



**International Convention on
the Elimination of All Forms
of Racial Discrimination**

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Summary record of the 1921st meeting

Held at the Palais Wilson, Geneva, on Friday, 27 February 2009, at 10 a.m.

Chairperson: Ms. Dah

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The meeting was called to order at 10.15 a.m.

Consideration of reports, comments and information submitted by States parties under article 9 of the Convention (*continued*)

Sixth, seventh and eighth periodic reports of Croatia (continued) (CERD/C/HRV/8; HRI/CORE/1/Add.32; list of issues and written replies, documents without symbols, distributed in the meeting room in English only).

1. *At the invitation of the Chairperson, the members of the delegation of Croatia resumed their places at the Committee table.*
2. **Ms. Klajner** (Croatia) said that national minority councils were elected by national minorities by universal suffrage and did not need to be registered by any public agency or the Office for National Minorities. Article 25 of the Constitutional Act on the Rights of National Minorities stipulated that national minority councils were not-for-profit organizations, which acquired that status only when they had been entered into the National Minorities Register maintained by the Ministry in charge of general administrative affairs. Croatia had 217 national minority councils, 30 of which had not yet been entered into the National Register, either because they had not obtained the necessary quorum to be constituted or because they had failed to elect a chairperson.
3. **Ms. Radic** (Croatia) said that Croatia had 22 national minorities, accounting for 5.7 per cent of the population, and that the Constitutional Act on the Rights of National Minorities guaranteed Croatian national minorities the right to be represented in Parliament, local and regional institutions and the public service.
4. The National Programme for the Roma, adopted by the Government in 2003, had produced remarkable results in all areas and had, in particular, enabled Roma who were not nationals of the former Yugoslavia to receive free legal assistance in order to obtain Croatian nationality. To date, virtually all citizenship issues had been resolved.
5. In view of the fact that Roma living in Croatia were from different European countries and often spoke different dialects, the Croatian Government had introduced three programmes for learning Croatian aimed specifically at Roma. Those programmes had made it possible to double the number of Roma children enrolled in preschool education programmes and to quadruple the number of Roma children enrolled in primary schools. Roma students in secondary and higher education also received State scholarships. Currently more than 5,000 Roma were enrolled in educational establishments in Croatia.
6. The Roma faced housing rather than employment problems. As part of the Action Plan for the Decade of Roma Inclusion 2005–2015, the Croatian Government had implemented several regional urban development plans in areas with predominantly Roma populations in order to bring public services to homes. Several of those programmes had been funded by the European Commission. The Government attached great importance to promoting Roma culture, which was an important vehicle of communication for Roma communities, as shown by the 1 million euros in funding that had been allocated for Roma cultural activities since 2004. In December 2008, the Ministry of Education had also funded the publication of two Roma dictionaries to enable members of that community to overcome language barriers and standardize dialects. Literacy programmes for adult Roma had also been organized. All national minorities could have instruction in their mother tongue but they must, in all cases, pursue compulsory education in Croatian at the same time.
7. As of 2009, national minority councils would receive 100,000 euros from the national budget to run cooperation programmes with Roma communities. The Government

had also decided to allocate 400,000 euros in 2009 to 14 Roma information centres located throughout Croatia.

8. A major international seminar had been organized on cross-border cooperation for national minorities in September 2008 and a European seminar on intercultural dialogue would be held in September 2009.

9. Regarding the 154 children of Roma origin and Croatian nationality enrolled in special institutions, the Constitutional Court, to which the case had been referred, had not concluded that the complainants' rights had been violated, a decision which had been confirmed by the European Court of Human Rights on 17 July 2008.

10. **Mr. Katic** (Croatia) explained that persons living on Croatian territory before 8 October 1991, the date of Croatian independence, had been awarded Croatian citizenship. The conditions for obtaining Croatian nationality were similar to those in force in other European countries, namely, knowledge of the official national language and respect for the Croatian constitutional order. Croatia also required a declaration of renunciation of nationality of origin from applicants for naturalization because it did not recognize dual nationality. Croatia had received 1.1 million applications for naturalization since 2000.

11. Regarding loss of Croatian nationality, it could actually be withdrawn only at the request of the person who had acquired it. Most Roma living in Croatia before 1991 had Croatian nationality and virtually all Roma currently living in the country had acquired it. In some major urban areas, such as Zagreb, Roma who had emigrated from Serbia or Kosovo found it difficult to secure naturalization because they had no official documents certifying their place and date of birth. For that reason, the Croatian Government had, since 2003, been implementing a programme to help Roma complete naturalization applications. Since 2003, mobile teams had been covering the entire country and working with social workers and local and regional representatives of the Ministry of the Interior to help Roma and other members of national minorities with the required procedures. Thanks to that measure, most of the problems faced by the Bosnian Roma minority, with the highest level of social integration, had been resolved.

12. Persons of Bosnian origin had no difficulty in acquiring Croatian nationality and were the most integrated national minority in the country. Some 1,000 had not been able to acquire Croatian nationality because they had obtained temporary protection of the State as refugees in 1991–1993 and the issue of changing their status had still not been settled. The Croatian Government had introduced a bill to amend the Aliens Act, which stipulated that persons with refugee status who had been living in Croatia for 10 years could acquire Croatian nationality provided that they renounced the nationality of their country of origin.

13. **Mr. Turkalj** (Croatia) said, that under article 333 of the Criminal Code, persons who associated with others with a view to committing a racially motivated offence were liable to imprisonment for a term of 6 months to 5 years. He recognized that some articles of the Criminal Code and other legal texts overlapped, especially in the area of combating discrimination. In order to address that situation, a working group had been established to prepare a new Criminal Code.

14. Croatia was aware of the need to provide training in combating racial discrimination for members of the judiciary. To that end, since 2008 the curriculum of the Judicial Training College had included several teaching modules on the fight against discrimination, the European Convention on Human Rights, gender equality and domestic violence.

15. There were, indeed, a number of judicial cases alleging segregation of Roma but, as they were sub judice, he could not comment on them.

16. **Mr. Katic** (Croatia) said that the 20 regional police stations had received instructions on how to deal with racist crimes and offences. Police officers were required to

gather information on extremist groups, especially the names of their members, their ideology and their symbols. All information was subsequently transmitted to the central police authorities in Zagreb.

17. In addition, 28 police officers had been trained to instruct their colleagues in prevention of racism and racial discrimination. There were plans to incorporate teaching modules on combating racial discrimination into the police training college curriculum.

18. Racist crimes and offences reported to the police in 2007 had numbered 47. The perpetrators had been identified and prosecuted in 34 cases. In general, the police made every effort to prevent that type of crime and to identify the perpetrators. In the majority of cases, offences had not been committed by the extreme right but often by youths under the influence of alcohol.

19. **Mr. Socanac** (Croatia) said that the Constitutional Act on the Rights of National Minorities had significantly improved the rights and status of national minorities in Croatia. With respect to the Serbian minority, the ruling political party had formed a coalition with the Serbian party. Furthermore, some senior Government officials were from the Serbian minority. At the local level, many municipalities were led by a coalition of Croatians and Serbians.

20. **Ms. Siklic-Odac** (Croatia) said that her country had transposed all the European directives on employment of national minorities into national legislation. Members of national minorities were of course allowed to work in the civil service. A certain number of posts were reserved for them every year. The situation regarding employment of national minorities in the civil service had improved considerably since 2007. Out of a total of 50,000 public officials, 2,216 were from minorities. The Ministry of the Civil Service published an annual report on employment of national minorities in the civil service. In order to increase access of national minorities to the civil service, the website of the Central State Office for Administration listed all job vacancies and relevant legislation on employment in the public service. Public employment selection committees included a representative from the Central State Office for Administration, who was responsible for monitoring the transparency of the selection process and ensuring that members of national minorities were not discriminated against in any way.

21. **Mr. Maderic** (Croatia) said that national minority councils were tasked with monitoring the situation of national minorities in the counties and proposing measures to county parliaments to improve the situation of minorities' basic rights. They were also organizing workshops and seminars on the problems of national minorities.

22. The media in Croatia were free and independent. The State exerted no influence or pressure. Any person who considered himself or herself to be a victim of racist or discriminatory comments could file a complaint with the national media organization, which determined the sanctions, including fines or prosecution in the most serious cases.

23. **Ms. Simonovic Einwalter** (Croatia) said that the Office of the Ombudsman had been established in 1992 and had acquired the status of national human rights institution in 2008. With the entry into force of the Anti-Discrimination Act on 1 January 2009, the Office of the Ombudsman had become the main Government body responsible for the elimination of discrimination in Croatia and had been granted new powers: it could now receive complaints from all natural and legal persons in Croatia and could undertake mediation, research and public information activities. It reported to Parliament.

24. The Office of the Ombudsman had observed a genuine political will on the part of the Government no longer to tolerate discriminatory acts and practices. However, it was short of funds and would need additional resources to strengthen its capacities and to enforce the Anti-Discrimination Act.

25. **Mr. Lahiri** asked why Roma preferred to remain on the margins of society and not, for example, register their civil status, even though they would then be eligible for scholarships and other benefits of affirmative action. He wondered whether stigmatization was so strong that Roma had given up the will to integrate into Croatian society. Referring to continuing incidents and tensions between Croatian and Serbian communities, he would like to know whether the fact that cases relating to the war that had raged before 1995 were still before the courts was not a real obstacle to reconciliation between communities.

26. **Mr. Avtonomov**, drawing the delegation's attention to general recommendation No. 27 on discrimination against Roma and general recommendation No. 31 on the prevention of racial discrimination in the administration and functioning of the criminal justice system, asked what proportion of the prison population was Roma. He wished to know why Roma often registered as unemployed at the age of 15 (CERD/C/HRV/8, para. 169) and whether the Government had taken measures to enable those young people to study or receive some sort of training. He was surprised at the small percentage of girls completing elementary school and at the fact that they generally left school at the age of 12 but still accounted for two thirds of Roma students in higher education (para. 198). He asked the delegation to comment on that paradox.

27. He would like to know why the interesting initiative described in paragraph 172 of the report, which had apparently produced encouraging results regarding vocational integration of Roma, had not been implemented nationwide. He would also like to know whether access by Roma to education in their language was guaranteed throughout the country and whether certain national minorities made use of their right to request that their children should receive education in their language. If not, the delegation might perhaps explain why those minorities waived that right.

28. Lastly, he asked whether 65 per cent of refugees who had returned home after the war had in fact subsequently left again. If so, he would like to know why they had declined to return to their homes, whether they had left the country and whether everyone who had found refuge abroad had returned to Croatia after the war, and if not, why not.

29. **Mr. Thornberry** noted that, according to paragraph 218 of the report, problems of school enrolment of Roma children were due in particular to parental attitudes. He would therefore like to know whether there were institutions or persons in the State party that acted as mediator between Roma families and the administration.

30. Noting the State party's statement in paragraph 213 that it was still too soon to speak of schooling in a unified Roma language, he wondered whether linguists had already started work on standardizing written Roma, harmonizing the vocabulary, compiling a Roma grammar and Roma dictionaries, and publishing Roma textbooks. He also wished to know the spirit in which national history was taught in the State party and whether the goal was to promote national reconciliation. Lastly, he would like the delegation to comment on the statement in paragraph 199 of the report that approximately 21 per cent of Croatia's population lacked education.

31. **Mr. Prosper** said that he wished to convey to the Croatian delegation his concerns about the situation in a neighbouring country, Bosnia and Herzegovina. Tensions between minorities were high and might lead to the secession of one of the two constituent entities, the Republika Srpska, which could have disastrous consequences for Croatia and the whole region, where inter-ethnic violence could break out again. The State party would then be obliged to intervene in its territory and beyond its borders. He would like the delegation to convey his concerns to the State party and called upon it to take measures to prevent further unrest in the region.

32. **Mr. de Gouttes** said he fully supported the previous speaker's comments and understood that the Committee as a whole also endorsed them. He would like to know

whether the fact that Croatia had begun the European Union accession process had helped strengthen human rights protection and the rule of law in the country. He also enquired about the progress of prosecutions for war crimes and crimes against humanity which had been initiated by International Criminal Tribunal for the former Yugoslavia and the national courts.

33. **Mr. Lindgren Alves** recalled that the Committee attached great importance to the fact that an individual's membership of a given minority must be established by the interested party and not by another person and noted that in the case of the State party only 9,000 persons self-identified as Roma, but that in fact some 30,000 persons were reported to be members of that minority. Even if that discrepancy was probably due to some Roma choosing to conceal their ethnic origin on account of continuing prejudice against that minority, he wondered whether the difference between the figures could be due to the fact that some members of the Roma minority were totally assimilated. If so, there would not necessarily be any reason to believe that discrimination was behind the refusal to self-identify as Roma.

34. Regarding the status of persons belonging to the Croatian minority in another country in the region, did the State party consider a Croat from Bosnia and Herzegovina to be a Bosniak or a Croat? The delegation might wish to indicate what importance the Croatian authorities attached to political directives given to national minorities by their country of origin: for example, when Hungary gave instructions to the Hungarian minority in Croatia. Lastly, he would like the delegation to state whether there were political parties based on national origin in Croatia.

35. **Mr. Peter** said he was concerned to read in paragraphs 126 and 127 of the report that early marriages and underage pregnancies were common among Roma girls, which indicated that they suffered double or even triple discrimination: on grounds of sex, age and ethnic origin. He hoped that in its next periodic report the State party would provide information on measures taken to solve that problem.

36. **Mr. Cali Tzay** said that he was also concerned at the fact, acknowledged by Croatia in paragraph 126 of the report, that there was a direct link between the number of early marriages and pregnancies among Roma girls and numerous related problems, including panhandling. It would be interesting to know whether non-Roma minors who had a child at a young age faced the same problems. It would also be desirable if the State party could indicate in its next periodic report the budget allocated to the Office of the Ombudsman, which, as its representative had indicated to the Committee, was unable to carry out all its duties owing to a lack of resources.

37. Regarding the considerable discrepancy between official statistics and unofficial estimates of the number of members of the Roma minority in the State party, he would like to know whether Roma who did not identify themselves as belonging to that minority concealed their ethnic origin out of fear of prejudice. If so, it would mean that levels of discrimination towards Roma were extremely high in the State party and that it should carry out an in-depth study of the matter.

38. **Mr. Lahiri** said that the Committee should not be pronouncing itself on the current situation in Bosnia and Herzegovina.

39. **Mr. Turkalj** (Croatia) said that acts of violence between ethnic Croats and those of Serb origin had been rare over the previous two years and had generally been committed by young people.

40. He recalled that Croatia had contributed to the establishment of the International Criminal Tribunal for the former Yugoslavia and that it was committed to cooperating with that international body to ensure that those persons responsible for war crimes and crimes

against humanity were punished. In that regard, the Public Attorney's Office had made it a priority to review all past judgements handed down in absentia and had subsequently decided to reopen 86 cases. That Office had also re-examined each of the 700 cases relating to war crimes committed on Croatian territory in which no criminal conviction had been imposed on the perpetrators, regardless of the victims' ethnic origin. The police and the Public Attorney's Office had separately developed action plans to gather, during the first half of 2009, new evidence to ensure that the perpetrators of those reprehensible acts were prosecuted and convicted.

41. The European Union accession process had forced Croatia to review and amend its legislation in order to bring it into line with European Union requirements. It had enabled Croatia to tackle those problems which in other circumstances would have perhaps remained on the back burner, and had, in particular, encouraged it to examine its past in order to close all files as soon as possible.

42. In a number of respects, the process under way had had a positive impact on the human rights situation. Several legal instruments had been adopted in 2008, such as the Free Legal Assistance Act, the Anti-Discrimination Act and the action plan to enforce all the provisions of the Constitutional Act on the Rights of National Minorities. Those instruments had been drawn up in consultation with representatives of Croatia's minorities. Significant progress had been made on the return of persons who had fled the country during the conflict.

43. **Ms. Klajner** (Croatia) said that the Roma issue was a key component in the fight against discrimination. The National Programme for the Roma had been launched in 2004 and the next population census, planned for 2011, would serve to assess whether more Roma self-declared as belonging to that minority. The number of Roma had already increased between the 2001 census — in which 6,000 persons self-identified as members of that ethnic group — and the 2004 census, in which 9,000 inhabitants had declared their membership. The fact was that by registering as such on the electoral rolls, Roma could elect their representative in Parliament and in the local and regional Roma councils. In any event, the Croatian Government had already implemented a policy that included funding for activities to promote that group's culture and traditions.

44. Since the end of the war, the Croatian Government had done much to promote the reintegration of members of the Serbian national minority. In the city of Vukovar, for example, which had been completely destroyed during the conflict, 1 million euros had been allocated to a Serbian association endeavouring to improve the situation of that community, including by providing free legal assistance and psychological care for those who needed it.

45. National minorities were entitled to establish their own political parties. They included the Serbian political party, which held three seats in Parliament. The Roma had also founded a party, but had won too few votes to elect a member of the national Parliament or a representative in local institutions.

46. As part of a project financed by funds from the European Commission Phare 2005 programme, Roma assistants were acting as mediators in elementary schools to facilitate the integration of children from that community in the Croatian school system. Training had been provided for 24 such assistants by teachers from a Finnish university with funding from the Ministry of Science, Education and Sports. The Roma assistants played a very important role in helping Roma children to do their homework and discouraging parents from withdrawing them from the school system, thereby preventing school dropout. In combating that phenomenon, they were also addressing early marriages and underage pregnancies, because traditionally, in some parts of the country, Roma girls married and had children in order to live on social assistance. Family planning centres had therefore

been established in two counties and would be introduced nationwide in the near future. Mediators had also been introduced into the health sector to help parents control conception and look after their children, in particular by teaching them disease prevention.

47. Under new rules, those persons who had dropped out of school before completing the eight-year first education cycle were now regarded as illiterate, which accounted for the fact that the illiteracy rate had reached 21 per cent. It could therefore be assumed that so-called illiterates were mostly older persons who had not completed their studies, which did not mean that they could not read or write.

48. There were several Roma languages because members of that community were from different tribes and countries, including Romania, Kosovo, Serbia, and Bosnia and Herzegovina. Linguists from the different communities were currently working on written codification of those languages and preparing school textbooks and a dictionary.

49. Members of ethnic minorities were taught either entirely in their mother tongue (as was currently the case for 10,000 Roma children) or half in their mother tongue and half in the national language. Summer and winter school programmes had been established to facilitate the enrolment of children from nomadic groups, and only eight Roma pupils of the same level were needed in order to set up a class.

50. Croatia supported the principle of cross-border cooperation for the protection of national minorities. To that end, it had concluded bilateral agreements to expand that cooperation with, in particular, Italy, Hungary, Macedonia, and Serbia and Montenegro, and was about to renew its agreements with Serbia and with Montenegro separately.

51. An action plan had been developed to ensure implementation of the Constitutional Act on the Rights of National Minorities, which placed particular emphasis on teaching the history and culture of national minorities and on human rights education.

52. Concerning Roma employment, meetings were organized among Roma communities to emphasize the need for training in order to find work more easily. Furthermore, refresher programmes were provided for members of those communities and many measures had been taken to help them.

53. **Ms. Radic** (Croatia) said that she did not know the Committee's sources of statistical data on members of the Serbian minority who had taken refuge in neighbouring countries and had returned to Croatia since the end of the conflict, but, according to information available to her, the number was 130,000. They lived in Croatia for most of the year but returned to Serbia during the summer or winter to rejoin their children, who were generally settled there. It was probably ignorance of that fact that caused the statistics to be interpreted as indicating that 65 per cent of Serbs who had returned to the country left again, which was not the case. As to why more members of the Serbian minority were not returning to Croatia, the Serbian authorities were doing all they could to discourage them, while those who had actually returned to Croatia had few or no complaints about their living conditions in the country. She could not recall any instance of an incident motivated by ethnic hatred in the previous year and the last act of discrimination on grounds of ethnic origin dated back several years.

54. **Mr. Katic** (Croatia) said that all persons of Croatian origin living abroad were entitled to Croatian citizenship, even if those origins dated back several generations. Those living in one of the countries of the former Yugoslavia could apply for Croatian nationality provided that they were able to prove that they were ethnic Croats. The number of applications for citizenship was high because Croatian passport holders were allowed into most European countries, which explained the enormous pressure on the competent department.

55. **Mr. Maderic** (Croatia) said that students who so wished could take optional courses in human rights education, in both primary and lower secondary school. The budget of the Office of the Ombudsman had not been increased on account of the recession, which was also affecting Croatia. He did not know how many members of national minorities were in prison but the authorities would provide the Committee with further written information on the subject.

56. **Mr. Diaconu**, Country Rapporteur, acknowledged that the data available to the Committee — dating mostly from 2004 and 2006 — were obsolete, which was regrettable in a fast-changing national context. The issues that would be covered in the concluding observations the Committee would make following consideration of the State party's sixth to eighth periodic reports would include the issue of former refugees who had returned to Croatia, the granting of Croatian citizenship on an equal basis – irrespective of the ethnicity of the applicant, mother-tongue education and the fight against racially-motivated acts of violence and intolerance. Particular focus would undoubtedly be placed on the need for the State party to take measures to promote the Roma and to ensure that public bodies and local businesses effectively implemented the Convention and relevant Government policy. Reference would also be made to the Criminal Code, which it would be appropriate to amend and bring into line with article 4 of the Convention in particular.

57. Lastly, the Committee could encourage the State party to continue along the path it had taken, despite current events in neighbouring countries.

58. **The Chairperson** welcomed the quality of the discussion with the Croatian delegation and noted that, given its own mandate and the history of genocide in the region, the Committee could not fail to address the issue of political developments there. She therefore notified the delegation that the concluding observations would refer to the geopolitical situation in the former Yugoslavia and asked Croatia not to take that as an attack against it.

The meeting rose at 1.05 p.m.