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Responses to Information Requests

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15 July 2015

HRV105202.E

Croatia: Treatment of minority groups, including Roma, Serbs, Bosnians, and Romanians; state protection available in cases of violence and discrimination, including legislation (2012-June 2015)

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1. General Treatment of Minorities

Sources report that the Croatian Constitution recognizes 22 national minorities (Croatia 9 Feb. 2015, para. 77; Council of Europe 25 Sept. 2012, 31) including Serbs, Bosnians, Roma and Romanians (ibid.). Serbs form the largest ethnic minority group in the country (SNC May 2015, 6; US 25 June 2015, 20). Sources report that Serbs make up about four percent of the population (US 25 June 2015, 20; Croatia Feb. 2015, 18), and Roma make up about 0.4 percent of the population (ibid.). The US Department of State's *Country Reports on Human Rights Practices for 2014* states that 16,974 people declared themselves to be Roma in a 2011 census; however, official and NGO estimates state that the Roma population is higher than reported, ranging from 30,000 to 40,000 people (25 June 2015, 21).

The Croatian Ombudsman, the "central institution for combating discrimination," submitted a report to the UN Human Rights Committee in February 2015, stating that the most widespread form of discrimination in Croatia is on grounds of "race, ethnicity origin or skin colour and national belonging" (Croatia Feb. 2015, 2, 5). An article investigating racism against minorities in Croatia published by the English-language journal, *The Vienna Review*, similarly reports that the most widespread form of prejudice in Croatia is ethnic and religious discrimination (18 June 2012). A news report published by the European network of legal experts in gender equality and non-discrimination, a network financed by the European Union (EU) to provide "independent advice" to the EU on all the grounds of discrimination covered by EU directives (European Network n.d.), reports on the 2014 annual findings of the Ombudswoman in Croatia, and noted that she received 263 complaints of discrimination on a variety of different grounds (race/ethnicity, age, religion, among others) (ibid. 8 May 2015). Of the 263 complaints received in 2014, 49 complaints (18.6 percent) were made about discrimination on grounds related to race, ethnicity, [skin] colour and/or national origin (ibid.). Across all types of discrimination, most complaints were regarding discrimination in employment (130 complaints or about 49 percent) (European Network 8 May 2015). In most cases the discrimination complained about was the result of "the acts of state administration, local and regional authorities as well as by legal entities with public authorities" (ibid.). In 2014, the Ombudswoman "decided on" 139 complaints, and found discrimination in 35 cases

(ibid.).

Freedom House's 2014 report on Croatia indicates that "respect for minority rights in Croatia has improved over the past decade" with the enactment of anti-discrimination and hate-crime legislation, though Serbs and Roma reportedly experienced problems (2014). *Country Reports 2014* states that despite constitutional protections against discrimination for all minorities, "some discrimination continued against Serbs and Roma," remarking that discrimination and violence against ethnic minorities, particularly against these two groups, is the "most important" human rights problem in Croatia (25 June 2015, 20). Sources report that there has been escalating intolerance towards ethnic minorities in Croatian society (HINA 14 May 2015; Legal Advisor 3 June 2015) in the last several years (ibid.). According to the Croatian news agency HINA, in May 2015, MPs representing ethnic minorities in the Croatian Parliament signed a declaration against intolerance; the document reportedly states that "a lot of members of ethnic minorities feel increasingly insecure and ill at ease" (HINA 14 May 2015).

1.1 Hate Speech and Media

Sources report instances of hate speech by public figures in Croatia directed towards Serbs (US 27 Feb. 2014, 22; CWWPP 3 June 2015) in 2013 (US 27 Feb. 2014, 22). Sources also indicate that hate speech takes place at sporting events (*Balkan Insight* 21 Mar. 2012; SNC May 2015, 15; US 27 Feb. 2014, 22). *Country Reports 2013* stated that hate speech directed at Roma and other minorities occurred at several soccer matches during the year (ibid.). Hate speech toward minorities has also been present in public media (Croatia 31 Mar. 2014, 27; SNC May 2015, 15) and social media (Croatia 31 Mar. 2014, 27). In correspondence with the Research Directorate, the Head of Mission for the Coalition for Work with Psychotrauma and Peace (CWWPP), a Vukovar-based organization that works in eastern Croatia on non-violent conflict resolution and reconciliation (CWWPP n.d.), stated that "an extreme ideology" can be found in the media and that there are [web] portals, magazines and television shows "whose leaders consciously violate laws" and whose behaviour "not only has elements of hate speech, but serious crimes" (ibid. 3 June 2015). *Country Reports 2014* states that there was a "decline" in hate speech cases reported by police compared to previous years, and that during the year police reported 13 cases of hate speech, of which 8 were by unknown perpetrators, while 6 additional cases were referred for investigation into whether a hate crime had occurred (US 25 June 2015, 8).

1.2 Political Representation of Minorities

National minorities are "guaranteed the right to representation in the Croatian Parliament" (Croatia 9 Feb. 2015, para. 79). Sources indicate that there are 8 parliamentary seats reserved for minority representatives; the law reserves 3 seats for Serb representatives (Croatia 9 Feb. 2015, para. 79; US 25 June 2015, 12-13), and 5 seats for the 21 other recognized national minority groups, within the 151-seat Parliament (ibid.). *Country Reports 2014* notes that the government included "a number of ethnic Serb ministers, including deputy prime ministers" (US 25 June 2015, 13). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

Sources report that members of national minority groups are underrepresented in employment within Croatia's public administration, judicial bodies (Council of Europe 25 Sept. 2012, 7; Croatia Feb. 2015, 18) and "bodies of local and regional self-government units" (ibid.). The February 2015 report of the Ombudsman indicates that the representation of minority members in the civil service as of 31 December 2013 was 3.51 percent of the employees (Croatia Feb. 2015, 18). The same source further notes that:

The total number of Serbs in state administration bodies is 2.38 [percent], while there is only 0.01 [percent] Roma. On 31 December 2013, administrative bodies of local and regional self-government units employed 4.27 [percent] members of one of 22 national minorities, of which 2.37 [percent] Serbs and 0.03 [percent] Roma. (Croatia Feb. 2015, 18)

A 25 September 2012 monitoring report on Croatia by the European Commission against Racism and Intolerance (ECRI), an independent human rights monitoring body of the Council of Europe, stated that the "low number of Serbs in the police at the local level is of particular concern" (Council of Europe 25 Sept. 2012, 5, 7). Furthermore, the Serb National Council (SNC), an "elected political, advisory and coordination entity that operates as a self-government of Serbs" in Croatia, focusing on Serb "human, civil and ethnic rights," conducted an analysis of employment and proportionate representation of Serbs in the state administration, police, and judiciary between 2008-2013 (SNC May 2015, 3, 29). The SNC found that "proportionate" representation of national minorities in employment in the state administration and judiciary is legally guaranteed, but is "still not realized" (SNC May 2015,

29). The SNC stated that, based on their analysis of data on minorities employed by the state, [o]ver the past five-six years, almost exclusively negative trends were registered, i.e. moderate to significant reduction of the already achieved levels of representation [of minorities and Serbs in the state administration]. There is no progress, and special, "positive" measures and policies in favour of national minorities, turned out to be extremely inefficient, inadequate and with questionable justification. (SNC May 2015, 29)

The same source further indicates that at the beginning of 2013, the police force was comprised of 4.72 percent minorities, with Serbs representing 3.13 percent in 2008, dropping to 2.86 percent in 2013 (SNC May 2015, 34). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

2. Treatment of Roma

2.1 Incidents of Violence

Sources report that there have been instances of violence against Roma in 2013 (ENAR 2014, 30; OSCE n.d.). According to information on the "hate crime reporting" website of the Organization for Security and Co-operation in Europe (OSCE), in 2013, Croatian police recorded "hate crimes" against Roma: two physical assaults against Roma and one case of incitement to violence against Roma (OSCE n.d.). Further information on incidents of violence could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

2.2 Discrimination

Sources report that Roma in Croatia experience harassment, discrimination (Human Rights Watch 2015; US 27 Feb. 2014, 22-23), and societal violence, which were reported to be a problem (ibid.). The 2015 Ombudsman's report describes Roma as the "most discriminated group in Croatia (Croatia Feb. 2015, 5). According to AI, Roma women and Roma in rural areas are "particularly disadvantaged" (AI 2015, 122). The February 2015 report of the Ombudsman states that Roma and Serb minorities are "particularly exposed to discrimination, explaining that both groups are socially and economically excluded and live in "extreme" poverty (Croatia Feb. 2015, 5). The Ombudsman notes that many have not finished elementary school, do not have access to health care insurance and live in illegal settlements (Croatia Feb. 2015, 5). *Country Reports 2013* notes that Roma faced "widespread discriminatory obstacles, including in citizenship, documentation, education, employment, and language" (US 27 Feb. 2014, 23). The Croatian news agency HINA interviewed a Roma minority member of the Croatian Parliament who gave the opinion that over the past three and a half years, "small" improvements for Roma occurred in the areas of employment, health care and housing; however, the situation regarding social benefits "was very difficult," in his view (HINA 8 Apr. 2015).

2.3 Access to Services

Sources report that Roma often live in illegal segregated settlements (AI 2015, 122; Council of Europe 25 Sept. 2012, 34; Legal Advisor 3 June 2015) in rural areas (ibid.). Amnesty International's (AI) 2014/15 annual report states that Roma in Croatia "continued to live in segregated settlements without security of tenure" (AI 2015, 122). As a result of living in segregated settlements, sources indicate that Roma lack access to services (Council of Europe 25 Sept. 2012, 34; Legal Advisor 3 June 2015), such as garbage collection and telephone lines (Council of Europe 25 Sept. 2012, 34). Sources also report that Roma are frequently denied access to basic public utilities, including electricity and running water (Council of Europe 25 Sept. 2012, 34; AI 2015, 122), and sanitation and transport facilities (AI 2015, 122).

Some Roma have "unregulated status" according to the Ombudsman (Croatia Feb. 2015, 5), or are "stateless," according to Human Rights Watch (2015). In correspondence with the Research Directorate, a Legal Advisor for the Centre for Peace Studies (CPS), a Zagreb-based NGO "whose mission is to promote non-violence and social change by linking education, research, and activism" (Legal Advisor 3 June 2015), indicated that a high percentage of Roma do not have their legal status, which the source said was "often an obstacle" when trying to obtain "adequate state health care" (Legal Advisor 3 June 2015). The 2012 ECRI report similarly explains that

[o]ne of the most serious problems for many Roma is their lack of personal documents. It is estimated that around 25 [percent] of the current Roma population do not have identity documents or certificates of citizenship from their country of origin. In some cases too, their

birth has not been entered into the birth registry...Adequate legal status is a prerequisite for access to social welfare, basic healthcare, employment and housing. (Council of Europe 25 Sept. 2012, 33)

Sources similarly report that Roma face difficulties accessing basic state services (Human Rights Watch 2015; Legal Advisor 3 June 2015) such as health care, social assistance, and education (Human Rights Watch 2015).

2.4 Education

Country Reports 2014 notes that, although education is free and compulsory through grade 8, Roma children faced "serious obstacles" in regards to access to education, including discrimination in school (25 June 2015, 21). Freedom House similarly states that Roma "face widespread discrimination, including poor access to primary and secondary education" (2014).

Sources report that the enrolment of Roma children in primary schools has increased (Council of Europe 25 Sept. 2012, 7; Open Society Foundations 18 Feb. 2015). According to ECRI, measures have been undertaken that have contributed to an increase in enrolment, including providing free food at school, grants for further education, educational supports outside of school, and advice to parents (Council of Europe 25 Sept. 2012, 17). The Ombudsman's 2015 report notes that Croatia is implementing measures to increase the attendance rate of children in the education system; however, the measures and availability of education for Roma children are described by the source as "insufficient" (Croatia Feb. 2015, 18). The UN Committee on the Rights of the Child indicated in a 2015 report compiled by the Human Rights Council that, although Croatia has made efforts to improve inclusive education, many children in "vulnerable and disadvantaged" situations did not have access to education, and "de facto discrimination" was prevalent against certain groups of children, including Roma and ethnic minorities (UN 23 Feb. 2015, para. 13, 51). *Country Reports 2014* indicated that for 2013-2014 the government reported that 769 Roma children enrolled in preschool, 5,470 in primary school (of whom 428 were repeat students), and 413 enrolled in grade 8 (25 June 2015, 21).

Sources report that Roma children continue to attend segregated classes (Legal Advisor 3 June 2015; AI 2015, 122). The Legal Advisor explained that the "median education level among Roma is lower than average and reports show that in Medjmurje region, Roma Children can still be found to attend segregated classes" (3 June 2015). In the 2015 UN compilation report on Croatia, the CRC recommended that Croatia "end segregation of Roma children" and provide equal access to education for all children (UN 23 Feb. 2015, para. 51).

2.5 Employment

Country Reports 2013 notes that "while constitutional protections against discrimination applied to all minorities, open discrimination and harassment continued against ethnic Serbs and Roma, particularly in the area of employment" (27 Feb. 2014, 22). The Legal Advisor noted that the unemployment rate is "particularly high" within the Roma community and that Roma youth "often face open and blunt discrimination in access to employment and vocational training" (3 June 2015). Similarly, AI reports that "discrimination in the labour market contributed to significantly higher rates of unemployment among Roma compared with other ethnic groups" (2015, 122).

3. Treatment of Serbs

3.1 Reports of Violence and Discrimination Against Serbs

3.1.1 2013

The SNC gathered information from individuals and media reports about incidents of violence, intolerance, and hate speech toward Serbs in 2013, and according to its data, such incidents included verbal insults, physical violence, threats and intimidation, destruction of property, "elements of hate-speech or spreading intolerance in statements by public figures," and destruction or removal of bilingual plaques, which SNC states was the "most frequent form of expressing intolerance toward Serbs" in 2013 (SNC May 2015, 14). According to an SNC researcher interviewed by *Balkan Insight*, in 2013, an increased level of discrimination against Serbs began to appear in urban areas, although physical and verbal attacks were found to be more common in rural areas, where "most Serbs returned after the war" (*Balkan Insight* 15 June 2015). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

The SNC notes that the Ministry of Interior's annual data regarding the number of

"criminal acts" against Serbs motivated by ethnic hatred, indicates an increase in incidents between 2011-2013: 8 in 2011, 10 in 2012, and 19 in 2013 (SNC May 2015, 14). *Country Reports 2013* indicates that throughout 2013, "ethnic Serb organizations received isolated reports of physical assaults on Serbs" (US 27 Feb. 2014, 22).

For further information on the treatment of Serbs in 2013, refer to Response to Information Request HRV104697.

3.1.2 2014-2015

The Legal Advisor gave the view that in recent years "the social climate" has been characterized by a "significant increase of intolerance towards ethnic national minorities, especially Serbs" (Legal Advisor 3 June 2015). The SNC commented that,

the atmosphere of fear which is present in part of the Serb community, deterioration of inter-ethnic relations and radicalization of the entire public life over the past two or three years, increased the already existing assimilation processes, especially in the political life and in the areas of culture, religion and education. (SNC May 2015, 12)

The same source further notes, according to the SNC's experience, for reasons such as discrimination in employment, fear of verbal and physical attacks, and loss of business or social status, "many ethnic Serbs (especially the younger generation) show an inclination to hide their national or religious identity, or express it only in close or strictly controlled situations" (SNC May 2015, 13).

According to *Country Reports 2014*, "ethnic Serb organizations received fewer reports of physical assaults on Serbs than in previous years" (25 June 2015, 20). Freedom House 2014 notes that in recent years, incidents of harassment against "returning Serbs" have declined (2014). However, the Head of Mission stated that the number of attacks against Serbs has "increased steadily" since Croatia's accession to the EU (CWWPP 3 June 2015). The SNC reports that in 2014, "the SNC registered 82 cases of violence and intolerance against Serbs, which indicates a noticeable increase of hate speech and ethnic intolerance in public space" (SNC May 2015, 17). The Head of Mission stated that, according to his knowledge, in 2014, "54 offenses were committed by "wearing, performing, reproducing and displaying a symbol, text, images, drawings or poems motivated by hate" and that "the actual figure is much higher, because only the most extreme cases are reported (CWWPP 3 June 2015)." Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

According to the SNC researcher interviewed by *Balkan Insight*, in 2014, 44 "ethnically-motivated misdemeanours" were recorded by the Croatian police in economically underdeveloped regions called "areas of special concern;" of which 32 were committed against Serbs [see section 5.3 for information on misdemeanours] (*Balkan Insight* 15 June 2015).

According to the SNC researcher, out of the "8 recorded criminal acts motivated by ethnic hatred in 2014, Croatian police recorded that three of them were against Serbs" (qtd. in *Balkan Insight* 15 June 2015).

Sources report on incidents of violence against Serbs in 2014, which include an attack on an 80 year-old Serb woman (*Balkan Insight* 15 June 2015; CWWPP 3 June 2015) near Nasice, a town in eastern Croatia, and two attacks against two Serb school students (*Balkan Insight* 15 June 2015). The Head of Mission notes that one Serb schoolboy had to move from Donji Lapac to Korenica due to the fact that he was "constantly attacked" at his secondary school due to his ethnicity (CWWPP 3 June 2015). The Head of Mission further notes that after the Ministry of Education was informed, a high school teacher was dismissed for refusing to protect the Serb student who was encountering "constant" harassment (ibid.).

3.2 Minority Returnees

Country Reports 2014 notes that the government has registered 354,685 returnees since 1995, and as of 2013, 133,242 were ethnic Serbs (US 25 June 2015, 10). Sources report that most Serb returnees are elderly (Council of Europe 25 Sept. 2012, 27; International Radio Serbia 1 Mar. 2014). Human Rights Watch reports in 2014 that reintegration of returnees who are Serb "remains problematic" as they continue to face discrimination (Human Rights Watch 2014). Returnees face difficulties in regards to housing rights (Human Rights Watch 2014; Legal Advisor 3 June 2015) and public sector employment (ibid.). Specifically, according to Human Rights Watch, Serb returnees encounter problems accessing a government program that permits those stripped of their tenancy rights during the war to buy property below market prices (2015).

Information from the UNHCR published in a February 2015 UN Human Rights Council report on Croatia indicates that approximately 12,183 families (over 30,000 people) were "waiting on housing solutions;" three quarters of whom are Serb minority returnees (UN 23 Feb. 2015, para. 45). The UNHCR also states that "15 percent of Serb minority returnees did not have access to potable running water, 33 percent lived in villages without paved roads and 40 percent did not have access to public transportation" (ibid.). In correspondence with the Research Directorate, a representative of the CPS similarly stated that Serb returnees live in villages and towns far from main roads, therefore their access to services is "very limited" and sometimes "completely unavailable" (CPS 3 June 2015).

The Croatian Ombudsman's 2013 report indicates that Serb returnees "frequently cope with insufficient social inclusion, particularly in regard to employment" (Croatia 31 Mar. 2014, 9). The UNHCR states that the unemployment rate for minority returnees was 68 [percent], which was 3.6 times higher than the national average" and that "one fifth of returnee families had no regular income" (UN 23 Feb. 2015, para. 45).

4. Treatment of Bosnian and Romanian Minorities

Information on the treatment of Bosnian and Romanian minorities in Croatia was scarce among the sources consulted by the Research Directorate within the time constraints of this Response. The CPS representative noted that "Bosnians are often discriminated [against] due to their religion (Islam)" (3 June 2015). *The Vienna Review* published an article about racism against Roma and Muslim people in Croatia while trying to rent housing (*Vienna Review* 18 June 2012). The article states that "Bosniaks and Muslims are generally well integrated as they do not differ visually or socially" (ibid.). The article also found that both Roma and Muslims encountered discrimination when trying to rent housing (ibid.). Further and corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

5. Legislation

5.1 The Constitutional Act on the Rights of National Minorities

Sources report that the legal framework regarding the protection of rights of members of minority groups is the Constitutional Act on the Rights of National Minorities in the Republic of Croatia (Croatia 9 Feb. 2015, para. 77; Legal Advisor 3 June 2015). The Act is "aligned with EU Directives ([on] equal treatment in employment, equality regardless of ethnicity)" (Croatia 9 Feb. 2015, para. 24). ECRI indicates that the law lists 22 minority groups and "guarantees their members who are citizens equality with citizens of Croatian nationality" (25 Sept. 2012, 9).

The Ombudsman indicates in its 2015 report to the UN that implementation of measures planned under the Constitutional Act "did not achieve the desired results" in relation to certain rights for minorities, including: the official and public use of national minority languages, access to the public media, such as programming in minority languages, and to employment in the public administration (Croatia Feb. 2015, 17).

5.2 Hate Crimes and the Criminal Code

The government of Croatia explained in a 2015 report to the UN Human Rights Council that under the Criminal Code (2013),

each criminal act may be conducted out of hatred, and for some acts, their conduct out of hatred is explicitly prescribed as a qualifying circumstance, while for other criminal acts, it is prescribed that such a circumstance is considered as aggravating. The Act contains specific criminal acts, such as: violations of equality (new discriminatory bases have been introduced - marital status, age, health, condition, disability, genetic heritage, expression of gender identity, sexual orientation), violations of the right to express one's national affiliation, and public incitement to violence and hatred. (Croatia 9 Feb. 2015, para. 84)

According to *Country Reports 2014*,

the criminal code sanctions individuals who act "with the goal of spreading racial, religious, sex, national, ethnic hatred or hatred based on the color of skin or sexual orientation or other characteristics." The law provides for no less than six months' and no more than five years' imprisonment for hate speech. Hate speech committed over the internet is punishable by six months' to three years' imprisonment. (US 25 June 2015, 8)

5.2.1 Recording Discrimination and Hate Crimes

The Office for Human Rights and the Rights of National Minorities of the Government of the Republic of Croatia (OHRRNM) is the "central body" responsible for collecting data on hate crimes and also coordinates the working group for monitoring the implementation of anti-discrimination legislation; the group was created in 2010 to "strengthen the activities for investigating and prosecuting these crimes" (Croatia 9 Feb. 2015, para. 26). In a 24 September 2013 statement made to the OSCE, the Director of the Government office for Human Rights and Rights of National Minorities indicated that the government collects data on hate crimes, and has a protocol to track cases with hate crime characteristics "from the act committed until the final verdict in the Court" (Croatia 2 Oct. 2013). According to the OSCE website for monitoring hate crime, hate crime data is collected by several government agencies and ministries; however, the OSCE observed that the data is not published, and the Croatian government "has not made public reliable data and statistics on hate crimes" (OSCE n.d.). ECRI's 2012 report also states that "ECRI considered that officially reported figures concerning racially motivated violence seldom reflect the true picture and should be treated with caution," explaining that often attacks against ethnic Serbs and Roma are not reported "due to basic lack of trust in police and the judicial system" (Council of Europe 25 Sept. 2012, 27).

5.3 The Anti-Discrimination Act (2009)

The Anti-Discrimination Act came into force in 2009 and is a law "prohibiting discrimination on 18 different grounds" (Croatia Feb. 2015, 2). The legislation states:

Whoever, with the aim to intimidate another person or to create a hostile, degrading or offensive environment on the grounds of a difference in race, ethnic affiliation, colour, gender, language, religion, political or other belief, national or social origin, property, trade union membership, social status, marital or family status, age, health condition, disability, genetic heritage, native identity or expression and sexual orientation, hurts another person's dignity, shall be charged a fine for misdemeanour amounting from HRK 5,000 [C\$926] to HRK 30,000 [C\$5,560] (ibid. 2009, Art.25).

ECRI further notes that the Anti-Discrimination Act contains a number of "misdemeanor offences which are sanctioned by fines" and victims of discrimination are also entitled to "pecuniary and non-pecuniary damages" (Council of Europe 25 Sept. 2012, 13).

Balkan Insight reports that the law permits citizens to file complaints to the Ombudsman if they feel that they have been "racially abused" (21 Mar. 2012). The 2015 Ombudsman report indicates that, in practice, there are "still some uncertainties about the limits and interpretation of individual grounds of discrimination" (Croatia Feb. 2015, 2). Furthermore, the 2015 Ombudsman reports that there have been "problems present" in the collection of data on discrimination-related court cases, which "prevents a comprehensive analysis of the system's efficiency and the incidence of discrimination" (Croatia Feb. 2015, 2). For further information on the implementation of the Anti-Discrimination Act, refer to Response to Information Request HRV104894.

Sources indicate that the government of Croatia has several strategic documents and initiatives on issues of minority rights, including the following:

- National Programme for the Protection and Promotion of Human Rights 2013-2016 (Croatia 24 Sept. 2013; Croatia 9 Feb. 2015, para. 24);
- National Roma Inclusion Strategy (2013-2020) (Croatia 24 Sept. 2013);
- participation in the Decade for Roma Inclusion 2005-2015 (Croatia 9 Feb. 2015, para. 86; Croatia 24 Sept. 2013). The Decade of Roma Inclusion is a political commitment by European governments to eliminate discrimination against Roma, with a focus on education, employment, health and housing (Decade of Roma Inclusion n.d.).

Information on the implementation and effectiveness of these initiatives could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

6. State Protection

Sources characterized the anti-discrimination framework in Croatia as "good;" however, in practice, sources report that there are problems with the application of the law (CWWPP 3 June 2015; CPS 3 June 2015; Croatia 31 Mar. 2014, 37). The Legal Advisor explained that the "structures and systems for providing state protection to members of minority groups exist;" however, there are "some doubts regarding the awareness of, and availability and accessibility to, these mechanisms, as well as their efficiency, and public trust in the institutions in charge" (3 June 2015).

6.1 Police

ECRI stated that "[t]he failure to bring perpetrators of racially motivated violence against the Roma promptly to justice suggests a reluctance to take such violence seriously" (Council of Europe 25 Sept. 2012, 7). According to the SNC researcher interviewed by *Balkan Insight*, there is a "lack of will among police to report hate crimes" (*Balkan Insight* 15 June 2015). The researcher also stated that "police officials are rejecting the possibility of qualifying cases as hate crimes, which also discourages people from filing criminal charges or informing the police" (*Balkan Insight* 15 June 2015).

ECRI noted in 2012 that cases of police misconduct against members of minority groups continue to be reported and most victims were Roma (Council of Europe 25 Sept. 2012, 38). Further and corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

For further information on the treatment of ethnic minorities by police, refer to Response to Response to Information Request HRV104892.

6.2 Judiciary

6.2.1 Training

According to the Ombudsman, "[e]ducation of judges on anti-discrimination legislation is not part of the mandatory education programme and a large majority of judges are unfamiliar with specific aspects" related to applying the Anti-Discrimination Act (Croatia Feb. 2015, 4). ECRI similarly noted in 2012 that the "slow pace of application" of the Act could be due to the "lack of sufficient education of legal professionals" about the provisions of the Act (Council of Europe 25 Sept. 2012, 14).

6.2.2 Court Proceedings

The 2015 Ombudsman reports that there is a trend of under-reporting with regard to discrimination due to citizens' lack of knowledge regarding what discrimination is and who to turn to in order to report it, fear of victimization, mistrust in institutions and lack of financial resources for "lengthy and expensive court proceedings" (Croatia Feb. 2015, 5). The same source states that the research on attitudes and awareness on discrimination carried out by the Ombudsman demonstrated that "only 1 percent of citizens would turn to court if they or member of their immediate family" experienced discrimination (Croatia Feb. 2015, 4).

The February 2015 report of the Ombudsman notes that the number of discrimination-related court proceedings have "gradually increased from 2009 but it is, in general, still very low" (Croatia Feb. 2015, 4). Ministry of Justice data cited in the 2015 Ombudsman report indicated that there were 36 civil proceedings filed in 2010 and 52 filed in 2013 (*ibid.*). The 2015 Ombudsman report also explains that defendants involved in misdemeanor proceedings under the Anti-Discrimination Act are, "in almost 100 percent of cases," sanctioned with a fine below the legal minimum, and "[v]ery often it is the amount of several hundred kuna (which is almost a symbolic sanction)" (Croatia Feb. 2015, 5).

According to the SNC researcher interviewed by *Balkan Insight*, the state attorney's office "filed three indictments for hate crimes in response to ... 39 criminal charges [recorded] in 2014" (*Balkan Insight* 15 June 2014).

Further information on the effectiveness of the judiciary in cases of discrimination and hate crimes could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

7. Legal Aid

ECRI reports that the Law on Free Legal Aid enacted in 2009 was "widely seen as an important move towards restoring confidence in the legal system" (Council of Europe 25 Sept. 2012, 21). According to ECRI, "[a]ll lawyers are required by law to provide legal aid although some exceptions are permitted" (*ibid.*). However, ECRI further indicated that the law "did not live up to expectations," explaining this was due to "extremely complicated" application procedures, and that the level of aid provided was described by ECRI as "low," while the provisions of the law were "narrowly" interpreted and were not "enforced uniformly" (Council of Europe 25 Sept. 2012, 21). ECRI further notes in its 2012 report that the most vulnerable groups in Croatia, those in most need of legal aid, were "rarely able to obtain it" (Council of Europe 25 Sept. 2012, 21).

The government of Croatia enacted a new Free Legal Aid Act in 2014, which it describes as being, "offered in all legal matters ... [which] contributes to more efficient legal protection for the most socially and economically vulnerable groups of citizens, and removes the possibility of (material) discrimination" (Croatia 9 Feb. 2015, para. 44). According to the 2015 report of the Ombudsman, the Free Legal Aid Act has "expanded the scope" of beneficiaries to whom aid is granted; however, the funds allocated are described by the Ombudsman as "insufficient" (Croatia Feb. 2015, 2). Further and corroborating information on the provision of legal aid could not be found among the sources consulted by the Research Directorate within the time constraints of this Response. .

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of sources consulted in researching this Information Request.

References

Amnesty International (AI). 2015. "Croatia." *The State of the World's Human Rights 2014/2015*. <http://www.amnesty.ca/sites/default/files/airreport2014february15_0.pdf> [Accessed 2 June 2015]

Balkan Insight. 15 June 2015. Sven Milekic. "Croatian Politicians 'Fuelling Hatred of Serbs'." <http://www.balkaninsight.com/en/article/croatian-politicians-fuelling-hatred-of-serbs?utm_source=Balkan+Transitional+Justice+Daily+Newsletter&utm_campaign=22dbf4f675-RSS_EMAIL_CAMPAIGN&utm_medium=email&utm_term=0_561b9a25c3-22dbf4f675-319661841> [Accessed 15 June 2015]

_____. 21 March 2012. Boris Pavelic. "Racism Widespread in Croatia, Ombudsman Warns." <<http://www.balkaninsight.com/en/article/racial-discrimination-widespread-in-croatia>> [Accessed 8 June 2015]

Centre for Peace Studies (CPS). 3 June 2015. Correspondence from a representative to the Research Directorate.

Coalition for Work with Psychotrauma and Peace (CWWPP). 3 June 2015. Correspondence with the Head of Mission to the Research Directorate.

_____. N.d. "Coalition for Work with Psychotrauma and Peace." <<https://sites.google.com/site/cfwwpap/home>> [Accessed 13 June 2014]

Council of Europe. 25 September 2012. European Commission Against Racism and Intolerance (ECRI). *ECRI Report on Croatia (Fourth Monitoring Cycle)*. <<http://www.coe.int/t/dghl/monitoring/ecri/Country-by-country/Croatia/HRV-CbC-IV-2012-045-ENG.pdf>> [Accessed 2 June 2015]

Croatia. February 2015. Office of the Ombudsman. *Report of the Ombudsman to the UN Human Rights Committee Under the International Covenant on Civil and Political Rights*. <<http://www.ombudsman.hr/index.php/en/documents-3/ombudsman-s-reports/finish/15-ombudsman-s-reports/563-2015-report-of-the-ombudsman-to-the-un-human-rights-committee-under-the-international-covenant-on-civil-and-political-rights>> [Accessed 3 June 2015]

_____. 9 February 2015. *National Report Submitted in Accordance With Paragraph 5 of the Annex to Human Rights Council Resolution 16/21*. (A/HRC/WG.6/22/HRV/1) <<http://www.refworld.org/docid/5539f9c64.html>> [Accessed 3 June 2015]

_____. 31 March 2014. Office of the Ombudsman. *Summary Report for 2013*. <<http://www.ombudsman.hr/index.php/en/documents-3/ombudsman-s-reports/finish/15-ombudsman-s-reports/76-summary-annual-report-for-2013>> [Accessed 11 June 2015]

_____. Socanac, Branko. 2 October 2013. "Prevention and responses to hate crimes in the OSCE area." *Conference Proceedings from the OSCE/ODIHR Human Dimension Implementation Meeting*. Working Session 2: Tolerance and Non-Discrimination II, Warsaw, 24 September 2013. <<http://www.osce.org/odihr/106313?download=true>> [Accessed 8 June 2015]

_____. Socanac, Branko. 24 September 2013. *Conference Proceedings from the OSCE/ODIHR Human Dimension Implementation Meeting*. Working Session 1: Tolerance and Non-Discrimination I: National Minorities, Warsaw, 24 September 2013. <<http://www.osce.org/odihr/105447?download=true>> [Accessed 8 June 2015]

_____. 2009. The Anti-Discrimination Act. <<http://www.ombudsman.hr/index.php/en/documents-3/legislation/finish/16-legislation/40->

the-anti-discrimination-act> [Accessed 10 July 2015]

Decade of Roma Inclusion 2005-2015. N.d. "Decade in Brief."

<<http://www.romadecade.org/about-the-decade-decade-in-brief>> [Accessed 11 June 2015]

European Network Against Racism (ENAR). 2014. *Racist Crime in Europe: ENAR Shadow Report 2013-2014*. <http://www.enar-eu.org/IMG/pdf/shadowreport_2013-14_en_final_lowres-2.pdf> [Accessed 13 July 2015]

European Network of Legal Experts in Gender Equality and Non-Discrimination. 8 May 2015. "Croatia - National Equality Body's Report for 2014." <<http://www.non-discrimination.net/content/media/55-HR-ND-Equality%20body%20report.pdf>> [Accessed 2 June 2015]

_____. "About Us." <<http://www.non-discrimination.net/about-us>> [Accessed 6 July 2015]

Freedom House. 2014. "Croatia." *Freedom in the World 2014*.

<<https://freedomhouse.org/report/freedom-world/2014/croatia>> [Accessed 2 June 2015]

HINA-Croatian News Agency. 14 May 2015. "Minority MPs Sign Declaration to Warn of Escalating Intolerance." (Factiva)

_____. 8 April 2015. "MP Says Status of Roma Satisfactory, by no Means Excellent." (Factiva)

Human Rights Watch. 2015. "European Union." *World Report 2015*.

<<https://www.hrw.org/world-report/2015/country-chapters/european-union#croatia>> [Accessed 3 June 2015]

_____. 2014. "European Union." *World Report 2014*. <<https://www.hrw.org/world-report/2014/country-chapters/european-union>> [Accessed 3 June 2015]

International Radio Serbia. 1 March 2014. "SDF: Survival of Serbian Minority in Croatia Called in Question." <<http://www.voiceofserbia.org/content/sdf-survival-serbian-minority-croatia-called-question>> [Accessed 18 June 2015]

Legal Advisor, Centre for Peace Studies (CPS). 3 June 2015. Correspondence with the Research Directorate.

Open Society Foundations. 18 February 2015. "When Roma Children get a Better Education, Society Benefits." <<http://www.opensocietyfoundations.org/voices/when-roma-children-get-better-education-society-benefits>> [Accessed 11 June 2015]

Organisation for Security and Co-operation in Europe (OSCE). N.d. Office for Democratic Institutions and Human Rights (ODIHR). "OSCE ODIHR Hate Crime Reporting - Croatia." <<http://hatecrime.osce.org/croatia?year=2013>> [Accessed 13 July 2015]

Serb National Council (SNC). May 2015. *The Alternative Report on the Implementation of the Framework Convention for the Protection of National Minorities in the Republic of Croatia For the Period 2009-2014*. <<http://snv.hr/file/attachment/file/bulletin4.pdf>> [Accessed 8 June 2015]

United Nations. 23 February 2015. *Compilation Prepared by the Office of the United Nations High Commissioner for Human Rights in Accordance With Paragraph 15 (b) of the Annex to Human Rights Council Resolution 5/1 and Paragraph 5 of the Annex to Council Resolution 16/21*. (A/HRC/WG.6/22/HRV/2) <[http://www.refworld.org/cgi-bin/texis/vtx/rwmain?page=search&docid=5539fab64&skip=0&query=minority groups&coi=HRV&searchin=title&sort=date](http://www.refworld.org/cgi-bin/texis/vtx/rwmain?page=search&docid=5539fab64&skip=0&query=minority%20groups&coi=HRV&searchin=title&sort=date)> [Accessed 3 June 2015]

United States (US). 25 June 2015. Department of State. "Croatia." *Country Reports on Human Rights Practices for 2014*. <<http://www.state.gov/documents/organization/236722.pdf>> [Accessed 7 July 2015]

_____. 27 February 2014. Department of State. "Croatia." *Country Reports on Human Rights Practices for 2013*. <<http://www.state.gov/documents/organization/220476.pdf>> [Accessed 2 June 2015]

The Vienna Review. 18 June 2012. Barbara Matejcic. "Racism Still Persists in Croatia." <<http://www.viennareview.net/news/front-page/racism-persists-in-croatia>> [Accessed 10 June 2015]

Additional Sources Consulted

Oral sources: The following were unable to provide information for this Response: professor of law, King's College London.

The following were unable to provide information within the time constraints of this Response: legal expert on non-discrimination law.

Attempts to contact the following were unsuccessful within the time constraints of this Response: European Network Against Racism; European Roma Policy Coalition; Institute of Race Relations; professor, Law School, Lancaster University; special rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance.

Internet sites, including: Croatian Times; ecoi.net; International Crisis Group; Minority Rights Group International; IRIN; Minorities at Risk; Radio Free Europe/Radio Liberty; Institute for War and Peace Reporting; UN – Office on Drugs and Crime; UN – Refworld.

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