. For example, Serbs and Montenegrins born in Kosovo found it very difficult to acquire Croatian nationality, since in order to do so, they had to renounce their original nationality

within two years, which was virtually impossible, since the Kosovo authorities did not issue the necessary documents in time. Similar problems were encountered by persons who, at the time of the former Yugoslavia, had failed to mention their Croatian nationality on their birth certificate or in other documents. While it was true that the conditions for granting nationality were established in law, it was necessary to ensure that the law was applied in keeping with the principle of non-discrimination.

46. **Ms. Keller**, referring to the amendments made to the Foreigners Act, asked whether all foreign nationals holding a temporary residence permit could apply for family reunification, or whether the measure was reserved for certain categories (written replies, para. 151). She would also appreciate further information about the granting of temporary residence “up to the end of their use of real estate” (para. 153), and the requirement of having “regular temporary residence” in Croatia in order to be granted permanent residence, for persons who had returned to Croatia within the framework of the programme for the return and accommodation of displaced persons, refugees and settled persons (para. 154). Lastly, she wished to know whether the Act contained provisions on refusal to enter or leave the country, unlawful residence, expulsion, forced displacement, and the temporary accommodation of foreign nationals in centres.

47. **Ms. Wedgwood** asked at what exact point a person suspected of having committed an offence could be assisted by a lawyer. She also wished to know more about the appointment of judges. With regard to the backlog of cases, she wondered whether the State party sometimes used non-contentious remedies to settle disputes.

48. It would be interesting to try to find out why refugees in Serbia or Hungary had not returned; their reasons could form the basis of work to draw up corresponding measures. With regard to checking the past history of police officers, it was true that many years had passed. However, even after many years, it could still be worthwhile to carry out those checks, at least in predominantly Serbian regions, since fear could be a real obstacle to the return of displaced minorities. She wished to know whether a mediator existed for minorities to enable them to put their problems directly to the Government.

49. **Mr. Bouzid** asked whether there were enough lawyers to guarantee the right to legal aid in practice.

50. **The Chairperson** invited the delegation to reply to the questions put by the Committee members.

51. **Mr. Turkalj** (Croatia) explained, with regard to legal aid, that persons were free to choose their own defence lawyer, and that all lawyers in the country were on the lists, which offered some 3,000 defence lawyers to choose from. With regard to the possible presence of former criminals in the security forces, there was a very high turnover in the police force, and none of the police chiefs in post in the 1990s were still serving.

52. A mediator for minorities was not necessary since the various services and councils specifically dealing with minorities at national and regional levels meant that there were enough bodies to deal effectively with those issues. In addition, all minorities were affiliated to a political coalition and were therefore represented in Government. The Serbian Party, for example, was very active. It was not known why some refugees had not returned, but the authorities were in contact with representatives of the Office of the United Nations High Commissioner for Refugees (UNHCR) in Serbia, and were participating in initiatives to facilitate their return. Judges were currently appointed by parliament on the proposal of the legal council of each region, but it was planned to discontinue involvement of the legislature in the process, so that judges would be elected by their peers on the basis of objective and transparent criteria. While non-contentious remedies for settling disputes were not part of Croatia’s legal culture, they had been in place for a number of years, and their use was actively encouraged.

53. **Ms. Nola** (Croatia) explained that, in accordance with legislation on the right to a defence, which had entered into force in January 2009, all accused persons had the right to choose a defence lawyer; if they did not, one was appointed for them. In addition, under the new legislation, all arrested persons were immediately informed of their rights. In response to the problem of overcrowding in prisons, the Government had taken steps to increase prison capacity; under the new Criminal Code, which was expected to be adopted early in the second half of 2010, alternatives to prison (suspended sentences, probation, alternatives to imprisonment) would be given preference, and the length of custodial sentences reduced.

54. **Mr. Katic** (Croatia) described the situation of displaced and repatriated persons. The Constitution guaranteed all persons equal access to nationality, which was granted under the conditions laid down in the 1991 Croatian Nationality Act. It was true that some citizens of Kosovo, which at that time had been part of Serbia and Montenegro, had experienced problems when trying to renounce their citizenship, although they met all the conditions for Croatian citizenship. Croatia had given them two years to show that they had renounced their citizenship, and when the authorities of Serbia and Montenegro had made things even more difficult, had granted them Croatian nationality without them having to renounce their former citizenship. The fast-track procedure for acquiring citizenship required documents, a statement, and proof; in most cases, the applicant was asked to make a written statement that he or she belonged to the nation of Croatia. If nationality could not be acquired through that procedure, an application could be made by providing proof of an uninterrupted stay of at least five years in Croatia. In the previous five years some 1.5 million people had been granted Croatian nationality. That was a particularly high figure given that the total population of the country was 4.5 million. The Ministry of the Interior was committed to facilitating the procedures for Roma wishing to acquire Croatian nationality, who often had little education, and could not prove that they were able to support themselves. The Foreigners Act, which had entered into force on 21 March 2009, established the conditions for acquiring nationality on the basis of family reunification, and provided for the granting of a temporary residence permit to people living in Croatia because of their work, studies, or medical treatment, for example. Humanitarian reasons were also taken into account: victims of trafficking in persons could be granted a temporary two-year residence permit, provided that they took part in a legal protection and assistance programme. There were currently 21 people in that situation. Refugees and persons returning to Croatia under a repatriation programme could be granted temporary residence without having to prove that they could support themselves, or that they own property. Nationals of European Union States were granted a temporary one-year residence permit if they owned property in Croatia and could prove that they had health insurance and could support themselves; for nationals of non-European Union States, the period was six months. Croatia paid particular attention to the situation of minors, and had amended its legislation in order to make special arrangements for them, in accordance with the provisions of the Schengen agreements. The rules covering the expulsion of foreigners had also been amended; an expulsion order was issued only if the person in question had committed an offence and had been sentenced to more than one year's prison or had committed, in the three months prior to the expulsion order, a crime for which a prison sentence of over three years had been handed down.

55. **Mr. Maderić** (Croatia) said that there was a specific act and a central body to combat discrimination. Since the entry into force of the act in question, 117 complaints had been lodged concerning acts of discrimination. Shelters for victims of domestic violence and members of their family were funded by the State and managed by NGOs. Efforts to combat trafficking in persons could be effective only if all the States concerned addressed the problem and cooperated. Croatia was taking part in several transnational projects and initiatives, both at the regional level, in order to harmonize preventive mechanisms and organize cooperation between States, and in conjunction with intergovernmental

organizations. It was always difficult to assess one's own efforts, but it was true to say that Croatia was very active in combating organized crime and trafficking in persons. Indeed, according to a report by the State Department of the United States of America, Croatia was one of the 27 countries most active in combating trafficking in persons.

56. **Mr. Kukavica** (Croatia) said, in reply to the question about journalists who were attacked, received death threats or were intimidated in other ways, that in the previous 16 years there had been 40 recorded cases of journalists being threatened, attacked, or killed (in other words just under three a year). Croatia appreciated that such attacks gravely undermined freedom of expression and posed major security risks; it was determined to punish them and had considerably stepped up policing. In six cases, the acts had been classified as minor offences, and some cases had been closed. In 36 cases the perpetrators had been identified, and sentences had been handed down against 20 people. The most serious case was that of the journalist Ivo Pukanic and his colleague, who had both been killed by a car bomb in Zagreb in October 2008. Thanks to effective cooperation between the police forces in the region, the perpetrators — who were nationals of Bosnia and Herzegovina, Serbia and Croatia — had been found. The case was an excellent example of police cooperation in the three countries. Not all the cases of threats and attacks against journalists had yet been resolved.

57. **Ms. Radić** (Croatia) said that she would reply to questions on the return of refugees and displaced persons, an area in which Croatia had considerable experience. In the early 1990s it had received over half a million refugees and displaced persons and had cooperated extensively with the Office of the United Nations High Commissioner for Refugees (UNHCR), whose offices had been set up in the premises of the national Government. Assistance with the rebuilding of housing was currently being provided to 2,000 people, who would be able to return home as a result. Some 200 people, most of whom were Bosnian refugees, disabled or elderly, were cared for in two institutions. In 1997, Croatia had started to rebuild housing, hospitals and schools and to repair the electricity network. The country had subsequently invested over 700 million euros, not only for the reconstruction of public infrastructure, but also for its modernization, particularly in the least developed regions in the country. The areas affected by the conflict benefited from special tax incentives, and were mostly populated by Serbian and Croatian repatriates. With regard to people who had definitively moved to Serbia, the reasons for their decision had been studied. They included not wanting to move yet again, and wanting to live close to where their children went to school. Often, families owned an apartment or house in Croatia, and visited there, while living mainly in Serbia.

58. **Mr. Turkalj** (Croatia) said that the Government would publicize the Committee's observations and recommendations, including via the Internet, and through the network of public libraries, and promote dialogue on that subject with the relevant NGOs, with which it would cooperate when drawing up the next report. The Government would be sure to engage in a dialogue with representatives of minorities, in order to determine how best to disseminate information in the main languages spoken in Croatia.

59. **Mr. Sočanac** (Croatia) said that in 2010 Croatia would be examined under the Human Rights Council universal periodic review process. All national stakeholders would shortly be called on to cooperate in the preparation of the national report.

60. **Mr. Turkalj** (Croatia) said that all the unanswered questions would be dealt with in writing. The preparation of the report and the additional replies had provided an opportunity to review the past decade; considerable progress had clearly been made in those 10 years, following the difficult period the country had experienced. It was now possible to turn to questions such as tolerance and gender equality. On behalf of his delegation, he thanked the Committee for its work and said that he remained at the Committee's disposal if it required any further information.

61. **The Chairperson** thanked the delegation for its cooperation and said that he hoped that the constructive dialogue that had taken place, together with the Committee's concluding observations that would be published at the end of the session, would help Croatia to continue to make progress.

62. *The delegation of Croatia withdrew.*

The meeting rose at 1.05 p.m.