

# COUNCIL OF EUROPE

## COMMITTEE OF MINISTERS

### **Resolution ResCMN(2005)5 on the implementation of the Framework Convention for the Protection of National Minorities by Croatia**

*(Adopted by the Committee of Ministers on 28 September 2005  
at the 939th meeting of the Ministers' Deputies)*

The Committee of Ministers, under the terms of Articles 24 to 26 of the Framework Convention for the Protection of National Minorities (hereinafter referred to as “the Framework Convention”);

Having regard to Resolution (97) 10 of 17 September 1997 setting out rules adopted by the Committee of Ministers on the monitoring arrangements under Articles 24 to 26 of the Framework Convention;

Having regard to the voting rule adopted in the context of adopting Resolution (97) 10;<sup>1</sup>

Having regard to the instrument of ratification submitted by Croatia on 11 October 1997;

Recalling that the Government of Croatia transmitted its state report in respect of the second monitoring cycle under the Framework Convention on 13 April 2004;

Having examined the Advisory Committee’s second opinion on Croatia, adopted on 1 October 2004, and the written comments of the Government of Croatia, dated March 2005;

Having also taken note of comments by other governments,

1. Adopts the following conclusions in respect of Croatia.

#### a) Positive developments

Croatia has taken a number of steps to improve the implementation of the Framework Convention following the adoption of the first Opinion of the Advisory Committee in April 2001 and the Committee of Ministers’ Resolution in February 2002. This process has included important changes in both legislation and practice, and it has been facilitated by an increased dialogue between the authorities and representatives of national minorities.

Since the adoption of the first Opinion of the Advisory Committee, Croatia has improved markedly its legal framework concerning the protection of national minorities. The most significant step was the adoption of the Constitutional Law on the Rights of National Minorities in 2002. The Constitutional Law addresses a number of legal gaps and inadequacies identified in the first cycle of monitoring of the Framework Convention, and it has resulted in clear improvements *inter alia* in the participation of national minorities in elected bodies.

Croatia has adopted a comprehensive National Programme for the Roma, which was drafted through an inclusive process. It contains a range of commendable initiatives aimed at preventing ethnically motivated hostility and improving the protection of the rights of Roma in education, employment, health and other key sectors where they face considerable problems.

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<sup>1</sup> In the context of adopting Resolution (97) 10 on 17 September 1997, the Committee of Ministers also adopted the following rule: “Decisions pursuant to Articles 24.1 and 25.2 of the Framework Convention shall be considered to be adopted if two-thirds of the representatives of the Contracting Parties casting a vote, including a majority of the representatives of the Contracting Parties entitled to sit on the Committee of Ministers, vote in favour”.

## b) Issues of concern

The implementation of the Constitutional Law on the Rights of National Minorities has been regrettably slow in some key areas. Shortcomings are particularly manifest as regards the participation of persons belonging to national minorities in the state administrative and judicial bodies, where the monitoring of the current situation and the implementation of the legal guarantees are yet to be developed. Also, shortcomings in the effective participation in economic life continue to be a problem for many persons belonging to national minorities.

Although progress has been made in addressing problems related to the return process, there are still real obstacles hindering sustainable return of persons belonging to the Serbian national minority, such as sporadic incidents of hostility in certain localities and remaining housing concerns, including those involving former tenancy rights holders.

The reported shortcomings in the judiciary, ranging from serious backlogs to ethnic bias within certain instances, also affect the implementation of the Framework Convention.

The requirements under the Croatian Law on Citizenship and their application continue to pose problems for persons belonging to national minorities. Persons whose citizenship status has not been clarified are particularly vulnerable to discrimination and face obstacles in the realisation of their rights, including in the economic, social and cultural ones.

While some elements of the National Programme for the Roma have been launched, increased support is required for its overall implementation and for the programme to yield tangible improvements in the protection of Roma.

There is a degree of legal uncertainty in the Croatian legislation concerning the conditions and procedures for the implementation of educational models envisaged in the Croatian Law on Education in Languages and Scripts of National Minorities, compounded by the disputes as to the respective responsibilities of state, county and municipal authorities for such schools. In the educational system, there are also concerns in some areas as regards limited contacts between different communities as well as shortcomings in terms of textbooks for persons belonging to some national minorities.

## 2. Adopts the following recommendations in respect of Croatia:

In addition to the measures to be taken to implement the detailed recommendations contained in sections I and II of the Opinion of the Advisory Committee, the authorities are invited to take the following measures to improve further the implementation of the Framework Convention:

- Address the remaining shortcomings in the implementation of the Constitutional Law on the Rights of National Minorities, paying particular attention to the guarantees regarding participation of persons belonging to national minorities in the state administrative and judicial bodies.
- Pursue further the commitment to resolve the outstanding return-related issues with vigour and do their utmost to make sure that the authorities' support for the return process is felt also at the local level.
- Increase efforts to improve the effectiveness and the capacity of the judicial system to protect the rights contained in the Framework Convention.
- Take steps to 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.
- Provide stronger support for the implementation of the National Programme for the Roma, in accordance with set time-framed targets.
- Clarify the rules and responsibilities concerning the implementation of educational models envisaged in the Croatian Law on Education in Languages and Scripts of National Minorities.

- Ensure the availability of textbooks for persons belonging to all national minorities.
- Take further steps in the educational system to encourage contacts between pupils of different communities and encourage media engagement in the promotion of inter-cultural dialogue.