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Summary prepared by the Office of the High Commissioner for Human Rights in accordance with paragraph 15 (c) of the annex to Human Rights Council resolution 5/1

Croatia*

The present report is a summary of 11 stakeholders' submissions¹ to the universal periodic review. It follows the structure of the general guidelines adopted by the Human Rights Council. It does not contain any opinions, views or suggestions on the part of the Office of the United Nations High Commissioner for Human Rights (OHCHR), nor any judgement or determination in relation to specific claims. The information included herein has been systematically referenced in endnotes and, to the extent possible, the original texts have not been altered. Lack of information or focus on specific issues may be due to the absence of submissions by stakeholders regarding these particular issues. The full texts of all submissions received are available on the OHCHR website. The report has been prepared taking into consideration the four-year periodicity of the first cycle of the review.

* The present document was not edited before being sent to the United Nations translation services.

I. Background and framework

A. Scope of international obligations

1. Joint Submission 1 (JS1) indicated that Croatia is party to most international human rights instruments.² The Ombudsman of the Republic of Croatia (ORC) made a similar comment and recommended that Croatia sign and ratify the International Convention on the Protection of All Persons from Enforced Disappearance (CED), the International Convention on the Protection of the Rights of All Migrant Workers and Their Family Members (ICRMW), and the Optional Protocol of the Covenant on Economic, Social and Cultural Rights (OP-ICESCR). ORC added that obligations under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) and its Optional Protocol should be met without delay, including designating a National Preventive Mechanism.³

2. Human Rights Watch (HRW) and ORC noted that Croatia was among the first states to ratify the International Convention on the Rights of Persons with Disabilities (CRPD).⁴ The Association for Self Advocacy (ASA) reported that there were inaccuracies in the translation into Croatian of articles 12 and 19 of CRPD.⁵

B. Constitutional and legislative framework

3. The Association for Promoting Inclusion (API) indicated that international instruments were part of domestic law and could be invoked before the courts, but noted that sanctions for the violations of rights provided in these instruments were not always foreseen in national law.⁶ JS1 indicated that court rulings rarely referred to international human rights instruments.⁷

4. ASA stated that the Constitution enshrines a general provision against discrimination and provides for special care for persons with disabilities.⁸ It recommended that domestic legislation relating to the rights of persons with disabilities adopt a definition of disability which is in line with CRPD.⁹

5. JS1 indicated that certain broad provisions of the Anti Discrimination Act (2008) allowed unacceptable exceptions and recommended that Croatia revise the Act with view to provide a very specific definition of these exceptions. It added that control mechanisms must be strengthened to prevent the use of exceptions to conceal discrimination.¹⁰

C. Institutional and human rights infrastructure

6. JS1 reported that, in addition to the people's ombudsman, established in 1992, Croatia introduced thereafter specialized ombudsmen, namely the Ombudsman for Children, the Gender Equality Ombudsman, and the Ombudsman for persons with disabilities. JS1 recommended that Croatia conduct an evaluation of their work based on clearly established indicators.¹¹ ORC recommended that Croatia strengthen the Ombudsmen's institutional capacities and improve the coordination between the various governmental bodies responsible for the implementation of citizens' rights.¹²

7. The Mental Disability Advocacy Center (MDAC) recommended that Croatia ensure that there is a functioning independent body to promote and protect the rights of persons with disabilities and to monitor the implementation of the CRPD.¹³

D. Policy measures

8. JS1 reported that there exist neither mechanisms nor clear indicators to monitor and assess the impact of policies. It added that insufficient attention was devoted to the implementation of measures for the protection of human rights at the local and regional levels.¹⁴

9. JS1 indicated that the introduction of gender elements was not effective in all public policies. It recommended that Croatia amend the Gender Equality Act to establish a central body mandated to initiate gender analyses for all public policies and to formulate opinions and recommendations to the Government.¹⁵

10. Joint Submission 2 (JS2) and JS1 noted that the National Program for Youth (2009–2013) was not being implemented in a satisfactory manner,¹⁶ and that youth programs were often not granted significant funds necessary for their implementation.¹⁷ JS1 recommended that Croatia systematically monitor and evaluate national youth strategies and include young people in developing these strategies.¹⁸

11. ORC recommended that Croatia consider adopting a plan of action to protect the most vulnerable groups of children and establishing a special budget for children.¹⁹

12. JS2 referred to the National Strategy for Prevention of Behavioural Disorders in Children and Youth 2009–2012 and indicated that there are many examples of good practice in this area. However, JS2 noted problems in implementing legislation, lack of institutional cooperation and insufficient financial support to programmes for children with behavioural disorders, among others.²⁰ ASA highlighted the adoption of the 2007–2015 National Strategy of Equalization of Opportunities for Persons with Disabilities and the Reform Strategy of Social Allowances, but mentioned that these policies were not adopted in a participative and transparent manner.²¹

13. ORC indicated that, although there has been a National programme for human rights education since 1999, education about human rights and democratic citizenship was implemented in the educational system on a non-obligatory and unsystematic basis.²²

II. Promotion and protection of human rights on the ground

A. Cooperation with human rights mechanisms

Cooperation with treaty bodies

14. JS1 noted that Croatia did not report regularly to treaty bodies²³ and ORC underlined that Croatia did not submit its periodic report under the Convention on the Rights of the Child.²⁴

15. ORC recommended that Croatia translate, publish and make available to its citizens all the assessments and recommendations made by relevant international human rights bodies, in a timely manner.²⁵

B. Implementation of international human rights obligations

1. Equality and non-discrimination

16. JS1 noted that women suffered from discrimination in various areas, including in the labour market.²⁶ ORC indicated that there are more women among the unemployed and in the underpaid industries. Working women are still disproportionately burdened with family

obligations compared to men, and they represent the majority of persons harassed at work due to their gender.²⁷ JS2 added that pregnant women or women on maternity leave tend to get fired more easily and they are often paid less than their male co-workers.²⁸

17. ORC indicated that among discrimination complaints it received in 2009, the most frequent form was discrimination based on nationality (31 per cent) followed by gender, social status, social origin and disability. It added that, although the law recognized the crime of discrimination and hate-speech, as well as hate crimes, there were only a small number of court cases and rulings relating to these crimes.²⁹

18. ORC indicated that, in spite of progress made over the recent years, the Roma remained a minority discriminated against in many areas of social life. They had difficulties in resolving their status (residence, citizenship), which was a prerequisite for the other rights, including access to free legal aid.³⁰

19. The Centre for Peace, Legal Advice and Psychological Assistance (CPLAPA) reported that ethnic Serb returnees and other minorities (e.g. Roma and Bosniaks) suffered from discrimination in the context of acquiring citizenship, in comparison to non-citizens of Croatian origins, as well as the enjoyment of economic, social and cultural rights.³¹ CPLAPA recommended that Croatia take efficient and transparent measures for the investigation and suppression of all forms of discrimination against minorities, including through the implementation of the Law on Combating Discrimination and the Constitutional Law on the Rights of National Minorities.³²

20. In 2010, the Commissioner for Human Rights of the Council of Europe (CoE Commissioner) stated that procedures for obtaining the Croatian citizenship should be simple and prompt and complemented by an efficient system of free legal aid. In this regard, he highly recommended that Croatia ratify the European Convention on Nationality and the Council of Europe Convention on the avoidance of statelessness in relation to state succession.³³

21. ASA indicated that discrimination against persons with intellectual disabilities persists in Croatia, making special reference to provisions of the Family Act and the Social Welfare Act, which regulate the question of the deprivation of legal capacity and placement under guardianship.³⁴ The Mental Disability Advocacy Center (MDAC) indicated that people deprived of their legal capacity are subject to arbitrary and automatic rights deprivations, including the right to fair trial, to respect for private life, to marry, freedom of movement, freedom of association and access to justice.³⁵ HRW recommended that Croatia fundamentally reform the law on legal capacity to create a system in which persons with intellectual disabilities and mental health difficulties are supported in making decisions rather than deprived of the ability to exercise their rights and to legislate safeguards that prevent abuse or overuse of the legal capacity system.³⁶ API recommended that Croatia ensure the effective enjoyment by persons with intellectual disability of all rights included in international instruments, which Croatia is a party to.³⁷

22. The Croatian Association of Deafblind Persons (DODIR) reported that deafblind persons face discrimination, notably, as far as communication and mobility are concerned.³⁸ JS1 and DODIR recommended, inter alia, that Croatia recognize Croatian Sign Language as a valid minority language.³⁹

23. JS1 reported that homosexuals and transgender people suffer from discrimination and hate speech and recommended that Croatia ensure equal legal rights to transgender and homosexual individuals and sanction hate speech against them.⁴⁰ In a 2009 resolution, the Committee of Ministers of the Council of Europe found that certain statements contained in educational material were manifestly biased and discriminatory, notably in how persons of non-heterosexual orientation were described and depicted. The Committee of Ministers held that such statements served to attack human dignity and welcomed the measures taken

by Croatia to withdraw them.⁴¹ In 2007, the European Committee on Social Rights had also held that these discriminatory statements contained in educational material constituted a violation of article 11(2) of the European Social Charter.⁴²

2. Right to life, liberty and security of the person

24. ORC reported that Ombudsmen received a not negligible number of witnesses and complaints which were related to abuse of police authority and the excessive use of force by police officers. According to well-founded assessments, such cases were not always fairly and fully investigated. ORC recommended that Croatia strengthen the internal control department at the Ministry of Interior and establish prerequisites for its autonomous operations.⁴³

25. In 2007, the European Committee for the Prevention of Torture and Inhuman or degrading Treatment or Punishment (CoE-CPT) indicated that a not insignificant number of persons interviewed during its visit to Croatia made allegations of physical ill-treatment at the time of apprehension, and/or during subsequent questioning by police officers. It added that in certain cases, the ill-treatment alleged was of such severity that it could be considered as amounting to torture.⁴⁴ CoE-CPT recommended that a clear message of zero tolerance of ill-treatment (whether of a physical or verbal nature) be delivered, from the highest level and through ongoing training activities, to all police officers. It also recommended that Croatia establish, within the police, a clear reporting line for information indicative of ill-treatment;⁴⁵ take steps to develop systems for regular and independent inspections of police detention facilities;⁴⁶ and ensure that persons deprived of their liberty are granted the right to inform a relative or another third party of their situation, to have access to a lawyer, and to have access to a doctor.⁴⁷

26. CoE-CPT also made reference to some allegations of ill-treatment in prisons and made recommendations in this regard.⁴⁸ ORC reported that prison overpopulation was the main cause of restrictions and the violation of rights, notably the right to accommodation guaranteeing human dignity and health standards, the right to work and a minimum two-hour stay outdoors. There was no possibility of separating certain categories of persons (for instance minors) deprived of liberty.⁴⁹ In 2007, the CoE-CPT noted that the prison population has grown by some 40 per cent in the last three years and recommended that Croatia redouble its efforts to combat prison overcrowding.⁵⁰

27. MDAC indicated that the current practice of involuntary detention in psychiatric hospitals and placement into social care institutions for persons with mental disabilities, and persons lacking legal capacity fail to satisfy the requirements and procedures established by international law.⁵¹ It added that persons with disabilities can be detained in institutions for life by the decision of a guardian, a public law function which attracts no scrutiny, appeal processes or transparency.⁵² HRW recommended that Croatia set out in law that any deprivation of liberty should be automatically and speedily reviewed by a court; make explicit in legislation that consent for institutionalization can only come from an individual him or herself and not from a guardian; and specifically enumerate the reasons a person could be forcibly placed in an institution in legislation.⁵³ API recommended that Croatia amend the Law on Social Welfare to allow persons with intellectual disability to choose their place of residence and provide community-based support services to those already institutionalized.⁵⁴ ASA recommended that Croatia start the deinstitutionalization process as soon as possible.⁵⁵

28. According to MDAC, there are no written policies, regulation or guidelines on how restraint should be administered, monitored and recorded, and there are no provisions regulating the use of chemical restraint. This leads to defective practices across psychiatric establishments in breach of the right to be free from ill-treatment.⁵⁶ API indicated that persons with intellectual disability, who were institutionalised and deprived of their legal

capacity, did not have the possibility of lodging complaints for human rights violations within these institutions and no actions had been initiated by them or their legal representatives.⁵⁷ API, ASA and JS1 recommended that Croatia grant free and unlimited access for human rights organizations to such institutions and their residents.⁵⁸ MDAC recommended that Croatia abolish the use of cage beds and restraints in children's institutions, and introduce legislation and/or a Ministerial protocol on restraint to systematise the use of restraints and prevent its abuse.⁵⁹

29. ORC noted improvements regarding the enforcement of legislation on domestic violence. Although the police had been providing protection to victims of violence, there were differences in police actions in large cities and in smaller towns and rural areas where there are not enough women officers in police teams. A large number of reports indicated that preventive measures were inadequate in the area of domestic violence.⁶⁰

30. ORC reported that there was a lack of efficient preventive programmes to protect children from all kinds of violence and that improved coordination between relevant stakeholders and continued work with and treatment of both victims and perpetrators had not been organized. ORC noted that in spite of legal prohibition, corporal punishment of children continues to be tolerated and meets no adequate response by competent bodies. ORC mentioned that there were worrying cases of questionable quality of care and treatment in institutions for children and referred to the problem of violence in educational institutions.⁶¹

3. Administration of justice, including impunity, and the rule of law

31. ORC reported that certain progress had been made in reducing the backlog of court cases due to the adoption of several legislative acts. However, the length of court proceedings in civil and administrative cases remained a serious problem.⁶² ORC recommended that Croatia continue the implementation of measures to improve the efficiency of courts, especially by strengthening the role of the Supreme Court, by strengthening the autonomy and functionality of Internal Control Department in the Ministry of Interior, and by adopting rules of procedure in cases of citizens' complaints.⁶³

32. ORC indicated that judicial inefficiency and slowness was particularly intolerable in cases dealing with the rights of children and stressed the need for judicial reform and setting up of specialized courts.⁶⁴

33. JS1 reported that the Free Legal Aid Act (2008) failed to grant poor citizens equal access to administrative and judicial bodies and recommended that Croatia amend this Act with provisions that guarantee facilitation of the process to obtain the aid.⁶⁵ The ORC expressed similar concerns and stressed the need to establish an effective and comprehensive system of free legal aid based on an independent evaluation of the first year of implementation of the Free Legal Aid Act.⁶⁶

34. In a 2005 resolution the Committee of Ministers of the Council of Europe referred to reported shortcomings in the judiciary, including ethnic bias within certain instances, and recommended that Croatia increase its efforts to improve the capacity and effectiveness of the judicial system to protect the rights contained in the Framework Convention for the Protection of National Minorities.⁶⁷ In 2004, the European Commission against Racism and Intolerance (COE-ECRI) strongly encouraged Croatia to ensure that the composition of judicial bodies reflects the ethnic diversity of the population as a whole.⁶⁸ COE-ECRI also recommended that Croatia pursue its efforts to restore fairness in the administration of justice with respect to all persons who are not ethnic Croats, especially ethnic Serbs, when it comes to prosecuting them for war crimes.⁶⁹

35. JS1 indicated that in proceedings against members of Croatian military formations, participation in the Croatian War of Independence is considered as a mitigating

circumstance influencing the pronounced sanction, which raises the question of the equality of treatment among the accused. JS1 added that the judiciary was burdened with the consequences of earlier ethnically biased proceedings against members of Serbian military formations held in the absence of the defendant, and indicated that the amendments of the Criminal Procedure Act enabled the state attorney to request the reopening of criminal procedures in favour of absent convicts. JS1 also referred to the large proportion of court cases which were still in the pre-investigative phase, and the high procedural expenses to be paid by individuals who lost their case against Croatia regarding non-material damages. JS1 made various recommendations to address these issues, including that Croatia secure support for the establishment of a regional commission (REKOM) with the mandate to determine and publicly reveal facts on war crimes and other severe human rights violations in former Yugoslavia.⁷⁰

36. In 2010, CoE Commissioner welcomed the authorities' readiness to cooperate fully with the International Criminal Tribunal for the former Yugoslavia (ICTY) and to take effective measures to ensure that cases concerning war-related crimes be examined and followed through in domestic courts, in accordance with the standards of promptness and fairness.⁷¹

4. Right to privacy, marriage and family life

37. ORC reported that due to inadequacies in the social welfare system, there were cases of superficial and erroneous assessments, resulting in the prolonged institutionalization of children without adequate parental care.⁷² ORC recommended that Croatia upgrade the infrastructure of institutions providing care for children and the quality of their professional services.⁷³

38. API indicated that people in residential social welfare institutions are not allowed to develop romantic/intimate relationships.⁷⁴ MDAC noted that the Family Act removes the entitlement of adults fully deprived of their legal capacity to have their maternity recognized (unless specified in a court proceeding), and that those over the age of 35 risk being sterilized upon the request of their parents and guardians.⁷⁵

5. Freedom of expression, association and peaceful assembly and right to participate in public and political life

39. ORC noted an escalation of violence over the recent years, including threats and attacks against journalists, human rights defenders and "whistle-blowers" (persons who denounce corruption cases).⁷⁶

40. JS1 recommended that Croatia adopt legislation on the financing of political parties and campaigns, raise public awareness about the concept of conflict of interest and ensure effective protection of "whistle-blowers".⁷⁷ It also recommended that Croatia adopt an Election Act and completely professionalize election bodies, such as the State Election Committee.⁷⁸

41. JS1 referred to the growing state control over the media and recommended that Croatia pass a new Radio and Television Act and ensure that public media do not work under the direct influence of political parties.⁷⁹

42. JS1 also reported on difficulties encountered by citizens seeking access to public documents held by public authorities and recommended that Croatia ratify the European Convention on Access to Public Documents.⁸⁰ JS1 further recommended that Croatia adopt directives for the implementation of the Code of Practice on Consultation with the Interested Public.⁸¹

43. JS1 made reference to several incidents when peaceful demonstrations were prevented by the national authorities and recommended that Croatia stop repressive measures against peaceful protests.⁸²

44. ORC indicated that women were still under-represented in legislative and executive government bodies and added that the proportion of women in the Croatian parliament was 20.9 per cent in 2007. This led to the establishment of a quota requiring that 40 per cent of candidates be women by 2019 in parliamentary elections and by 2017 in local elections.⁸³ JS2 reported on similar issue relating to young women.⁸⁴

45. JS1 indicated that opportunities for significant youth participation in society are not abundant. JS1 and JS2 added that only one third of local and regional governments have set up youth advisory boards, despite the provision, rendering their establishment obligatory.⁸⁵

6. Right to work and to just and favourable conditions of work

46. ORC reported that delays in structural reforms, together with the impact of the global financial and economic crisis, had revived the practice of non-payment of wages to workers. ORC added that employment-related court proceedings lasted too long (an increasing number of cases fell under the statute of limitations) with the ever-present problem of inefficiency resulting in the poor protection of rights by courts.⁸⁶

47. ORC indicated that there had been an increase of verbal bans by employers relating to the right to freedom of association in trade unions.⁸⁷

48. JS2 reported that the National Action Plan for Employment offers co-financing for employing young people without work experience, permanently unemployed persons and other groups facing social exclusion. JS2 noted that, due to economic crisis, this set of measures had not been used to the fullest extent.⁸⁸

49. ORC indicated that the Professional Rehabilitation and Employment of Persons with Disabilities Act was passed and a fund was established, but that employment quotas have not been met by the public sector.⁸⁹ API indicated that the incentives provided by the State for the employment of persons with disabilities have proven to be inadequate. It added that persons with intellectual disabilities usually do not have access to professional training or requalification processes, and face great barriers in their attempt to realize their right to work.⁹⁰ DODIR recommended that Croatia include deafblindness within the Unique Disabilities List that was being drafted at the Ministry of Economy, Labour and Entrepreneurship, and implement the right to work for deafblind persons.⁹¹

7. Right to social security and to an adequate standard of living

50. ORC indicated that increasing poverty rates had been recorded over the last three years, indicating a considerable decline in living standards in Croatia.⁹²

51. CoE-ESCR considered that the level of social assistance was manifestly inadequate on the basis that the minimum assistance that could be obtained was not compatible with the poverty threshold.⁹³ ORC recommended that Croatia periodically adjust the baseline amount of social welfare benefits to the increase in the cost of living and eliminate inequalities in the pension system.⁹⁴

52. In 2009, CoE-ESCR concluded that the situation in Croatia was not in conformity with Article 13§4 of the European Social Charter, as it had not been established that all legally and unlawfully present foreigners in need are entitled to emergency medical and social assistance.⁹⁵ CoE-ESCR added that foreign nationals in Croatia are subject to an excessive length of residence requirement to be eligible for social assistance.⁹⁶

53. DODIR reported that the Social Welfare Act introduced the concept of deafblindness in the social security system and entitled deafblind persons to an allowance for assistance and care, as well as to the right to assistance in overcoming particular difficulties. However, no implementing regulations have been passed to exercise these rights. DODIR recommended that Croatia adopt regulations and other bylaws that will govern the implementation of Articles 44 and 77(h) of the Act.⁹⁷ It also recommended that Croatia reintroduce the category of aids for deafblind persons (“tactile aids”) in the 2004 Regulation on orthopaedic and other aids.⁹⁸

54. HRW indicated that in two social welfare homes for adults with mental health difficulties it visited, the only professional mental health service available was a weekly visit by psychiatrist. In a third facility, psychiatric care was only provided when a person became unstable. HRW recommended that Croatia provide consistent care from a qualified psychiatrist to individuals living in social welfare homes, family homes, and foster families, particularly those homes for adults with mental health difficulties.⁹⁹

55. Franciscans International (FI) reported that the 2003 Health Protection Act introduced the notion of palliative care and that the Program of the Croatian Government for the 2008–2011 Mandate provided for the integration of palliative care and hospice into the health care system.¹⁰⁰ However, there still exists no modern institution specialized in palliative care in Croatia, and hospitals neither have geriatric wards nor palliative units with full-time employees. FI recommended that Croatia establish the Institution for Palliative Care in Zagreb, as provided in the 2003 Health Protection Act, develop a clear Action Plan on palliative care, establish a network of palliative services and adopt legislation on palliative care that sets clear and unified standards and norms.¹⁰¹

56. ORC was concerned about the decision by the Government not to introduce health education in schools, which should have integrated all areas of risk to children's health.¹⁰² JS1 reported that there was no systematic sexual education as part of the school curriculum.¹⁰³

57. FI indicated that the Social Welfare Act did not refer to homelessness noting that it was an increasing problem with only seven cities in the country having shelters. FI recommended that Croatia establish a human rights-based national action plan on homelessness.¹⁰⁴

58. ORC indicated that although the government has been investing considerable amounts of resources into the reconstruction of flats, houses and infrastructure destroyed during the war, the process has been challenged by adverse economic situation and growing unemployment. The worst hit are war-affected areas inhabited by the elderly living on low income. Unresolved issues include demining, reconstruction of roads, water supply and electricity infrastructure, access to health services, kindergartens and cultural events.¹⁰⁵

59. In 2010, CoE Commissioner observed the efforts made to improve the housing conditions for members of the Roma minority. He indicated that similar improvements were necessary in other settlements where people, including children, live in slum-like conditions.¹⁰⁶ CoE Commissioner stated that systematic efforts were also necessary to ensure access to employment for Roma, as well as to education in full compliance with the European Court of Human Rights' judgment in the case of *Oršuš and others*.¹⁰⁷

8. Right to education and to participate in the cultural life of the community

60. ORC reported that members of the Roma minority were not fully included in the educational system, the main reason being poor coordination between central and local government bodies in providing quality integrated educational services. The position of Roma women was particularly difficult, as they were often unable to finish school for reasons of gender. Two important measures of the National programme for the Roma and

the Action plan for inclusion of the Roma 2005–2015 (a free two-year preschool programme for Roma children and a clear integration policy in primary schools) were not being implemented in a consistent manner, in spite of a considerable increase in the funds made available from the Government and from donations.¹⁰⁸

61. ASA reported that children with disabilities were refused access to most kindergartens, although the law prescribed for their integration.¹⁰⁹ It also reported that, within primary education, apart from children categorised as persons with a mild intellectual disability, children with intellectual disabilities were referred to special schools. This situation was even worst in secondary education. ASA recommended that Croatia integrate children with intellectual disability in regular schools and to change the law accordingly.¹¹⁰ DODIR expressed similar concerns with regard to deafblind children. It added that at the national level, no sign language interpreters are provided in classes and that children with disabilities are educated for certain professions according to a stereotypical and outdated understanding of their abilities.¹¹¹ DODIR recommended that Croatia adapt educational programs intended for children with disabilities to the needs of the labour market of today.¹¹²

9. Minorities and indigenous peoples

62. ORC noted that members of national minorities are not proportionally represented in executive and judicial bodies, nor in bodies and public services at local and regional government levels. In addition, legal acts of certain local self-government bodies have not been aligned with the Constitutional Law on the Rights of Minorities.¹¹³ In a 2005 resolution the Committee of Ministers of the Council of Europe recommended that Croatia address the remaining shortcomings in the implementation of the Constitutional Law on the Rights of National Minorities, paying particular attention to the guarantees regarding their participation in the state administrative and judicial bodies.¹¹⁴ JS1 recommended that Croatia undertake measures aimed at ensuring effective participation of national minority members in public life and decision-making processes at all levels.¹¹⁵

63. In its 2005 resolution, the Committee of Ministers of the Council of Europe noted that the requirements under the Croatian Law on Citizenship and their application continued to pose problems for persons belonging to national minorities. It recommended that Croatia ensure that the citizenship process does not contain undue obstacles and takes into account the particular challenges faced by persons belonging to national minorities in this context, and address the human rights concerns of persons whose citizenship status has not been clarified.¹¹⁶

10. Migrants, refugees and asylum-seekers

64. CPLAPA indicated that during the period 1991–1997 approximately 950,000 residents of Croatia had been displaced, as a result of the armed conflict and its aftermath. It was also reported that members of the Serb minority faced difficulties in returning to their place of origin.¹¹⁷ Issues relating to the restitution of private houses owned by exiled and displaced Serbs had been resolved to a large extent but not entirely, in spite of rulings by the European Court for Human Rights.¹¹⁸ Croatia had not established any administrative mechanisms regulating the restitution of movable property of displaced persons, placed under the Republic of Croatia's temporary administration.¹¹⁹

65. CPLAPA reported that many ethnic Serbs who were displaced because of the conflict had their tenancy rights terminated due to their absence from the territory. CPLAPA added that, although Croatia adopted two housing care programmes, this issue was not addressed.¹²⁰ ORC indicated that returnees who have not regulated their status (citizenship and residence) and are entitled to housing provision, cannot have their rights respected as long as their citizenship remains unresolved in the Republic of Croatia. Most

of these cases involved members of the Serbian national minority.¹²¹ CPLAPA recommended that Croatia strengthen its efforts to establish the necessary preconditions aimed at the sustainable return of people belonging to minorities.¹²²

66. CoE Commissioner welcomed the pledges by the Croatian authorities to rapidly resolve the remaining issues related to the return home of refugees and internally displaced persons. Recalling the relevant judgments of the European Court of Human Rights he highlighted the need for both national and local authorities to do their utmost to ensure the prompt and sustainable return of all those displaced.¹²³

67. JS1 reported that only a small proportion asylum requests were granted and that the new 2008 Asylum Act contained a provision on an accelerated procedure in "obviously unfounded cases". JS1 recommended that Croatia standardise the procedure with asylum seekers and to involve civil society organizations in the decision making process of state institutions dealing with asylum issues.¹²⁴

III. Achievements, best practices, challenges and constraints

N/A

IV. Key national priorities, initiatives and commitments

N/A

V. Capacity-building and technical assistance

N/A

Notes

¹ The stakeholders listed below have contributed information for this summary; the full texts of all original submissions are available at: www.ohchr.org. (One asterisk denotes a non-governmental organization in consultative status with the Economic and Social Council.)

Civil society

API	The Association for Promoting Inclusion; Zagreb, Croatia;
ASA	The Association for Self Advocacy, Zagreb, Croatia;
CPLAPA	The Centre for Peace, Legal Advice and Psychological Assistance, Vukovar, Croatia;
DODIR	Croatian Association of Deafblind Persons; Zagreb; Croatia;
FI	Franciscans International, in collaboration with the Franciscan Family of Croatia, in particular with members of the National Fraternity of the Secular Franciscan Order (SFO); Geneva; Switzerland;*
HRW	Human Rights Watch, New York, United States of America;*
JS1	Human Rights House Zagreb; Youth Network Croatia; Green Action; GONG; Centre for Education, Counselling and Research (CESI); Association for Self Advocacy (APA); Association for Promoting Inclusion (API); Croatian Association of Deaf-Blind Persons; Centre for Peace Osijek; Centre for Peace Vukovar; Coalition for promotion and protection of human rights; Kontra; Queer Zagreb; with the support of Human Rights House Foundation; Zagreb; Croatia; joint submission;
JS2	Croatian Youth Network; Center for Education, Counselling and Research (CESI); Ambidexter Club; IGRA; Zagreb, Croatia, Joint submission;

MDAC Mental Disability Advocacy Centre, Budapest, Hungary;

National Human Rights Institution

ORC The Ombudsman of the Republic of Croatia** *together with* The Ombudsman for Children, the Ombudsman for Persons with Disabilities and the Ombudsman for Gender Equality; the Human Rights Center; with the contribution of The Union of Autonomous Trade Unions of Croatia; Zagreb, Croatia, joint submission.

Regional organisations

CoE Council of Europe

- Commissioner for Human Rights, press release, 12 April 2010;
- European Committee of Social Rights, Conclusions XIX-2(2009)(Croatia), Articles 11, 13 and 14 of the Charter, January 2010;
- Resolution CM/ResChS(2009)7, adopted by the Committee of Ministers on 21 October 2009;
- European Committee of Social Rights, Complaint No. 45/2007; Decision on the Merits, 30 March 2009;
- Report to the Croatian Government on the visit to Croatia carried out by the European Committee for the Prevention of Torture and Inhuman or degrading Treatment or Punishment (CPT) from 4 to 14 May 2007, CPT/Inf (2008) 29, 9 October 2008;
- Responses of the Croatian Government to the report of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) on its visit to Croatia from 4 to 14 May 2007, CPT/Inf (2008) 30, 9 October 2008.
- Resolution ResCMN (2005)5, adopted by the Committee of Ministers on 28 September 2005;
- European Commission against Racism and Intolerance (ECRI); Report on Croatia (third monitoring cycle) Adopted on 17 December 2004, Published on 14 June 2005; CRI (2005)24.

² JS1, p. 2; see also ORC, p. 1.

³ ORC, p. 9.

⁴ HRW, p. 1; ORC, p. 6.

⁵ ASA, pp. 1–2; see also MDAC, para. 4.

⁶ API, pp. 1–2.

⁷ JS1, p. 2.

⁸ ASA, p. 2.

⁹ ASA, p. 2.

¹⁰ JS1, pp. 2–3.

¹¹ JS1, p. 3.

¹² ORC, p. 10.

¹³ MDAC, para. 23.

¹⁴ JS1, p. 4.

¹⁵ JS1, p. 8.

¹⁶ JS2, p. 1.

¹⁷ JS1, pp. 8–9.

¹⁸ JS1, pp. 8–9.

¹⁹ ORC, p. 10.

²⁰ JS2, pp. 2–3.

²¹ ASA, pp. 2–3.

²² ORC, p. 8.

²³ JS1, p. 2.

²⁴ ORC, p. 7.

²⁵ ORC, p. 10.

²⁶ JS1, p. 8.

²⁷ ORC, p. 4.

²⁸ JS2, p. 2.

- 29 ORC, p. 3.
30 ORC, p. 3.
31 CPLAPA, paras. 8–10.; see also JS1, p. 6.
32 CPLAPA, p. 4, see also JS1, p. 6.
33 CoE Commissioner, press release, 12 April 2010.
34 ASA, pp. 3–4; see also JS1, p. 6.
35 MDAC, para. 14.
36 HRW, p. 4; see also ASA, p. 3; MDAC, para. 23.
37 API, p. 1.
38 DODIR, pp. 2–3.
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40 JS1, pp. 9–10; see also ORC, p. 5.
41 CoE Committee of Ministers, Resolution CM/ResChS (2009)7, pp. 1–2.
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43 ORC, p. 4.
44 CoE-CPT, paras. 11–15. The Croatian government replied in its responses to the report, p.7.
45 CoE-CPT, paras. 13–14.
46 CoE-CPT, para. 23.
47 CoE-CPT, paras. 16–20. The Croatian government replied in its responses to the report, pp. 8-9.
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53 HRW, p. 5; see also MDAC, paras. 11 and 15.
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55 ASA, p. 4; see also HRW, p. 4.
56 MDAC, para. 13.
57 API, p.3.
58 API, p. 3; ASA, p. 5; JS1, p. 7.
59 MDAC, para. 23.
60 ORC, p. 4.
61 ORC, p. 8.
62 ORC, pp. 1–2.
63 ORC, pp. 9–10.
64 ORC, p. 8.
65 JS1, p. 3.
66 ORC, pp. 2 and 10. See also, CoE-CPT, para. 19.
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68 COE-ECRI, p. 30.
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72 ORC, p. 8.
73 ORC, p. 8.
74 API, p. 3; see also MDAC, para. 21.
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76 ORC, p. 9.
77 JS1, p. 6.
78 JS1, p. 11.
79 JS1, pp. 4–5.
80 JS1, p. 5.
81 JS1, p.5.
82 JS1, pp. 4–5.
83 ORC, p. 5.
84 JS2, p. 2.

- 85 JS2, p. 1, JS1 p. 8.
86 ORC, p. 5.
87 ORC, p. 5.
88 JS2, p. 2.
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93 CoE-ESCR, pp. 14–15.
94 ORC, p. 10.
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117 CPLAPA, para. 2.
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