



European network against racism

# ENAR Shadow Report 2011-2012

## ENAR SHADOW REPORT

**Racism and related discriminatory  
practices in Croatia**

**Centre for Peace Studies**

Racism is a reality in the lives of many ethnic and religious minorities in the EU. However, the extent and manifestations of this reality are often unknown and undocumented, especially in official data sources, meaning that it can be difficult to analyse the situation and to establish solutions to it.

The ENAR Shadow Reports are produced to fill the gaps in the official and academic data, to offer an alternative to that data and to offer an NGO perspective on the realities of racism in the EU and its Member States. NGO reports are, by their nature, based on many sources of data - official, unofficial, academic and experiential. This allows access to information which, while sometimes not backed up by the rigours of academic standards, provides the vital perspective of those that either are or work directly with those affected by racism. It is this that gives NGO reports their added value, complementing academic and official reporting.

Published by the European Network against Racism (ENAR) in Brussels, March 2013, with the support of the European Union Programme for Employment and Social Solidarity - PROGRESS (2007-2013), the Open Society Foundations, and the ENAR Foundation.

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## 1. Executive summary

The aim of this report is to outline and analyse racism and related discrimination in the Republic of Croatia from March 2011 to March 2012. The report also examines the negative political and socio-economic phenomena related to the discrimination against vulnerable and marginalised groups in society. In addition, the report aims at illustrating some positive practices and recommendations for combating xenophobia, racism and discrimination in Croatia.

Particularly vulnerable groups in Croatian society include citizens of Serbian, Bosniak and Roma origin who are recognised as national minorities, migrants, refugees, asylum grantees<sup>1</sup>, asylum seekers and persons under subsidiary protection.

Unemployment is a serious problem in Croatia and the vulnerable groups listed above are disproportionately affected. Existing legal protections which guarantee representation of national minorities in the public administration, are not sufficiently implemented.

It has been noted that some elementary schools place Roma and Serbian children in separate classrooms. This practice must be stopped. We also recommend that democratic citizenship be taught throughout elementary and secondary education in order to facilitate the development of responsible and active citizens.

With regard to housing, the most pressing concern is the difficulty faced by Serbian returnees when claiming their right to housing and property. This issue could be resolved by amending the discriminatory provisions of the Act regulating these areas. Moreover, it is necessary to make significant efforts here to change the public atmosphere towards the Serbian minority which makes such discriminatory practices possible.

It was difficult to find relevant data in the area of health. However, we came across individual discriminatory practices regarding patients of Serbian and Roma minority.

With regards to access to goods and services, the Roma minority faces great difficulties due to the fact that they rarely have citizenship or resident status in place and therefore cannot access goods and services. No major direct discrimination in this field has been reported concerning the Muslim community.

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<sup>1</sup> the specific Croatian context introduced the term 'asylum grantees' in order to differentiate those from the refugees which refers only to refugees coming out of the conflict of the '90s. Therefore, in this Report when referring to 'refugees' we mean refugees as a result of violent dissolution of Yugoslavia, and when we write about 'asylum grantees' we refer to refugees according to Law on Asylum.

In the area of political participation, a critical issue is the voting system for national minorities during the elections for national parliament. Their 'double vote' practice has been abolished and now they have to choose whether to vote for the 'minority list' or for majority representatives, considerably limiting their political participation.

We have identified hate speech in sport as another serious issue. It is common to see groups of violent supporters and hear them chanting in a racist manner or using fascist salutes. Furthermore, even during popular sport events which are broadcast nationally, such behaviour has never been condemned by a player, coach or other public figure.

Direct and indirect discrimination towards Muslims in Croatia occurred mostly in the 1990s. Today, measures are in place to protect the rights of religious and national minorities, and there have been only a few individual occurrences discriminatory practices towards Muslims. In other words, it appears that Islamophobia is not a widespread problem in Croatia but these occurrences can certainly be identified as examples of individual, incidental non-systematic discrimination in public which also call for further monitoring and attention.

In conclusion, more work has to be done in order to tackle the weaknesses in legal provisions and to ensure their implementation. Beyond this legal framework, every effort must be made to build social capital in order to facilitate a more tolerant, diverse and open society.

## 2. Table of contents

1. Executive summary.....	2
2. Table of contents .....	4
3. Introduction .....	5
4. Significant developments in the country during the period under review .....	7
5. Special focus: Islamophobia .....	11
6. Access and full participation in all collective areas of society .....	15
6.1 Racism and related discrimination in employment.....	16
6.2 Racism and related discrimination in education .....	20
6.3 Racism and related discrimination in housing .....	24
6.4 Racism and related discrimination in health.....	27
6.5 Racism and related discrimination in access to goods and services.....	29
6.6 Racism and related discrimination in political participation .....	31
6.7 Racism and related discrimination in media.....	33
6.8 Racism and related discrimination in criminal justice .....	36
7. Civil society assessment and critique in ensuring protection of fundamental rights .....	40
8. Good practices.....	43
9. National recommendations .....	46
10. Conclusion .....	49
Bibliography .....	50
Annex 1: List of abbreviations and terminology .....	56

### 3. Introduction

The aim of this report is to outline and analyse racism and related discrimination in the Republic of Croatia from March 2011 to March 2012. This report also examines the negative political and socio-economic phenomena related to the discrimination against vulnerable and marginalised groups in society. In addition, the report aims at illustrating some positive practices and recommendations for the improvement of the situation and for combating xenophobia, racism and discrimination in Croatian society.

The following are discussed in the report:

- development of anti-discrimination legislation and its (mis)implementation,
- status and rights of national minorities as well as immigrant groups and discrimination against them,
- specific focus on the issues of Islamophobia and rights of religious communities, and
- racism and related discrimination in employment, education, housing, health, political participation, criminal justice, media treatment and access to goods and services to population of concern.

Interviews were carried out by the Centre for Peace Studies team in June and July 2012 in the cities of Rijeka, Karlovac, Zagreb, Pakrac, Daruvar, Sisak and Korenica. The interviews were conducted with representatives from civil society organisations and on other individuals mainly from war-torn areas who are committed to combating discrimination.

Today the Republic of Croatia (RoC) is ethnically quite a homogenous society. According to the census in 2001 it has a population of 4,437,460 out of which almost 90% are Croats by nationality and Catholics by religion.<sup>2</sup> RoC recognises 22 national minorities in its territories. The significant change of constitutional status of Serbs from 'constitutive nation'<sup>3</sup> until 1991 to 'national minority' in Croatia from 1991 has taken place. The number of Serbs has dropped from 581 663 (12.16%) according to the census in 1991,<sup>4</sup> to 201 631 (4.5%) in 2001. Such a large decrease can be explained primarily by the exile of Serbs from the country in 1995 and, to a lesser extent, to a ethno-mimicry and (self)assimilatory tendencies. Although 17 years have already passed since the end of the war, and at present RoC is on the threshold of joining the European Union, there is still a pressing need to improve protection of minority groups. Bearing in mind the burden of post-war legacy, one of the most contentious issues is the question of Serbian returnees, their tenancy and pension rights, return of confiscated properties and so on. Therefore,

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<sup>2</sup> Central Bureau of Statistics, *Census of population 2001* (Zagreb, 2002)

<sup>3</sup> The term 'constitutive nation' refers to 6 nations constituting Federative republic of Yugoslavia

<sup>4</sup> Central Bureau of Statistics, *Census of Population, Households, Dwellings and farms 1991, Documentation 881* (Zagreb, 1992)

Serbian minority has gone through the process from a constitutive nation to being a national minority in Croatia which was a political shift that affected their everyday lives often subjecting them to discrimination in society. Consequently, the situation of Serbs in Croatia will be considered in depth in this report. Furthermore, a number of studies conducted in Croatia<sup>5</sup> reveal that the reason behind this lies in the fact that Serbs are still perceived as being responsible for the outbreak of the war in the 1990s. The Roma minority encounter difficulties throughout Europe. Croatia is no exception. The Roma in Croatia are subjected to discrimination, exclusion and marginalisation due to a great social distance that the Croatian majority feels towards them.

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<sup>5</sup> See, for example, Banovac, Boris, '(Re)construction of Social Space in periphery: Contribution to the Study of Collective Identity in Croatian Periphery', *Journal of Sociology*, 3-4 (2004) 95-112 and Banovac, Boris, and Boneta, Željko, 'Social Distance and Social (Dis)Integration of Local Communities', *Journal of Sociology*, 1-2 (2006) 21-46

#### 4. Significant developments in the country during the period under review

In June 2011 Croatia ended its pre-accession negotiations with the European Union. This was a lengthy and complex process, which began in 2005 and required the incorporation of an enormous body of EU law divided into 35 chapters, each corresponding to a policy area and each requiring separate negotiation.

In December 2011 the EU and Croatia signed Accession Treaty. Subsequently, 66% of voters confirmed their wish to join the EU in a national referendum in January 2012<sup>6</sup>. At the moment Croatia is expecting to become an EU member state in July 2013. Even though the negotiations are officially closed, the Commission has identified some areas where further efforts are required so that Croatia can become a member state. One of these obligations is further strengthening of the protection of national minorities, including effective implementation of the Constitutional Act on the Rights of National Minorities (CARNM)<sup>7</sup>. In addition, the EU has highlighted the need for further protection of Croatian Serbs and Roma minority particularly in living conditions, education, social protection, health care, employment and access to personal documents.

Prior to the close of negotiations on Chapter 23, Judiciary and Fundamental Rights in 2011, civil society organisations formed a coalition and drafted the Joint Opinion of the Croatian Civil Society Organizations on the Readiness of the Republic of Croatia for the Closing of Negotiations in Chapter 23, Judiciary and Fundamental Rights<sup>8</sup>. This resulted in forming a coalition named Platform 112 later that year. Platform 112 is comprised of 60 civil society organisations which are continuously working on the protection of human rights, democratisation, peace building, combating corruption and protecting public resources, especially the environment. Before parliamentary elections in December 2011, these civil society organisations directed a list of 112 demands to all political contestants thus defining priorities and specific measures for Croatia in which the rule of law represents the foundation of individual, institutional and political action.

Parliamentary elections were held on the 3<sup>rd</sup> and 4<sup>th</sup> December 2011.<sup>9</sup> These elections resulted in the demise of the Croatian Democratic Union party,

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<sup>6</sup> National Election Commission, *Official Results of Referendum on Croatian Accession to EU*, [http://www.izbori.hr/izbori/dip\\_ws.nsf/0/285B8CAADE86805FC12579920040C324/\\$file/Sluzbeni\\_potpuni\\_rezultati\\_glasovanja\\_referendum.pdf](http://www.izbori.hr/izbori/dip_ws.nsf/0/285B8CAADE86805FC12579920040C324/$file/Sluzbeni_potpuni_rezultati_glasovanja_referendum.pdf), last accessed 2 October 2012.

<sup>7</sup> Constitutional Act on the Rights on National Minorities, Official Gazette No. 155/02, 80/10

<sup>8</sup> Joint Opinion of the Croatian Civil Society Organizations on the Readiness of the Republic of Croatia for the Closing of Negotiations in Chapter 23, Judiciary and Fundamental Rights, [http://kucaljudskihprava.hr/system/attachment/file/1/20110216\\_Joint\\_opinion\\_of\\_Croatian\\_CS\\_Os\\_on\\_Chapter\\_23.pdf](http://kucaljudskihprava.hr/system/attachment/file/1/20110216_Joint_opinion_of_Croatian_CS_Os_on_Chapter_23.pdf), last accessed: 2 October 2012.

<sup>9</sup> On 3<sup>rd</sup> December for Croatian citizens living abroad and on 4<sup>th</sup> December in Croatia

CDU<sup>10</sup>, (winning 19.87% of the votes) and in the emergence of a new coalition, *Kukuriku coalition*, (52.98 %).<sup>11</sup> The winning coalition was formed by 4 parties which claim to share similar values and programmes. These parties are: Social Democratic Party,<sup>12</sup> Croatian Peoples Party,<sup>13</sup> Istrian Democratic Sabor<sup>14</sup> and Croatian Pensioners Party.<sup>15</sup> *Kukuriku coalition* proclaimed itself to be at the centre left of the political spectrum as opposed to the then ruling CDU, which had a strong nationalistic approach during the 1990s and later, after a short break, came back in 2003 as a reformed pro-European Christian Democratic party. These elections were held in the background of the arrest of the then Prime Minister and head of CDU, Ivo Sanader, who was accused of corruption on a grand scale.

In May 2011 the Act on Amendments of the Act on Areas of Special State Concern<sup>16</sup> aimed at regulating housing of returnees. The Act included a number of discriminatory practices. These amendments allowed different entitlement to housing rights according to ethnic origin. That is, Croatian war veterans, members of Croatian Council of defence from Bosnia and Herzegovina and Croats who enjoy housing rights in the liberated area have the right to gain permanent ownership of the property they inhabit on condition that they do not sell it within next 10 years. On the other hand, these rules do not apply to returnees of the Serbian origin who have to buy back (at market rates) their current property and are may not be absent for more than 6 months.

On 1<sup>st</sup> January 2012 a new Foreigners Act<sup>17</sup> entered into force. That was the first time in 20 years that Foreigners Act had been presented for public discussion before it was approved by the Croatian parliament. However, most of the changes that were proposed by NGOs were not incorporated.

In order to harmonise this Act with the EU directives, important changes were introduced. A number of these made the Act more restrictive. These include:

- an explanation of the decision rejecting or terminating residence of a foreign national or expelling a foreign national on the grounds of national security will specify the related legal provision but will not elaborate further on the reason for expulsion;
- a permanent residence may be granted to a foreign national who prior to submitting the application has had temporary resident status for an uninterrupted period of five years and eight years before applying for citizenship.

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<sup>10</sup> Hrvatska Demokratska Zajednica (HDZ)

<sup>11</sup> National Election Commission, *Summary Data on the Results of Elections for the Members of the Croatian Parliament*, <http://www.izbori.hr/2011Sabor/rezultati/rezultati.html>, accessed 3 August 2012

<sup>12</sup> Social-Demokratska Partija (SDP)

<sup>13</sup> Hrvatska Narodna Stranka (HNS)

<sup>14</sup> Istarski Demokratski Sabor (IDS)

<sup>15</sup> Hrvatska Stranka Umirovljenika (HSU)

<sup>16</sup> Act on Amendments of the Act on Areas of Special State Concern, Official Gazette, No. 057/2011

<sup>17</sup> Foreigners Act, Official Gazette, No. NN 130/11

- In the case of a foreign nationals granted temporary residence for the purpose of studying, the time required for the approval of permanent residence will be calculated to include only a half of the time spent further to a temporary residence permit issued for the purpose of studying.
- However, the provision relating to health insurance as a requirement for residence status determination remains unchanged, that is, foreign nationals themselves must pay for health insurance. This presents a problem for returnees who are often impoverished.

In October 2011, in order to strengthen the human rights protection system in RoC, an act was passed which merged the Office of the Ombudsman with the Centre for Human Rights. The process of drafting the Ombudsman Act was controversial. The government tried to pass the bill under the accelerated procedure, without a consultation process with the public. The bill was enacted with a simple majority in October 2011. The Act was referred to the Constitutional Court which declared<sup>18</sup> it to be unconstitutional and stated that this Act should be voted with qualified majority, due to the fact that it concerned basic human rights and fundamental freedoms. The second draft of the Act entered into force in July 2012.

In October 2011 the new Criminal Act was passed. This Act is due to enter into force in January 2013. The new Criminal Act introduces several important legal developments concerning hate crime, violation of equality and incitement to violence and hatred. This harmonises the Criminal act with the Constitution of Croatia, Anti-discrimination Act and some of the international anti-discrimination standards.

The Anti-discrimination Act (ADA)<sup>19</sup> has been in force since 1<sup>st</sup> January 2009. Even though this Act is a recent development, the ban on discrimination is provided for in the RoC Constitution as well as a number of international treaties which the RoC has signed. Antidiscrimination is provided for in the Constitutional Act on the rights of National Minorities<sup>20</sup>, Labour Act<sup>21</sup>, The Civil Servants Act<sup>22</sup> and the Gender Equality Act<sup>23</sup> and Criminal Code<sup>24</sup>. In order to comply with the EU *acquis*, the Croatian Parliament has announced the need for amendment of the ADA. During the winter 2011/2012, civil society organisations active in the field of human rights drafted amendment proposals. One of these is the exception described in Article 9.2.2 which states that placing an individual in a less favourable position will not be considered discrimination on the grounds of nationality pursuant to separate regulations. The civil society organisations expressed their worry that this exception could enable discrimination on some other grounds, especially on

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<sup>18</sup> Croatian Constitutional Court decision, U-I /5654/2011

<sup>19</sup> Anti-discrimination Act, Official Gazette No. 85/08

<sup>20</sup> Constitutional Act on the Rights of National Minorities (Official Gazette, no. 155/02).

<sup>21</sup> The Labour Act (Official Gazette, no. 38/95, 54/95, 65/95, 17/01, 82/01, 114/03, 142/03, 30/04, 137/04)

<sup>22</sup> The Civil Servants Act (Official Gazette, no. 92/05, 142/06, 77/07, 107/07 and 27/08)

<sup>23</sup> The Gender Equality Act (Official Gazette, no. 82/08).

<sup>24</sup> The Criminal Code (Official Gazette, no. 110/97, 27/98, 50/00)

those of race, ethnicity or religion, thus discriminating indirectly the most vulnerable social groups in the Croatian society, like Roma, Serbian minority and foreign nationals.

## 5. Special focus: Islamophobia

Muslims were present in the Croatian territories even before the arrival of Ottomans in the West Balkans in the 15<sup>th</sup> century. The majority of Muslims in Croatia are 'Bosniaks' by nationality and/or ethnicity and they mostly follow the Sunni tradition<sup>25</sup>. They are from Bosnia and Herzegovina by origin and majority of them began to immigrate to Croatia in the second half of the 19<sup>th</sup> century<sup>26</sup>. Thus, Muslims and Bosniaks in Croatia are integral to Croatian society.<sup>27</sup> Historically, Islam obtained legal status in 1916 when the Croatian Parliament (Croatia was a part of Austro-Hungarian monarchy) formally recognised Islam as equal among other religions. In 2002, when the Law on Legal Status of Religious Communities<sup>28</sup> was enacted, beside Roman-catholic the registration of all other religious communities became guaranteed. Croatia's history of religious tolerance and coexistence has resulted in a high level of religious freedom and cultural diversity today. There are also a number of Muslims within the Roma and Albanians communities.<sup>29</sup> A small community of Turks and new coming immigrants from Middle and Central Asian and African territories also belong to Muslim community in Croatia, as well as traditional labour immigrants from Bosnia and Herzegovina, and partly from Kosovo, Macedonia, Albania.

As the results of previous census (in April 2011) have not yet officially been published, it is difficult to give precise statistics on minority populations. In 2001 (last census results published) there were in total 56,777 (1.28% of the entire population) Muslims in Croatia.<sup>30</sup> However, estimations differ and according to unofficial data 'the Islamic community in Croatia today counts up to 100 000 or about 2% of the total population of the country.'<sup>31</sup> After the Serbs, Bosniaks represent the largest national minority in Croatia. Population of Muslims is dispersed throughout the territory of the Republic of Croatia, but they are

<sup>25</sup> Imamović, Mustafa, *Historija Bošnjaka*, (Novi Pazar: Centar za bošnjačke studije, 2007), Imamović, Mustafa, *History of Bosniaks*. (Novi Pazar: Centre for Bosniaks studies, 2007).

<sup>26</sup> Hasanbegović, Zlatko, *Muslimani u Zagrebu: 1878. – 1945., doba utemeljenja*, (Zagreb: Medžilis Islamske zajednice Zagreb i Institut društvenih znanosti Ivo Pilar, 2007), Hasanbegović, Zlatko. *Muslims in Zagreb: 1878 – 1945., days of foundation*. (Zagreb: Medžilis of Islam community in Zagreb i Institute of social sciences Ivo Pilar, 2007)

<sup>27</sup> Čičak-Chand, Ružica "Islam i muslimani u Hrvatskoj: skica stvaranja muslimanskog/bošnjačkog sociokulturnog prostora", *Migracijske i etničke teme*, 15 (1999), 51-464. Čičak-Chand, Ružica. "Islam and Muslims in Croatia: An Outline of the Making of Muslim/Bosniak Socio-Cultural Space." *Migration and ethnic themes*, 15 (1999), 51-464.

<sup>28</sup> Zakon o pravnom položaju vjerskih zajednica (Narodne novine 83/02) Law on legal status of religious communities, Official Gazette No. 83/02.

<sup>29</sup> Especially and some of Macedonians and Kosovars of muslim faith under different sub-ethnic names (Gorani, Torbeši)

<sup>30</sup> DZS RH (2002). *Popis stanovništva, kućanstava i stanova 2001. god.*, (cd-rom). (Zagreb: Državni zavod za statistiku Republike Hrvatske). DZS RH (2002). *Census of Population, Households and Dwellings in 2001*, (cd-rom). (Zagreb: Croatian bureau of statistics).

<sup>31</sup> Sujoldžić, Anita, and Božić-Vrbančić, Senka, and Kulenović, Tarik, and Plavšić, Marlena, and Terzić, Rifet, 'Bošnjaci – kulturni profil', *Bošnjačka pismohrana*, 21-22 (2006) 9-31. Sujoldžić, Anita, and Božić-Vrbančić, Senka, and Kulenović, Tarik, and Plavšić, Marlena, and Terzić, Rifet, 'Bosniaks – cultural profile', *Bosniak archives*, 21-22 (2006) 9-31

mostly concentrated in certain counties, mainly those bordering the territory of Bosnia and Herzegovina, Zagreb as the capital and Istra county.<sup>32</sup>

Nowadays there is a kind of political and ideological distinction between 'muslims' and 'Muslims'. In 1993, at the peak of the war in Croatia and Bosnia and Herzegovina new national name (ethnonym) 'Bosniak' was introduced as an official term in Bosnia and Herzegovina in contrast to the previously used name 'Bosnian' (which refers to every citizen of Bosnia and Herzegovina, regardless of national and religious affiliation), and previously used ethnic name 'Muslim' (with capital M) which refers to Bosnian population of 'muslim' faith.<sup>33</sup>

In 1991 the number of Muslims in Croatia was 43,469 and in census 2001 the number of Bosniaks was 20,755 which makes a total drop of 53% of the Muslim/Bosniak population in that period<sup>34</sup>. However, this difference can be explained by obvious 'census geometry'. That is, in the 2001 census an additional option was introduced of declaring oneself to be 'Muslim' (written with capital M as opposed to 'muslim', which refers to members of the Islamic faith). Therefore, 19,677 citizens declared themselves to be 'Muslims' and were statistically classified under the category of 'Other European Nations', even though they majority were Bosniaks by nationality. The reason why so many of them opted for the 'Muslim' instead of 'Bosniak' name lies in the fact that Muslim's identity was up to then more of an ethnic and/or national identity that encompassed the religious component. This religious component they did not want to dismiss or were in fear of losing if declaring to be (just) Bosniaks. So, here and further in the report, the transcription of muslim will be used with small 'm' when we refer to the followers of the Islamic religion.

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<sup>32</sup> The population of muslims in Croatia as members of national minorities and Croatian citizens, have all socio-economic, religious and political rights. Beside them, and according to official statistic of Ministry of Interior (private correspondence, 2012) there is a registered population of 13.628 citizens of Bosnia and Herzegovina on temporary or permanent stay and working permits status living and working in Croatia. According to same statistics there are 1879 immigrants from Kosovo, 1876 from Macedonia. It is to suspect that majority of them are by religion Bosnian muslims – Bosniaks, Kosovar muslims and Macedonian muslims, as a part of traditional inter-republic labour (im)migration with their family members. According to UNHCR Croatian office in Croatia 2011 there are still 739 registered refugees from Bosnia and Herzegovina and Kosovo, majority of them presumably being of muslim faith.

<sup>33</sup> Hodžić, Alija. *Bošnjaci u Zagrebu: prikaz socijalno-kulturnog stanja*. (Zagreb: Vijeće bošnjačke nacionalne manjine Grada Zagreba, 2011). Hodžić, Alija. *Bosniaks in Zagreb: a review of socio-cultural status*. (Zagreb: The Council of Bosniak national minority of the City of Zagreb, 2011).

<sup>34</sup> DZS RH (1992). *Popis stanovništva 1991, Dokumentacija 881* (Zagreb: Državni zavod za statistiku Republike Hrvatske); DZS RH (2002). *Popis stanovništva, kućanstava i stanova 2001. god.*, (cd-rom). (Zagreb: Državni zavod za statistiku Republike Hrvatske). DZS RH (1992). *Census of population in 1991, Documentation 881* (Zagreb: Croatian bureau of statistics). DZS RH (2002). *Census of Population, Households and Dwellings in 2001*, (cd-rom). (Zagreb: Croatian bureau of statistics).

Croatia has not resolved the on-going problem that only 25% of Bosniaks are registered in voting lists.<sup>35</sup> In this way 2/3<sup>rd</sup> of Bosniaks are denied their right to vote for their representatives in the councils of national minorities. This artificially divides the Bosniak community itself, because it is one nationality, with the same language, culture and religion. This is an example of the structural institutional discrimination exercised by the Croatian government. Another example of structural discrimination was the occasion when Bosniaks and Slovenians were omitted from the preamble of the Constitution and *de facto* denied their national minorities' identity and tradition on the territory of RoC (this was corrected much later in 2010)<sup>36</sup>. Our respondents (representatives of Bosniak minority Council and Islam religious community) claim that this was a mean of punishing the Bosniak population: Bosniaks in Croatia have become the 'collateral victims' of animosity because of the Croatian-Bosniak conflict in Bosnia and Herzegovina from 1992 to 1994.

Today Bosniaks in Croatia have built strong communities ties and an organised institutional structure: the Islamic religious community, cultural associations and humanitarian organisations, as well as political parties, minority press, sport clubs and so on. Scarcity of more mosques within Croatian territory lead to phenomena that many of muslims in Croatia are deprived of the right for participating in religious practices within their own local communities. Nevertheless, in the present situation of only three mosques in Croatia existing, there are plans to build two more in next few years.

Opinions polls on ethnic integration in Croatia indicate that Croatian citizens consider themselves most distanced from Roma and Albanians, then from Serbs and finally, to a lesser extent from Slovenians (due to political reasons; Slovenians are perceived to be the nation hampering Croatian accession to the EU).<sup>37</sup> Processes of ethno-national homogenisation of the Croatia were taking place simultaneously with the stigmatisation of Serbs as war enemies, resulting in increasing of Croat population and decrease of national minorities. Perception of Bosniaks in Croatia changed from allies to enemies and back again<sup>38</sup>, thus at present they are not the population from whom Croats feel the greatest distance. While Islamophobia can be seen as part of a general climate of hostility in the society, some other minorities and immigrant population experience more serious degrees of hostility (Roma and Albanians mostly).

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<sup>35</sup> Babić, Dragutin, Škiljan, Filip, Župarić-Iljić, Drago, *Nacionalne manjine u Zagrebu* (Zagreb: Plejada, 2011). Babić, Dragutin, Škiljan, Filip, Župarić-Iljić, Drago, *National minorities in Zagreb: status and perspectives* (Zagreb: Plejada, 2011)

<sup>36</sup> *ibid.*

<sup>37</sup> See, for example, Banovac, Boris, '(Re)konstrukcija socijalnog prostora periferije: Prilog istraživanju kolektivnih identiteta u hrvatskoj periferiji' *Revija za sociologiju*, 3-4 (2004) 95-112. Banovac, Boris, '(Re)construction of Social Space in periphery: Contribution to the Study of Collective Identity in Croatian Periphery', *Journal of Sociology*, 3-4 (2004) 95-112 and Banovac, Boris, Boneta, Željko, 'Etnička distanca i socijalna (de)integracija lokalnih zajednica', *Revija za sociologiju*, 1-2 (2006) 21-46. Banovac, Boris, Boneta, Željko, 'Social Distance and Social (Dis)Integration of Local Communities', *Journal of Sociology*, 1-2 (2006) 21-46

<sup>38</sup> *ibid.*

The differences within the Muslim community itself are primarily related to nationality (between Bosniaks as predominant nationality and the rest muslim communities), possible legal status (citizens of Croatia or around 600 refugees from Bosnia and Herzegovina with permanent status,), and the degree of religiousness and/or secular lifestyles and values, political persuasions and cultural traditions. The Bosnian language, which is spoken among Croatian Bosniaks, is very similar to Croatian and it is understood by Croatian citizens and all muslims in Croatia. Possible differences account for the status of muslims regarding the implementation of the Constitutional Act on the Rights of National Minorities (enforced in 2002) in war affected regions and areas. According to our respondents, there have been some examples of miss implementation of abovementioned act (article 22) with employing Bosniak minority's members in public state administration and judicial bodies, but it was seldom praxis.

There were no official criminal justice data on religiously motivated incidents and violence against members of Muslim communities or their properties in 2011 and 2012 in Croatia. There were no reported cases of Islamophobic vandalism or graffiti. There were several examples of inappropriate media reporting against population of asylum seekers and refugees,<sup>39</sup> but these miss-presentations were more concerning racial/ethnic origins of the groups, then their religious affiliations.

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<sup>39</sup> Slobodna Dalmacija, *Vis and Lastovo under the Attack: Six Thousand Policemen Will Defend Us from the Invasion of Immigrants*, <http://slobodnadalmacija.hr/Hrvatska/tabid/66/articleType/ArticleView/articleId/162887/Default.aspx>, accessed 15 August 2012

## 6. Access and full participation in all collective areas of society

As mentioned in the introduction, the racism and related discrimination in the Croatian context primarily concern Serbian, Roma and Bosniak minorities as well as foreign nationals, specifically asylum seekers and grantees. There have been attempts to obtain some information from Albanian NGOs but they proved unsuccessful<sup>40</sup>. In addition, there are no official statistics or media articles on discrimination against Albanian minority<sup>41</sup>.

It is important to consider these issues in the light of recent history, especially the events of the 1990s which were characterised by the violent dissolution of Yugoslavia. This left its mark on the everyday lives of people in the entire region. While xenophobia and discrimination towards Serbs have decreased since the violent conflict, even today this hostility is still present at many levels. The interviewed representatives of youth Serbian national minority<sup>42</sup> argue that the socio-political conditions necessary for complete cultural, linguistic and religious expression are not in place. On occasion, they still encounter verbal assaults, they experience lack of employment opportunities. They receive little media coverage, have only a limited impact in politics and lack financial means to support Serbian community organisations.

Serbs are viewed negatively and stereotyped by the general public. Serbs are considered to be Croatia's 'greatest enemy' and conquerors of the entire Balkan region who violently denied nation states their right to sovereignty. This kind of national identity and collective memory is transferred from one generation to another.

The Roma population face high levels of discrimination and socio-economic marginalisation, regardless of their religious affiliations and traditions. Both Bosniak minority and Islamic Religious Community representatives in Croatia have highlighted the fact that the Roma minority is very vulnerable to discrimination, even though Roma have their own representative in the Croatian Parliament.

Constitutional Act on the Rights of National Minorities<sup>43</sup> guarantees a number of rights, including sustainability of culture, language and religion. The importance of political participation and representation has been emphasized.

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<sup>40</sup> Center for Peace Studies has tried to obtain information from Albanian minority organization during July 2012, but no information was provided.

<sup>41</sup> Office of the Ombudsman, Report on the Occurrences of Discrimination in 2011, <http://www.ombudsman.hr/hr/component/content/article/49-izvjescjedisk/291-izvjee-o-pojavama-diskriminacije-za-2011-godinu.html>, accessed 3 July 2012., Lalić, Sara, Senta, Cvijeta (ed.), Report on Implementation of the Anti-discrimination Act in 2011 (Centre for Peace Studies: Zagreb, 2011)

<sup>42</sup> An interview was held with the President of Youth Serbian Democratic Forum in Zagreb in July.

<sup>43</sup> Constitutional Act on the Rights on National Minorities, Official Gazette No. 155/02, 80/10

While the Act is an important tool in integrating minorities, there are a number of problems regarding its implementation. These will be discussed later in the chapter.

## 6.1 Racism and related discrimination in employment

### 6.1.1 Manifestations of racism and related discrimination in employment

Unemployment is a serious problem in Croatia. Minorities are disproportionately affected by this issue. Discrimination in employment is forbidden under the Labour Act which prohibits direct and indirect discrimination in the field of employment and working conditions.<sup>44</sup> This is reinforced by the Anti-discrimination Act.<sup>45</sup> Nonetheless, discrimination is widespread in the workforce.

Recent research has revealed that discrimination is most prevalent in the area of employment. The Ombudsman stated in the Report on the Occurrences of Discrimination for the Year 2011 that there were 34.6% complaints of discrimination relate to employment,<sup>46</sup> out of total 147 complaints. This data is also supported by the results of this research,<sup>47</sup> according to which most of the complaints of discrimination brought to the civil society organisations related to work and working conditions. A study<sup>48</sup> of public opinion carried out in spring of 2012 showed that 59% of those asked said that discrimination in area of work was the most widespread. This increased from 32% in 2009.

National minorities are still under-represented in the civil services and public sector. Data from the Ministry of Administration shows that in February 2011 there were 50 298 persons employed in the state administration, while 2009 of these state employees were members of minority groups.<sup>49</sup> The Office of the Ombudsman and the EU Progress Report<sup>50</sup> both claim that there have been no substantial improvements in this field, since the introduction of the general recruitment freeze<sup>51</sup>. Furthermore, according to the data that the Centre for Peace Studies has received from the Ministry of Administration, on 31<sup>st</sup> December 2011 there was a total of 51 648 persons employed in state

<sup>44</sup> Labour Act, Official Gazette No. 149/09, 61/17, article 5(4)

<sup>45</sup> Anti-discrimination Act, Official Gazette No. 85/08

<sup>46</sup> Office of the Ombudsman, *Report on the Occurrences of Discrimination in 2011*, <http://www.ombudsman.hr/hr/component/content/article/49-izvjescedisk/291-izvjee-o-pojavama-diskriminacije-za-2011-godinu.html>, accessed 3 July 2012

<sup>47</sup> Lalić, Sara, Senta, Cvijeta (ed.), *Report on Implementation of the Anti-discrimination Act in 2011* (Centre for Peace Studies: Zagreb, 2011)

<sup>48</sup> Office of the Ombudsman, *Discrimination: Public Opinion Research*, <http://www.ombudsman.hr/hr/aktivnosti/290-diskriminacija-ispitivanje-javnog-mnijenja.html>, accessed 3 July 2012

<sup>49</sup> Plan of Admission of the Members of National Minorities into State Services to the Bodies of State Administration for the Period 2011–2014

<sup>50</sup> European Commission, *Croatia 2011 Progress Report*, <http://www.delhrv.ec.europa.eu/?lang=en&content=65>, accessed 2 August 2012

<sup>51</sup> The Government of Croatia decision on banning the employment of new civil servants and employees in state administration, Official Gazette No. 96/09

administration, out of which 1 755 were the members of national minorities. According to this data, not only did the state fail to meet the target of employment of the new 161 members of national minorities in 2011, but their number actually further decreased.<sup>52</sup>

Serbs do not have equal opportunities for employment, *inter alia*, because a long-term strategy to implement the CLNM minority employment provisions is still lacking. Also, most of them live in communities with high unemployment rates and in the regions that were underdeveloped even before the war. Serbs face discrimination in employment, such in the case of Biljana Šumonja which was published in Novi List in June 2012.<sup>53</sup> This was the first case of discrimination on the grounds of ethnic affiliation according to ADA. Ms Šumonja, Nursery School Teacher, who was fired in 1991 and despite the court ruling was not reinstated to her position, neither could find another job since. The Centre for Peace Studies has been concerned with this problem for many years and confirms that in some areas, particularly in areas of special state concern like West Slavonia, near Zadar, Croatian citizens of Serbian nationality often cannot get a job. Proving discrimination in this area is often difficult and discrimination frequently goes unsanctioned.

Although there is no general quantitative data, discrimination against Bosniaks in employment is a problem in Croatia. It has been shown<sup>54</sup> that Sisak<sup>55</sup> today has a high unemployment rate of Bosniaks who were a leading work force through the second half of the 20<sup>th</sup> century in metal and iron industry, which was the main branch of local economy until the war in 1991 and until privatization process at the end of nineties. As local Bosniaks were first or second generation economic migrants in Sisak many worked in low skilled jobs with harsh working conditions.

One concern is that while Croatia does have provisions for positive discrimination in<sup>56</sup> the recruitment of minority groups, this is little impact in practice. Employers often find ways to circumvent this provision, preferring to hire Croat employees. On the other hand, a positive example has emerged just recently in Sisak when a local Croat Muslim woman wearing hijab was employed as a Head of the National Minority Department at the Town of Sisak.

The Roma population encounters great difficulties in the area of employment. According to the above mentioned data on the employment of members of

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<sup>52</sup> Plan of Admission of the Members of National Minorities into State Services to the Bodies of State Administration for the Period 2011 – 2014

<sup>53</sup> Novi List, *First National Action for Discrimination in Croatia: After Getting Fired in 1991 I Can Not Even Get a Job as a Cleaning Lady*, <http://www.novolist.hr/Vijesti/Hrvatska/Prva-tuzba-za-nacionalnu-diskriminaciju-u-Hrvatskoj-Nakon-otkaza-1991.-ne-mogu-dobiti-ni-posao-peracice> , accessed 1 August 2012

<sup>54</sup> According to personal opinion and not published analysis of Ismet Isaković, Editor of Preporod and member of Islamic community Sisak

<sup>55</sup> Sisak is the biggest and main town of 'Sisačko-moslavačka' County which is characterised by the a huge metal and iron industry.

<sup>56</sup> Plan of Admission of the Members of National Minorities into State Services to the Bodies of State Administration for the Period 2011 – 2014

national minorities in the public sector, there was only two persons of Roma origin employed in the state administration.<sup>57</sup> Widespread prejudice against Roma in Croatian society has resulted in discrimination in private sector recruitment. According to a recent public opinion survey, Croatian citizens consider that there is a large social distance between themselves and the Roma. 54.7% of examinees do not agree with the statement that employing Roma in their own company would not be a problem for them, while 27.1% of examinees held that Roma employed in service industry (for example trade or catering industry) would divert a lot of customers.<sup>58</sup>

Refugee population also encounters considerable difficulties in the area of employment. This problem is due to the fact that there is no functional Croatian language course adjusted to the needs of refugees. This is a considerable barrier to employment. The Croatian Employment Service recognizes that refugees have the right to work without the working permit, pursuant to the Asylum Act.<sup>59</sup> Although the Croatian Employment Service included refugees and aliens under subsidiary protection in all affirmative action measures for increasing employment opportunities,<sup>60</sup> according to statistics only three out of 60 persons who were granted protection were employed.

### **6.1.2 Facilitating factors or protective measures to combat employment challenges**

In spite of legal provisions such as the Anti-discrimination Act, the Act on Civil Servants, the Labour Act and strategies for employment of members of national minorities in state institutions, Croatia has a relatively high unemployment rate among minority groups with significant regional differences. Many NGOs<sup>61</sup> implement programmes to tackle Croatia's long-term unemployment problem. They have organised training sessions on various skills needed in the labour market. These projects include targeted training programmes (workshops on building confidence, increasing motivation, getting ready to actively seek employment, writing CV, interview skills, presentation skills, etc.), lifelong career guidance, and other measures designed to improve the employability of jobseekers.

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<sup>57</sup> Governmental Office for Human Rights, Report on Implementation of Action Plan on Implementation of Constitutional Law on National Minorities for the period 2011-13, July 2012

<sup>58</sup> Ombudsman Office, *Discrimination: Public Opinion Research*, <http://www.ombudsman.hr/hr/aktivnosti/290-diskriminacija-ispitivanje-javnog-mnjenja.html>, accessed 3 July 2012

<sup>59</sup> Asylum Act, 'Official Gazette' No. 79/07, 88/10

<sup>60</sup> Memorandum on Positive Action Measures for Employment, [http://www.hzz.hr/DocSlike/Zajednicki\\_memorandum\\_o\\_prioritetima\\_politike\\_zaposljavanja\\_RH\\_\(JAP\).pdf](http://www.hzz.hr/DocSlike/Zajednicki_memorandum_o_prioritetima_politike_zaposljavanja_RH_(JAP).pdf), accessed July 10th 2012.

<sup>61</sup> e.g. CESI – Center for Education, Counseling and Research project "Better perspective for Roma women on the labour market". The aim of the project was to empower Roma women, and encourage them to participate more actively in both the labour market, and society at large.

As an affirmative action measure, Action Plan on Implementation of the Constitutional Act on the Rights of National Minorities for the Period 2011/13 was brought in April 2011<sup>62</sup>. It contains a chapter on the employment of the members of national minorities in state administration, in accordance with article 22 of the Constitutional Act<sup>63</sup>. According to this Action Plan, the ratio of members of national minorities in state administration should be increased from the current ratio of 3.92% to 5.5% in the period from 2011 to 2013.<sup>64</sup> Accordingly, a more precise Plan of Admission of the Members of National Minorities into State Services to the Bodies of State Administration for the Period 2011/2014 has been developed<sup>65</sup>, stating that 802 members of national minorities will be employed by 2014. 161 of them were supposed to be employed in 2011. However, as already mentioned, the data shows that these changes were not implemented in 2011.

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<sup>62</sup> Action Plan on Implementation of Constitutional Law on National Minorities for the period 2011-13

<sup>63</sup> Article 22.

(1) In those local or regional self-government units (hereinafter: self-government units) in which proportional representation of national minorities is mandated under the provisions of this Constitutional Act, such minority representation shall also be secured in the executive bodies of such units.

(2) The representation of national minority members in public administration and the courts shall be ensured in compliance with the provisions of special legislation and other employment policy papers of such bodies, by taking into account the share of national minority members in the total population at the level where any such public agency or court has been established as well as their acquired rights.

(3) The representation of national minority members in local or regional self-governmental bodies shall be ensured in compliance with the provisions of special legislation governing local and regional self-government and other employment policy papers of such bodies, and in keeping with acquired rights.”

<sup>64</sup> Action Plan on Implementation of Constitutional Law on National Minorities for the period 2011-13

<sup>65</sup> Plan of Admission of the Members of National Minorities into State Services to the Bodies of State Administration for the Period 2011 – 2014

## 6.2 Racism and related discrimination in education

### 6.2.1 Manifestations of racism and related discrimination in education

The most vulnerable group that suffers discrimination and exclusion in the education system is Roma minority. The data collected by the Ministry of Education, Science and Sport in the report under the Action Plan of the Decade for Roma Inclusion 2005 – 2015 show that each year has seen slight progress with regard to the number of Roma pupils enrolled into elementary schools. For example, there were 3010 Roma pupils enrolled into the school year 2006/2007, while 4435 of Roma pupils were enrolled in primary school in school year 2010/2011.<sup>66</sup> The data for the school year 2011/2012 is not yet available. Some progress has been made concerning numbers of Roma pupils in secondary schools, but there is still a large drop-out rate during secondary school and a large discrepancy between the number of children who finish elementary school and those who finish secondary school.<sup>67</sup>

Another issue is the segregation of Roma pupils in Roma-only classes in elementary schools. European Court of Human Rights has found a violation of article 14 – prohibition of discrimination in conjunction with the right to education in the case *Oršuš and Others v. Croatia* in March 2010 stating that

*‘in the circumstances of the present case and while recognising the efforts made by the Croatian authorities to ensure that Roma children receive schooling, the Court considers that there were at the relevant time no adequate safeguards in place capable of ensuring that a reasonable relationship of proportionality between the means used and the legitimate aim said to be pursued was achieved and maintained. It follows that the placement of the applicants in Roma-only classes at times during their primary education had no objective and reasonable justification.’<sup>68</sup>*

Although there have been efforts on the side of the Croatian Government to stop such practice, there are still reports on only-Roma classes in schools. While measures for execution of the European Court of Human Rights judgment in the case of *Oršuš and Others v. Croatia* have been brought, reports on the implementation of the Action Plan for the Decade of Roma 2005 – 2015 show that there were still 44 Roma-only classes in elementary schools in the school year 2010/2011. While this is an improvement from the

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<sup>66</sup> Action Plan of the Decade for Roma Inclusion 2005 – 2015: Education – Elementary Education 2009 and 2010, <http://public.mzos.hr/Default.aspx?art=10021&sec=3156>, accessed July 13 2012

<sup>67</sup> Action Plan of the Decade for Roma Inclusion 2005 – 2015: Education – Secondary Education 2009 and 2010, <http://public.mzos.hr/Default.aspx?art=10021&sec=3156>, accessed July 13 2012

<sup>68</sup> *Oršuš and Others v. Croatia*, Application No. 15766/03, paragraph 184

52 classes two years before, we believe this is not sufficient.<sup>69</sup> The data for the school year 2011/2012 is not available yet.

There are also cases of ethnic separation of pupils belonging to other minority groups mostly in schools of the Podunavlje region. One example of this practice is a school in Vukovar where the practice of 'two schools under one roof' has been implemented, a Croatian and a Serbian programme, with segregation for language and history education. Although these cases cannot fully be considered segregation within the meaning in Croatian legislation, since parents can choose where to enrol their children, this practice certainly results in separation of the two communities.

From 2000 onwards the Act on Education in Language and Script of National Minorities<sup>70</sup> has given the right to Muslims to be taught in the Bosnian language in schools as supplementary classes in language, culture and literature, as well as religious education. However, this right is not commonly exercised. There is only one secondary school in Croatia which offers the school programme in the Bosnian language: and by its nature is a medresa – a private Islamic school in Zagreb. Pupils have the right to have religious education of Islam in state schools, delivered by organisations from the pupil's religion. Representatives of the Islamic religious community have also noted some minor issues regarding the availability of halal foods in kindergarten canteens.

Teaching history is always a complex issue especially for a country which recently experienced violent conflict. Schools do not have comprehensive and integrated history curriculum. This particular problem can be identified in a few history textbooks<sup>71</sup> for primary schools which contain some dubious facts on Muslim identity and history. These facts were noted by a representative of the Islamic community and, in consequence, the publisher was contacted to make corrections thus solving the matter. We believe that the history of south-eastern Europe and Balkan Muslims, of Ottoman rule, is either ignored or taught as a threat to Europe, or is not considered part of Europe's history. On the other hand, there are some positive examples in this field. With a large number of the Bosniak minority, schools in Sisak have developed inter-cultural and inter-religious dialogue. The Library of Sisak has opened the first Bosniak Library in Croatia.

The problem of Catholic education in schools in RoC persists. Protagora<sup>72</sup> argues that such practice is discriminatory. According to the Curriculum for primary schools<sup>73</sup>, religious education is an optional course, and pupils can

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<sup>69</sup> Action Plan of the Decade for Roma Inclusion 2005 – 2015: Education – Elementary Education 2009 and 2010, <http://public.mzos.hr/Default.aspx?art=10021&sec=3156>, accessed July 13 2012

<sup>70</sup> Act on Education in Language and Script of National Minorities, Official Gazette No. 51/00, 56/00

<sup>71</sup> See, for example, Ante Birin, Tomislav Šarlija, *History 6* (ALFA, 3<sup>rd</sup> edition)

<sup>72</sup> Protagora - Organization for Protection of the Rights of Non-religious Persons and Promotion of Non-religious Comprehension of Life

<sup>73</sup> National Curriculum for Primary Schools and High Schools

choose whether they will attend it or not. However, the alternative program is not offered by the Curriculum and therefore pupils not attending usually spend time at school, but without any activities. In addition, the Bosniak minorities have criticised the education system for celebrating only catholic holidays in schools without any reference to, for example, Ramadan, Aid Feast (Bajram) and so on<sup>74</sup>.

The refugee population has encountered difficulties in education at several levels. The Ministry of Science, Education and Sports (MSES) has not shown sufficient interest and support to the needs of integration and to special needs of refugees, both adults and children. In many cases this Ministry has failed to meet their obligations stated in the Asylum Act. According to Article 104:

*'the Minister competent for education, subject to approval by the Minister competent for internal affairs, shall pass the programme for learning Croatian language, history and culture for asylum seekers and asylees, and shall pass the regulation on the manner of the programme implementation and testing of knowledge of asylum seekers, asylum grantee, aliens under temporary protection and aliens under subsidiary protection, for the purpose of access to the educational system'*<sup>75</sup>.

Children enter the schooling system one year after submitting their application for asylum at the latest and therefore they are integrated relatively easily. However, there is still no organised additional teaching assistance to the children of asylum seekers in primary schools. The higher education system does not recognise the category of asylum grantee (only two categories exist: Croatian citizen or foreign national) so getting into university can be difficult. MSES has promised<sup>76</sup> to adopt documents which standardise education opportunities for asylum grantee, thus facilitating their access to education.

Croatian language courses are not provided for the asylum seekers but only for asylum grantee. This course in the Croatian language for asylum grantees is financed by the Ministry of Education but is provided through 'Croaticum'. However, Croaticum<sup>77</sup> – provides courses in the Croatian language in English which is not appropriate for most of the asylum grantee (some of them do not know either Croatian or English, as well as Latin alphabet) and it has proved to be unworkable in practice. Also, the course in the Croatian language is provided only in Zagreb which makes a huge problem for those asylum grantee living in some other cities.

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<sup>74</sup> Act on Holidays, Commemorations and Non-working days, Official Gazette, No. 33/96, 96/01, 13/02, 136/02, 112/05, 59/06, 55/08, 74/11

<sup>75</sup> Asylum Act, Official Gazette No. 88/10

<sup>76</sup> Migration Policy of Republic of Croatia for 2007./2008., Official Gazette No. 83/07

<sup>77</sup> The Center for Croatian as a Second and Foreign Language

### **6.2.2 Facilitating factors or protective measures to combat education challenges**

There has been progress in the plans to introduce a program of civic education into the formal education system in Croatia. After years of advocacy, a platform of NGOs recently succeeded in reaching an agreement with the newly appointed officials in Ministry of Science, Education and Sport (MSES). A pilot programme will be introduced this year in elementary and secondary schools is will include elements of interculturalism education and promotion of equality and minority rights<sup>78</sup>. It will start with training for teachers who will implement the programme in six schools in the academic year 2012/2013. Depending on the results of evaluation of this programme, it is expected that civic education will start being fully implemented from the school year 2013/2014 or 2014/2015.

Some cities with a substantial Roma minority have introduced Roma Teaching Assistant Programme which is to help integrate Roma children in schools and help them actively participate in classes. On the downside, often the capacity of the Roma assistants are not able to assist the entire Roma community.

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<sup>78</sup> Bužinkić, Emina, Kranjec, Julija (ed.), *Integration Policy and Practices in Asylum System in Republic of Croatia*, (Centre for Peace Studies: Zagreb, 2012).

## 6.3 Racism and related discrimination in housing

### 6.3.1 Manifestations of racism and related discrimination in housing

Discrimination is also a persistent problem in housing. Much public attention was attracted by a newspaper article published in daily newspaper *Jutarnji list* where journalist Barbara Matejčić presented the results of her research conducted together with one Roma and one Muslim woman. The three of them answered 100 advertisements for apartment or business premises rental and came to a conclusion that discrimination in the area of housing was widespread. Ms. Matejčić was never turned down by the landlords, while Mersiha (Muslim woman) and Dilfa (Roma woman) were turned down in 30% of the cases.<sup>79</sup> When answering advertisements by people looking for housemates, Mersiha and Dilfa were turned down in 40% of cases. In addition, landlords that were contacted showed more prejudice against Dilfa than against Mersiha. Although this is not statistically valid research, it does give us a general insight into what may be the difficulty that ethnic and religious minorities face in the private rental market.

Another issue that remains as a consequence of the 1990s war is that of returning refugees and displaced Serbs. According to the Report on the first 112 days of the new government<sup>80</sup> written by the CSO coalition *Platform 112*, it seems that the incumbent government has started to acknowledge this issue. Nonetheless, has still not been adequate. According to the EU Progress report,<sup>81</sup> a total of 132, 872 returnees of Serbian minority have been registered, around half of whom fled Croatia before 1995.

According to the Serbian Democratic Forum, 'the Government of the Republic of Croatia legally differently prescribes and solves the right to housing and right to property with different categories of war victims and citizens of Croatia'<sup>82</sup>, which leads to discrimination of several categories of Croatian citizens based on their ethnicity and origin.<sup>83</sup> To be more precise, housing of Croatian veterans, members of Croatian Defence Council from Bosnia and Herzegovina and other Croats is regulated by the Act on Areas of Special National Concern<sup>84</sup> from 2008 and Act on Amendments and Alterations of the

<sup>79</sup> Jutarnji list, *Merisha? I am Sorry, the Apartment is Rented*, <http://www.jutarnji.hr/template/article/article-print.jsp?id=988329>, accessed 1 August 2012

<sup>80</sup> Platform 112, *Assesment of the First 112 says of the New Government*, <http://kucaljudskihprava.hr/tekstovi/112-zahtjeva-novoj-vladi-za-drugaciju-hrvatsku>, accessed 1 August 2012

<sup>81</sup> European Commission, *Croatia 2011 Progress Report*, <http://www.delhrv.ec.europa.eu/?lang=en&content=65>, accessed 2 August 2012

<sup>82</sup> Serbian Democratic Forum, *Different, Unequal and Discriminatory Standards and Practise in Exercising Right to Housing in Republic of Croatia*, <http://www.sdf.hr/>, accessed 23 August 2012. Translated by the authors of the Report.

<sup>83</sup> Serbian Democratic Forum, *Different, Unequal and Discriminatory Standards and Practise in Exercising Right to Housing in Republic of Croatia*, <http://www.sdf.hr/>, accessed 23 August 2012.

<sup>84</sup> Act on Areas of Special National Concern, Official Gazette No. 86/08

Act on Areas of Special National Concern<sup>85</sup> from May 2011, while the status of Serb returnees who are former tenancy rights holders is regulated with the Government's Decision on Repurchase of the Apartments in State Property from 2010<sup>86</sup>. In practice, the difference between these is considerable: the former categories of citizens have the right to cost free houses or apartments with a condition that these houses and apartments cannot be sold in the next ten years. On the other hand, Serbian returnees are only offered the chance to repurchase the apartments at a price barely lower than the market price, and cannot be absent from those apartments for longer than six months. This is, therefore, a clear example of discrimination based on ethnicity.

According to the report on the implementation of the Anti-discrimination Act in 2011, published by the Centre for Peace Studies, another issue concerns unauthorised investment in property. This occurred in 14 cases.<sup>87</sup> The property rights of people who are in most cases Serbs by ethnicity were abolished and their property was given to refugees of Croatian ethnicity in accordance with the Temporary Takeover and Management of Certain property Act 1995. These temporary occupants have sometimes undertaken unnecessary and large interventions into the property, even though they were allowed to make only necessary repairs. As a result, property owners were not allowed to move back into their houses, as they were facing foreclosure in order to reimburse temporary occupants' 'investments'. According to the Centre for Peace Studies Report,

*'the Act on Alterations and Amendments to Act on Areas of Special State Concern only aggravated the structural discrimination against these people: now the government prescribed that it would give compensation to the temporary occupants, while the property owners would receive 'a favourable' market loan at a bank to reimburse the government for fully protecting the rights of temporary occupants at the expense of the rightful property owners.'*<sup>88</sup>

In June 2011 the Act on Areas of Special State Concern<sup>89</sup> was amended such that state becomes indebted to the temporary occupant and the foreclosure notice is removed from the owner's property. The owner of the property then can choose between the ownership of another property or financial restitution, both at the market value of the property prior to the alterations.

One of the most urgent problems of the asylum system is the accommodation of asylees. The government should seek an optimal solution both in terms of service and cost. At present, when a person receives asylum in Croatia they

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<sup>85</sup> Act on Amendments and Alterations of the Act on Areas of Special National Concern, Official Gazette No. 57/11

<sup>86</sup> Decision on Repurchase of the Apartments in State Property, Official Gazette No. 109/10

<sup>87</sup> Lalić, Sara, Senta, Cvijeta (ed.), Report on Implementation of the Anti-discrimination Act in 2011 (Centre for Peace Studies: Zagreb, 2011)

<sup>88</sup> Lalić, Sara, Senta, Cvijeta (ed.), Report on Implementation of the Anti-discrimination Act in 2011 (Centre for Peace Studies: Zagreb, 2011), p. 36

<sup>89</sup> Act on Alterations and Amendments to the Act on Areas of Special State Concern, Official Gezette No. 57/11

become eligible to a two-year government paid lease<sup>90</sup>. However, the government does not own any property that could be used for the purpose of accommodating asylees. In practice this means that the government rents apartments available on the market. This has already proved to be a complicated, slow and costly way of accommodating asylees. An individual working on the integration of asylum grantees in the Ministry of the Interior described the process of looking for accommodation as time-consuming, costly and exhausting, thus emphasizing that it would become more challenging once the numbers rise<sup>91</sup>. When the Ministry finds a suitable place which is available and reasonably priced, several other problems arise. The first is that the Ministry cannot make any payment for accommodation unless there is a valid contract, and this again is a situation that a number of landlords prefer to avoid, as this increases their expenses. Second, if signing the contract is not a problem, then the fact that the Ministry of the Interior makes a phone call raises suspicions among landlords making them believe that the tenant is not financially secure. Then, landlords often enquire where the prospective tenant is from Upon hearing Afghanistan, Nigeria, Sudan, the landlords common reply: 'Well, it's not because of me, I have no problem but, you see, what will the neighbours say'?<sup>92</sup>

### **6.3.2 Facilitating factors or protective measures to combat housing challenges**

No systematic action has been taken to raise awareness among landlords and real estate agents about anti-racism or multiculturalism.

Major web portals which provide advertisements for housing rentals claim equal chances for all but this remains a grey area as owners have complete discretion as to which applicant they will choose.

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<sup>90</sup> Act on Alterations and Amendments to the Asylum Act, Official Gazette No. 88/10

<sup>91</sup> this statement was taken from Bužinkić, Emina Kranjec, Julija, *Integration policy and practice – Inclusion of refugees and persons under subsidiary protection in Croatian society* (Zagreb: Centre for Peace Studies, 2012).

<sup>92</sup> Senada Šelo Šabić, Saša Čvrljak and Vedrana Baričević, *Welcome? Challenges of integrating asylum migrants in Croatia*, <http://www.imo.hr/files/azil%20brosura%20fin%202%20web.pdf>, accessed 7 June 2012

## 6.4 Racism and related discrimination in health

### 6.4.1 Manifestations of racism and related discrimination in health

Discrimination in the field of health protection is prohibited under the Anti-discrimination Act.<sup>93</sup> Data on discrimination in this field is limited. Only two complaints on discrimination in the field of health protection were received by the civil society organisations.<sup>94</sup> Nevertheless, we do not take this as an indication that discrimination in healthcare is not an issue.

There is a glaring omission in the government's obligation to inform returnees of their rights and obligations; failure to provide information to returnees in a comprehensive manner. While visiting areas of national concern inhabited by Serbian returnees, the Centre for Peace Studies regularly meets people who do not have health insurance because they did not request it within 30 days after returning to Croatia<sup>95</sup>. The Croatian state does not take into consideration that these people lack information due to the fact that upon their return to Croatia they have no resources or are geographically isolated and they do not know where to access information about their rights.

In the past, there have been examples in Podunavlje, in a local hospital in the town of Vinkovci, where people were questioned publicly about their national origin, nationality of their infants and infant's father. A patient proclaiming to be Serbian experienced 'condemning looks' from other patients and hospital staff<sup>96</sup>. This is not a recent case and the fact that the declaration of nationality in maternity hospitals has been abolished is a positive step. As far as we are aware, such practice has not been repeated. There was also a case<sup>97</sup> involving doctors and members of hospital staff who asked a mother to temporarily rename the child from Jovan to Ivan<sup>98</sup> out of concern that his name would irritate other patients.

Asylees and foreign nationals under subsidiary protection are entitled to health care to the same extent as persons insured under mandatory health insurance in RoC<sup>99</sup>. The costs of health care are covered by the Ministry of Health. When it comes to the members of asylees' family, they should be entitled to free health care to the same extent as the asylee. However, horizontal harmonisation of laws has not taken place yet, so the Ministry of Interior pays health care for those family members.

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<sup>93</sup> Anti-discrimination Act, Official Gazette No. 85/08, Article 8

<sup>94</sup> Lalić, Sara, Senta, Cvijeta (ed.), Report on Implementation of the Anti-discrimination Act in 2011 (Centre for Peace Studies: Zagreb, 2011)

<sup>95</sup> Regulation on Rights of Returnees, Official Gazette No. 33/97, 69/97

<sup>96</sup> According to personal experience from NN, member of one NGO focused on issues of Serbian minority in Croatia

<sup>97</sup> According to personal experience from NN, member of Serbian minority in Požeško-Slavonska County and participant in focus group research 'Return of Refugees' held in Pakrac on May 22nd 2012 by Center for Peace Studies

<sup>98</sup> a common Serbian name to be switched into a common Croatian name

<sup>99</sup> Asylum Act, Official Gazette No. 79/07, 88/10

#### **6.4.2 Facilitating factors or protective measures to combat health inequalities**

In RoC there is no institution such as an equality ombudsperson present in hospitals and actively engaging vulnerable groups in preventative health which might facilitate full enjoyment of rights for all vulnerable groups.

## 6.5 Racism and related discrimination in access to goods and services

### 6.5.1 Manifestations of racism and related discrimination with access to goods and services in the public and private sector

With regard to the access to goods and services, our experience shows us there is a recurring problem regarding Roma minority and their unresolved status<sup>100</sup>. Their unresolved citizenship and residence status create difficulties when it comes to access to all services, most importantly, access to education, health care and free legal aid.

The Free Legal Aid Act<sup>101</sup> which has been in force since 2009 is too complex for those it seeks to help as it creates a range of administrative obstacles when trying to gain access to justice. In April 2011 the Constitutional Court held that several articles of the law are unconstitutional. The Ministry of Justice has begun the process of revising the law.

In March 2012 a new bylaw on Free Legal Aid in Asylum Procedures<sup>102</sup> came into force. In the cases where an interpreter is needed, the right to equal access to justice is violated because the time provided to use the interpreter is limited. Furthermore, the list of providers of legal aid should be revised and updated. In some asylum cases which were handled by the Centre for Peace Studies, no one from the list was willing to represent asylum seekers.

Language is a considerable obstacle for refugees in access to almost all public institutions. In addition, most public servants have little or no knowledge about the rights of asylum seekers in Croatia. This makes it difficult for refugees and asylum seekers to exercise their rights. For example, few asylum grantees are able to enjoy their right to marry in Croatia because of a general clause in Family Act<sup>103</sup> requiring birth certificate not older than 6 months as an administrative precondition. This causes great difficulties for asylum seekers and refugees who have generally fled their country in dire circumstances and as a result cannot access documentation.

In some cities and towns affected by the recent violent conflict and with a mixed population, the social scene is divided into bars and night clubs where only Serbian or only Croatian persons go to. There is no explicit exclusion but more of an atmosphere and common knowledge that Serbs are not welcomed in Croatian bars and vice versa.

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<sup>100</sup> Office of the Ombudsman, Report on the Occurrences of Discrimination in 2011, <http://www.ombudsman.hr/hr/component/content/article/49-izvjescedisk/291-izvjee-o-pojavama-diskriminacije-za-2011-godinu.html>, accessed 3 July 2012

<sup>101</sup> Free Legal Aid Act, Official Gazette, No. 62/08, 44/11, 81/11

<sup>102</sup> Bylaw on Free Legal Aid in Asylum procedures, Official Gazette No. 32/2012

<sup>103</sup> Family Act, Official Gazette, No. 109/12.

Areas with a large Serbian population often have poor infrastructure<sup>104</sup>. Some of these areas are completely isolated and almost forgotten. Before the war several bus connections were available in these areas, but today this is no longer the case. Working in these local communities, mostly Zadar hinterland area and Western Slavonia, gave us an insight on various difficulties for Serbian minority. For example, a school bus operates during school days but only through the main road causing pupils from nearby villages to walk through poor infrastructure in difficult weather conditions to the main road if willing to participate in school.

Muslims in Croatia do not face problems expressing their religious beliefs in public or displaying overtly their religious symbols. However, one practical problem was reported<sup>105</sup> with regard to the fact that some Bosnian and Croatian muslim women wear open-faced scarves. Representatives of local authorities responsible for issuing driving license insisted these women could not take photos with scarves (to which they have the right), when, instead, they should ask for special permission from the Ministry of the Interior. Otherwise, muslims have full and normal access to all public good and services, and no problems in this area were recorded.

### **6.5.2 Facilitating factor or protective measures to promote equality in accessing goods and services**

Ever since the enactment of the Anti-discrimination Act in 2009, civil society organisations have put much effort into improving the implementation of the Act. As a result, training on ADA and other mechanisms aimed at combating racism have been implemented for police, lawyers, judiciary, media, public servants and business sector since 2010 up to the present.

We are not aware of any systematic education or awareness raising campaigns in the private sector.

In November 2011 a new bylaw on Forms and Data during Asylum Procedures was passed, introducing some important positive changes. Now all necessary documents for refugees and aliens under subsidiary protection are available to them immediately, free of charge.

Furthermore, there has been an improvement in the capacity of the Ministry of the Interior department for providing help, information about procedures and issuing relevant documents for refugees. The personnel working in the department are well-informed and conscientious about discrimination.

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<sup>104</sup> Those areas are: Western Slavonia and Zadar hinterland, where Center for Peace Studies has been active since the end of violent conflict. We have weekly field visits within different project as it is organization's goal to contribute to sustainable development in these areas therefore are well introduced with the conditions in the field.

<sup>105</sup> Office of the Ombudsman, *Report on the Occurrences of Discrimination in 2011*, <http://www.ombudsman.hr/hr/component/content/article/49-izvjescjedisk/291-izvjee-o-pojavama-diskriminacije-za-2011-godinu.html>, accessed 3 July 2012.

## 6.6 Racism and related discrimination in political participation

### 6.6.1 Manifestations of racism and related discrimination in the realm of political participation

Although a legal framework guaranteeing equal political participation does exist, some areas are not implemented properly. In July 2011 elections for Minority Councils<sup>106</sup> were held in 187 counties and municipalities. The voter turnout was very low: only 10.44% on the county level, 9.45% in the cities and 15.93% in municipalities.

During and after the violent conflict, the political and social climate was intolerant to all citizens other than Croats. The dissolution of the Socialist Federal Republic of Yugoslavia meant that the individuals living in Croatia but under a different Yugoslav citizenship became foreigners overnight in a country where they had lived for 40 years. They were made to apply for Croatian citizenship and follow the procedure like all other foreign nationals. This decision and practice especially affected Roma community whose low social and economic status lead to increased difficulty in submitting an application for Croatian citizenship, as they usually did not have sufficient means or education to go through this procedure.

Those people with unregulated status are unable to exercise their rights and they lead insecure life. While some changes were introduced in the Foreigners Act, these were not significant, and many Roma do not have their citizenship regulated and the problem is on-going even today.<sup>107</sup>

National minorities can practice their right to vote for a minority list and eight members<sup>108</sup> of parliament represent their interests. Many of the minority groups are dissatisfied with this system claiming it discriminatory because the minorities have to give up their regular voting right in order to vote for the minority list. They propose the introduction of double voting right so that national minorities can vote for the regular list and vote for politicians representing their specific interest. This problem is further deepened when the minorities are asked to disclose their nationality publicly in the voting venues and are consequently segregated. Due to this, a hybrid model was introduced which stipulates that only the minority which accounts for 1.5% of population can have a double voting right (meaning only the Serbian minority). In July 2011 this provision was referred to the Constitutional Court which declared it to be unconstitutional.

During the 2011 pre-election campaign an incident occurred where one member of CDU party made a comment about the national identity of

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<sup>106</sup> Minority Councils are local and county bodies representing minority issues on the local level. Their aim, statute and purpose is regulated by the Constitutional Act on National Minority Rights.

<sup>107</sup> Office of the Ombudsman, *Report on Work in 2010*,

<http://www.ombudsman.hr/dodaci/IZVJESCE%20ZA%202010.pdf>, accessed 15 August 2012

<sup>108</sup> Serbian minority has three MPs, Italians and Hungarians each one, Czechs and Slovaks together one, minorities from the countries of the former Yugoslavia together had one and the last seat was divided between all the rest (Roma, Jewish, Romanian, Bulgarian, Austrian, German etc.)

members of the opposition party indirectly accusing them of being of Serbian origin and implying negative stereotypes about the Serbian people.<sup>109</sup> The Ombudsman issued a statement in which he defined such accusations as being discriminatory and aimed at inciting discrimination, which is also a form of discrimination under the Anti – discrimination Act.

### **6.6.2 Facilitating factor or protective measures to promote equality in political participation**

While there are provisions of electoral law which try to guarantee the political representation of minorities on the national and local government levels, the system is still not satisfactory. Members of national minority groups have the right to elect eight representatives to the Parliament in the following manner: members of the Serbian national minority shall elect three representatives, members of the Hungarian national minority shall elect one, members of Italian national minority shall elect one, members of Czech and Slovakian national minority shall together elect one, members of Austrian, Bulgarian, German, Polish, Roma, Romanian, Ruthenian, Russian, Turkish, Ukrainian, Vallachian and Jewish national minority shall together elect one, members of Albanian, Bosnian, Montenegrin, Macedonian and Slovenian national minority shall together elect one representative to the Parliament<sup>110</sup>.

Platform 112 issued an opinion to the incumbent government after it had been in power for three months. They argued that the government still needed to produce evidence on the implementation of Article 22 of the CLRNM with regard to their right to employment in the public administration in the way that it reflects the census, with independent oversight of the public procurement procedure. Furthermore, they identified the need to produce and implement a comprehensive and just migration and integration policy which would ensure a functional system for asylum seekers, asylum grantees and foreigners under subsidiary protection.

No efforts have been made to regulate or encourage participation of different minority groups inside the political parties. On the other hand, there several civil society organisations provide educational programmes to empower different vulnerable groups to become more politically active. Some of these educational programmes were focused on minorities and some of them were focused on the general population but included members of different vulnerable groups (e.g. youth, women etc). For example, organization GONG implements activities of educating citizens about electoral process, voting rights and importance of elections<sup>111</sup>.

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<sup>109</sup> GONG, *Report about the 2011 Elections for Members of Croatian Parliament*, <http://www.gong.hr/news.aspx?newsID=3815&pageID=222>, 26 August 2012.

<sup>110</sup> Act on Election of Representatives to the Croatian Parliament, Official Gazete No.116/99, 120/11, Article 15.

<sup>111</sup> GONG, *Monitoring elections and education of citizens*, <http://gong.hr/page.aspx?PageID=43>, accessed 11 October 2011

## 6.7 Racism and related discrimination in media

### 6.7.1 Manifestations of racism and related discrimination in the media, including the internet

While the law requires Croatian National Radio and Television to broadcast minority related issues in an objective and proportionate manner,<sup>112</sup> in reality the Croatian national television is characterised by a lack of programmes dedicated to national minorities. Even when minority issues are broadcast this is done in an unsystematic and superficial manner. According to a representative from a Bosniak Minority Council minorities are underrepresented among national television and radio employees. Journalists are often not aware of specific minority issues and therefore minority stories are not covered sufficiently. This is also a reason why members of minorities should be employed in the media. On the other hand, an Islamic Religious Community representative<sup>113</sup> has stated that they are satisfied with the levels of media coverage of muslim religious themes even though they are covered only for Bajram celebrations and in similar religious-related occasions.

Most media in Croatia often broadcast statements by public figures which feature prejudice, stereotypes and racism. In March 2012, the Minister of Interior Affairs Ranko Ostojić stated:

*'We have discussed how to enhance the situation of crime committed by Roma national minority. Bearing in mind human rights of all the national minorities in Croatia, I have to emphasize that more than 50 % of felonies against private property in the area of Međimurje are committed by Roma national minority.'*<sup>114</sup>

Although the Minister implied that the crime is a consequence of disadvantageous living conditions of Roma, this statement, when published in a sensationalist manner, confirms existing stereotypes and hostility against Roma. Amnesty International issued a press release stating their concern with the Minister's statements and its potential consequences, further more Amnesty stated, that 'explicitly connecting Roma community with crime and alcoholism, the Minister of the Interior, Ranko Ostojić, enforces discriminatory racial stereotypes.'<sup>115</sup>

Expressions of racial hatred towards Roma also appear frequently on the internet, especially on social networks. An organisation called the 'MMM

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<sup>112</sup> Act on Croatian Radio and Television, Official Gazette No. NN 137/10, 76/12

<sup>113</sup> Interviews were held with members of Islamic Religious Community in Croatia during July 2012.

<sup>114</sup> Slobodna Dalmacija, *Ranko Ostojić: More than 50% of Property Felonies are Committed by Roma*, <http://slobodnadalmacija.hr/Hrvatska/tabid/66/articleType/ArticleView/articleId/169199/Default.aspx>, accessed 1 August 2012

<sup>115</sup> Amnesty International in Croatia, *There is no Space for Anti-Roma Rhetoric in Croatia!*, <http://amnesty.hr/2012/03/30/u-hrvatskoj-nema-mjesta-za-anti-romsku-retoriku/>, accessed 12 October 2012.

Project' published 30 articles on 'the terror of Gypsies' in the region of Lika on its website. While this website no longer exists, the same stories are published on a different web page called 'For Free Lika'<sup>116</sup>. These texts speak about the allegedly undeserved privileged position of Roma in Lika, advocating an end to this situation and eviction of the Roma minority.

The Serbs are largely underrepresented and when they do receive media coverage this generally reflects prevalent stereotypes and prejudices. People of Serbian origin are often presented as violent aggressors and war criminals. Although the Serbian minority manages some media<sup>117</sup> (described in the chapter on good practices) in the mainstream media Serbian minority is almost always presented within the context of the violent conflict of the 1990s.

On 30<sup>th</sup> January 2012, Slobodna Dalmacija, a Croatian daily newspaper, published an article titled 'Vis and Lastovo under the Attack: Six Thousand Policemen will Defend Us from the Invasion of Immigrants.'<sup>118</sup> The text presents the issue of immigration and immigrants in the extremely discriminatory, xenophobic and insulting manner suggesting that Croatia has to protect itself from the 'invasion' of Africans, Afghans, Syrians and so on. This text portrays asylum seekers in a highly negative manner; it does not acknowledge that asylum seekers are individuals who, due to war or prosecution flee to another country but presents them as illegals, criminals and intruders who could undermine our social structure.

### 6.7.2 Facilitating factors or protective measures in the media

The Act on Croatian Radio Television Law requires that the public national television and radio produces and broadcasts national minority programme in order to include and inform members of those groups. So far, public radio dedicates only two radio shows to minority issues. Croatian Television also schedules just two specialised TV shows on national and religious minority issues. While there is a legal framework in place, it is not clear that the quality and quantity of programmes produced suffice to objectively inform and promote diversity, tolerance, and non-discrimination.

Although Croatia provides financial subsidies for specific minority-friendly media, these media alone are not sufficient for an effective inclusion of the minority in society (some of those media are mentioned in the chapter on good practices). Therefore, it is necessary for the mainstream media to play a

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<sup>116</sup> Slobodna Lika (Free Lika), CSO "mmm projekt" and thirty stories about crime made by Milan Jurkovića and Gypsies, [http://slobodnalika.com/novosti/9476\\_Udruga+mmm+projekt+i+trideset+prica+o+kriminalu+Milana+Jurkovica+i+Cigana.html](http://slobodnalika.com/novosti/9476_Udruga+mmm+projekt+i+trideset+prica+o+kriminalu+Milana+Jurkovica+i+Cigana.html), last accessed: 2 October 2012.

<sup>117</sup> Representatives of the Serbian National Council publish a weekly newspaper called Novosti. The newspaper has also a web portal: <http://www.novosti.com/>, last accessed 2 October 2012.

<sup>118</sup> Slobodna Dalmacija, *Vis and Lastovo under the Attack: Six Thousand Policemen Will Defend us from the Invasion of Immigrants*, <http://slobodnadalmacija.hr/Hrvatska/tabid/66/articleType/ArticleView/articleId/162887/Default.aspx>, accessed 15 August 2012.

more significant role in reflecting cultural and linguistic diversity, if the Croatian society is to be truly pluralist.<sup>119</sup>

Even though there is not a comprehensive media policy in RoC, it seems that the incumbent government has recognised the need for such a policy. This initiative has come from the Ministry of Culture, where the need for a strategic approach has been recognised through a dialogue with journalists and other professionals. The Ministry has also acknowledged the need to strengthen the position of non-profit media in order to have a diverse and tolerant public television and radio.

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<sup>119</sup> Antonija Petričušić, *Promoting Ethnic Pluralism in Croatia: Institutions, Participation and Representation*, <http://bib.irb.hr/prikazi-rad?rad=482290>, accessed 21 July 2012

## 6.8 Racism and related discrimination in criminal justice

### 6.8.1 Policing and ethnic profiling<sup>120</sup>

Over last 20 years in Croatia the discrimination based on ethnicity has been mostly directed against the Serbs and Roma. Police officers are not immune to such stereotypical portrayals of Serbs and Roma, which sometimes affects policing. As it was mentioned before, the Minister of the Interior in his media report on security in the Međimurje County said that it would be the safest county but for crimes committed by the Roma. He also implied that the Roma use their social welfare benefits for alcohol. Similarly, speech of Josip Đakić, a member of CDU and a member of the Parliament, at the CDU pre-election summit<sup>121</sup> featured war agitation, propaganda and hate speech.

In the period under review, one notorious incident involved the arrest, detention and extradition procedure of Aslan Adamovich Kagermanov<sup>122</sup> (Chechen ethnicity, Russian citizenship with asylum in Austria) who spent more than six months in detention during which the County Court in Zagreb and subsequently the Supreme Court of RoC. The Courts on both instances found that all preconditions to his extradition had been fulfilled and that Aslan Adamovich Kagermanov could be extradited to Russia. The Court did not take into account the fact that Aslan Adamovich Kagermanov had been granted asylum in Austria and fact that extradition would represent a violation of article 3 of European Convention on Human rights and violation of UN Convention on the status of refugees. Nevertheless, the final decision on extradition has to be signed by the Minister of Justice who can decide not to extradite a person even if the court found all preconditions for extradition to have been fulfilled. Finally, after the UNHCR, the Centre for Peace Studies and the Austrian government had reacted to this case, the Minister declined to sign the extradition and Aslan Adamovich Kagermanov was returned to Austria.

### 6.8.2 Racist violence and crime

According to the Report of the State Attorney Office of the Republic of Croatia for the Year 2011, there were 48 charges for crimes motivated by hatred reported to the state attorney offices.<sup>123</sup> Furthermore, the Ministry of the Interior reported 11 criminal acts of racial and other discrimination from the

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<sup>120</sup> The Open Society Institute defines 'ethnic profiling' as the 'use of generalisations grounded in ethnicity, race, national origin, or religion - rather than objective evidence or individual behaviour - as the basis for making law enforcement and/or investigative decisions about who has been or may be involved in criminal activity'.

<sup>121</sup> Novi list, *Ratnohuškački govor Josipa Đakića*, <http://www.novolist.hr/Vijesti/Hrvatska/Ratnohuskacki-govor-Josipa-Dakica-objava-je-rata-Srbima-i-poraz-Jadranke-Kosor>, accessed 1 August 2012

<sup>122</sup> Centre for Peace Studies, Reaction of Centre for Peace Studies to the Decision of the Supreme Court in the Case against Aslan Adamovich Kagermanov, <http://cms.hr/o-nama/reakcija-centra-za-mirovne-studije-na-rjesenje-vrhovnog-suda-u-predmetu-protiv-izrucenika-aslana-adamovicha-kagermanova>, accessed 10 October 2012

<sup>123</sup> State Attorney Office of the Republic of Croatia, *Report of the State Attorney Office of the Republic of Croatia for the Year 2011*, May 2012

article 175 of the Criminal Act out of which eight were resolved and criminal charges were instituted against the perpetrators to the authority state attorney offices.<sup>124</sup>

Also, we should take into account that the Roma often do not report minor attacks because so far they have not received any support from the institutions which are supposed to protect them.

### 6.8.3 Hate speech

Since there is no comprehensive evidence from the State Attorney Office and police relating to hate speech crimes, it is not possible to present consolidated data on the total number of offenses in the reporting period. Hate speech is present in all types of media, whether print or electronic. In recent years there has been an increase in hate speech on different websites, forums and blogs.

Hate speech is prohibited by the Anti-discrimination Act which states that 'harassment is any unwanted conduct caused by on any of the grounds referred to in Article 1 paragraph 1 of this Act with the purpose to violate or effect of violating the dignity of a person, and creating an intimidating, hostile, degrading or offensive environment'.<sup>125</sup> Hate speech is also covered by article 325<sup>126</sup> of the Criminal Code which prohibits public incitement to violence and hatred, punishable by up to three years in prison.

The Minor Offences Court in Knin<sup>127</sup> dismissed charges against J. M. for selling souvenirs with a sign 'For homeland - ready!', as unfounded in January 2012. Charges were made under Act on Misdemeanours Against Public Order. Basically, this was an official greeting in Croatia during the fascist ruling of Ante Pavelić from 1941 – 1945 (Ustashe ruling). But still, the Court in Knin has interpreted this greeting as used over a long period of Croatian history and as a simple patriotic salute. Moreover, the Court claims that the salute is used long before the Ustashe regime. This greeting is highly politicised and often subjected to different historical interpretations. Today, it is primarily associated with Ustasha sympathisers. While the law prohibits signs and memorabilia that encourage war, ethnic and religious hatred, the Minor Offence Court in Knin did not find the perpetrator guilty. The decision of

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<sup>124</sup> Ministry of Interior Affairs, *Statistical Overview of the Basic Security Indicators and the Results of Work in the Year 2012*, March 2012

<sup>125</sup> Anti-discrimination Act, Official Gazette No. 85/08

<sup>126</sup> The Criminal Code (Official Gazette, no. 110/97, 27/98, 50/00)

<sup>127</sup> Knin is a town in northern part of Dalmatia region. The town was the main stronghold for the Serbs during the war until Croatian forces took control during the controversial 'Operation Storm' on August 5, 1995. The leaders of Operation Storm are today charged with war crimes under International Criminal Tribunal for Former Yugoslavia. Irrespectively, August 5 is marked as Victory Day in Croatia and the city of Knin is a symbol of Croatia's self-perception as a heroic, innocent nation that gained independence in a just war against Serbia. Moreover, the prevailing perception in Croatia still is that no crime could be committed on the side of those who fought for independence. This is why the controversial Knin Court ruling didn't come as a surprise.

the Court caused critical reactions from Croatian Helsinki Committee<sup>128</sup> and Anti-fascist organization<sup>129</sup>.

Racially motivated hate speech at football matches is very common. Violent groups of supporters chanting in a racist manner, using fascist salutes and chanting offensive names to the players and members of their families are very common. The Ustashe greeting 'For homeland - Ready!' has been used in Croatian stadiums for years. Even during popular sport events which are broadcast nationally, players, coaches or other public figures have not responded to such discriminatory behaviour, much less expressed disapproval of it. It appears that such behaviour has never been condemned by organisers, television presenters, esteemed sports experts or politicians. One of the most famous incidents took place in February 2012 at the quarter-final match of the Croatian Football Cup in Pula, between FC Istra 1961 and Dinamo, and at the championship match between Hajduk Split and Istra 1961 when supporters provoked Henry Belle through racist chanting. Although many people were shocked by this behaviour, no one was sanctioned. While there are some preventive measures, such as the anti hate speech provision of the Criminal Act, these are rarely implemented.<sup>130</sup> There are no educational activities, organized by football clubs or state institutions, targeting football supporters in order to prevent racist behaviour in stadiums.

Furthermore, Zagreb and other cities in Croatia are full of graffiti such as: 'Mamić (executive director of FC Dinamo) Serb, Mamić Gypsy!' Besides that, Dinamo supporters chanted to FC Dinamo players 'Gypsies, gypsies!', for Dinamo players 'Badelj Serb', Josip Simunic (born in Australia) 'Simunic kangaroo' and to Brazilian footballer Sammir 'Sammir nigger'.

#### 6.8.4 Counter terrorism

According to the Foreigners Act, a security check on a foreigner for the purpose of determining national security risks should be carried out by the Security Intelligence Agency. Explanation of the decision rejecting or terminating residence of a foreign national or expelling a foreign national on the grounds of national security will specify the related legal provision but the elaboration of the decision will not to be included<sup>131</sup>. Therefore, it is very difficult to monitor potentially racist and xenophobic decisions.

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<sup>128</sup> INDEX, a web news portal, *Croatian Helsinki Committee: the greeting 'For homeland – ready!' is compromised while being an official salute during the Ustashe regime*, <http://www.index.hr/vijesti/clanak/hho-pozdrav-quotza-dom-spremniquot-je-nepovratno-kompromitiran-zloupotrebom-u-ustaskom-rezimu/592665.aspx>, last accessed: 2 October 2012.

<sup>129</sup> INDEX, a web news portal, *The Court ruling is full of inaccurate information and without any historical references*, <http://www.index.hr/vijesti/clanak/udruga-antifasista-presuda-iz-knina-je-puna-netocnosti-i-ne-navodi-povijesni-izvor-na-koji-se-poziva/592873.aspx>, last accessed 2 October 2012.

<sup>130</sup> Act on Prevention of Violence at sports terrains, Official Gazette No. 34/11

<sup>131</sup> Foreigners Act, Official Gazette, No. NN 130/11

### 6.8.5 Facilitating factor or protective measures in criminal justice

Although the definition of hate crime was included in the amendments of the Criminal Act in 2006, it seemed that this had little impact in practice in terms of punitive measures.<sup>132</sup> Therefore, the new Criminal Act<sup>133</sup> passed in October 2011 which will enter into force in January 2013 expressly states that hate crimes will be taken into consideration as aggravating circumstances if the Criminal Act itself does not clearly prescribe more severe sanctions. Also, the new Criminal Act prescribes that procedures for some criminal acts, if committed out of hatred, should be initiated by official duty, and not by motion or private civil proceedings. In addition, Article 125 of the Criminal Act changes the act of violation of equality into violation of equality of citizens, adding six new grounds of discrimination under the Criminal Act. This harmonises the Criminal Act with the Constitution and the Anti-discrimination Act. In addition, the new Criminal Act includes the criminal offence of public incitement to violence and hatred.

In March 2011, the Office for Human Rights of the Government of RoC introduced the Rules of Procedure in the Case of Hate Crime<sup>134</sup>. These are aimed at securing the conditions for the effective work of state institutions which deal with hate crimes and at making the monitoring of these proceedings more efficient.<sup>135</sup>

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<sup>132</sup> Bandalo, A. and Others, Handbook for Combating Discrimination and Violence against LGBT Persons (Zagreb Pride and Centre for LGBT Equality: Zagreb, 2011)

<sup>133</sup> The Criminal Act (Official Gazette, no. 110/97, 27/98, 50/00)

<sup>134</sup> Office for Human Rights of the Government, Rules of Procedure in the Case of Hate Crime. March 2011

<sup>135</sup> Bandalo, A. and Others, Handbook for Combating Discrimination and Violence against LGBT Persons (Zagreb Pride and Centre for LGBT Equality: Zagreb, 2011)

## 7. Civil society assessment and critique in ensuring protection of fundamental rights

In the process of accession to the EU, Croatia has undertaken a range of measures aimed at protecting human rights. Further efforts are required to improve implementation of these policies. While Croatia is a party to the relevant international human rights mechanisms, greater awareness of these instruments is needed at all levels of society. In order to enhance participation of different groups in the decision making process, the Government should improve implementation of the Code of Practice on Consultations with the Interested Public. Consistent and equal access to information and to the decision making process are especially important for society's most vulnerable groups.

Major legal, social and political developments in Croatia in the period under review were concerned with the finalisation of accession negotiations with the EU. This process has been prolonged mainly due to the failure of state authorities to meet its obligations under Chapter 23: Judiciary and fundamental rights. NGOs have been conducted important work on various issues related to obligations deriving from chapter 23 such as minority rights, return policy, war crime trials, respect for fundamental rights and full implementation of obligations deriving from international human rights treaties and the EU *acquis*. However, until the beginning of 2011 they failed to integrate their advocacy efforts with the framework of negotiation process. Doing so could have led to more efficient and supported advocacy by using conditionality principle and pressure of the European Commission. A breakthrough in approach occurred at the beginning of 2011 when eight NGOs joined an informal monitoring and reporting initiative and presented the Joint Opinion of the Croatian civil society organisations on the readiness of RoC to close the negotiations on Chapter 23 - Judiciary and Fundamental Rights<sup>136</sup>. The report was presented to DEU to Croatia, and to the decision makers in Brussels. Some of its findings and requests were integrated in EC Progress report on Chapter 23. The closure of the negotiations in relation to Chapter 23 was delayed from March to June 2012. Nevertheless, significant legislative or implementation changes did not take place. The Government took the responsibility to continue with reform, whereas the EC assumed the obligation to monitor further efforts until full accession in July 2012.

While cooperation amongst NGOs with regard to the advocacy in terms of Chapter 23 has been highly successful - and has continued with the formation of Platform 112 which currently has more than 60 NGOs – civil society remains weak in several areas. There are no strong grassroots NGOs dealing with ethnic minority issues which are capable of participating in the political process at local or national level. NGOs dealing with ethnic minority women's

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<sup>136</sup> Joint Opinion of the Croatian Civil Society Organizations on the Readiness of the Republic of Croatia for the Closing of Negotiations in Chapter 23, Judiciary and Fundamental Rights, [http://kucaljudskihprava.hr/system/attachment/file/1/20110216\\_Joint\\_opinion\\_of\\_Croatian\\_CS\\_Os\\_on\\_Chapter\\_23.pdf](http://kucaljudskihprava.hr/system/attachment/file/1/20110216_Joint_opinion_of_Croatian_CS_Os_on_Chapter_23.pdf), last accessed: 2 October 2012.

issues are under-funded and have little impact as a result. Such organisations are often established through external intervention without internalised motivation and understanding of crucial issues (such as multiple discrimination).

At present, Croatia lacks a coherent migration policy. The last Migration policy was passed in 2007. Legislation is needed which takes into account the interests of all types of migrants and all aspects of migration. The importance of a comprehensive policy is particularly clear in terms of the integration of migrants into the Croatian society, especially unaccompanied minors. The current situation in Croatia fails to respect the basic human rights of immigrants. The low numbers of asylum grantees also contribute to the 'invisibility' of the issue. No political party has placed the asylum migration issue high on the agenda. It is not publicly debated and there is no coordinated effort on the part of the government to tackle this issue in a comprehensive manner.

A number of strategies have been introduced to protect the rights of Roma. However, these have been poorly implemented and results have not been significant. Roma continue to face almost insurmountable obstacles in employment and, while there have been some positive measures taken in education, segregation within schools remains a serious concern and the drop-out rate of Roma pupils is still high. We believe that the Government is not doing enough to counter public perception and stereotypes about Roma. Sometimes politicians and public servants actively reinforce such stereotypes.

Serbs in Croatia, and especially returnees, still suffer discrimination and human rights violations. There are still 14 cases pending concerning unsolicited investments in returnee properties<sup>137</sup>. The state did not take over the responsibility for damage compensations, compensations for length of procedures and all disputes with former temporary users of these properties. This resulted in the inability of owners (Serbian returnees) to access their property and return to their homes. Furthermore, there has been a complete failure in the implementation of Article 22 of the Constitutional Act on the Rights of National Minorities<sup>138</sup> pertaining to employment of national minorities

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<sup>137</sup> Lalić, Sara, Senta, Cvijeta (ed.), Report on Implementation of the Anti-discrimination Act in 2011 (Centre for Peace Studies: Zagreb, 2011).

<sup>138</sup> Constitutional Act on the Rights of National Minorities (Official Gazette, no. 155/02).

Article 22.

(1) In those local or regional self-government units (hereinafter: self-government units) in which proportional representation of national minorities is mandated under the provisions of this Constitutional Act, such minority representation shall also be secured in the executive bodies of such units.

(2) The representation of national minority members in public administration and the courts shall be ensured in compliance with the provisions of special legislation and other employment policy papers of such bodies, by taking into account the share of national minority members in the total population at the level where any such public agency or court has been established as well as their acquired rights.

(3) The representation of national minority members in local or regional self-governmental bodies shall be ensured in compliance with the provisions of special legislation governing local and regional self-government and other employment policy papers of such bodies, and in keeping with acquired rights."

in public services. Not only there is no evidence of the application of the provision, but in some cases there are even discriminatory practices against the employment of the Serbian minority in public and/or state services.

## 8. Good practices

### **Example of NGO Good Practice in Employment**

The Croatian Employment Service announced the financing of public work in the field of care for the elderly, care for persons with invalidity, care for children, education, tourism, cultural heritage, local cultural development, nature conservation and so on in order to promote employment. They finance 100% of public work which includes employment of asylum grantees, foreign nationals under subsidiary protection and people living in Areas of Special State Concern<sup>139</sup>. Under this scheme, the Centre for Peace Studies employed four volunteers who had been working as long-term volunteers in Pakrac thus working on the conservation of the Serbian cultural heritage. This public work provided the employees with four months of work, health care, pension care and work experience. In addition, the Centre for Peace Studies has employed one foreign national under subsidiary protection through this public scheme in order to work on the integration of refugees in Croatian society. We consider this an excellent opportunity for people to gain experience, social connections and enrich their lives.

### **Example of NGO Good Practice in Education**

The Centre for Peace Studies provided free legal representation (and joined the plaintiffs as intervener together with Roma for the Roma NGO and Ombudsman Office) in a case concerning discrimination against two Roma secondary school pupils who could not undertake work experience, which is a part of their vocational training, because the owner of the store did not want 'Gypsies' to work there. The Municipal Court in Varaždin determined in the first instance decision that discrimination on the grounds of ethnicity did occur and that compensation for damages should be paid. This represents a good practice example of strategic litigation in the field of education.

### **Example of NGO Good Practice in Housing**

Since the Ministry of the Interior has only one person assigned to work on the integration of refugees and returnees, the Centre for Peace Studies often provides assistance with housing problems. There was one case where the landlord was oppressing a person living in the apartment (person is a muslim and refugee). Oppression was based on conditions in the apartment - getting into the apartment while the person was outside, closing the heating in the winter time with explanation that he should save electricity and use more blankets, being rude and suspicious towards friends who were visiting him.

<sup>139</sup> RoC has identified certain geographical areas and regions as Areas of Special State Concern entitled to state incentives measures. Those areas are mostly underdeveloped due to the consequences of violent conflict or areas developed below average in economic, demographic or other criteria.

Centre for Social Care was ignoring the problem for several months, but after writing personal letter to them - they intervened as mediators between the landlord and person living in the apartment. After conversation with all, problem was solved and living conditions are normal (providing internet, providing heating, providing hospitality to the person and his visitors etc.).

#### **Example of NGO Good Practice in Access to Goods and Services**

In December 1999, the NGO 'White Angels' was founded by supporters of Zagreb football club. Except supporting their club, White Angels engage in social activism, commitment and contribute to the fight against various negative phenomena in football and society, such as hatred, violence, discrimination, racism, fascism, homophobia, and other phenomena which are not present in football.

White Angels participate in a number of domestic and international activities and campaigns in order to promote the values of peace and human rights. In 2011, for the third time they marked FARE (Football against Racism in Europe) action week aimed at raising awareness of discrimination in football. From 12<sup>th</sup> to 25<sup>th</sup> they organised a soccer tournament involving asylum seekers, Youth Antifascist Group, qSPORT, Centre for Peace Studies team and White Angels. The tournament took place on October 16<sup>th</sup> in Zagreb. It is important to stress that this tournament is not a typical competition but a gathering played between teams of different groups (who are victims of discrimination). It is a chance to promote social integration of asylum grantees and asylum seekers as well as to highlight and encourage a greater understanding of the problems faced by some of these groups. During one of the matches FC Zagreb played that they highlighted a banner saying 'No one is illegal'.

In May 2011 White Angels initiated a friendly football match with asylum seekers placed at the Centre for Asylum Seekers in Kutina, city 80 km from Zagreb. Since then, gatherings to play football with asylum seekers have become a regular occurrence.

#### **Example of NGO Good Practice in Promoting Political Participation**

GONG, an organisation that monitors elections, was very active during the winter 2011 parliamentary elections in RoC. The organisation monitored the work of relevant state institutions, financing of political campaigns and activities taking place on the election day by means of approximately 500 observers (mobile teams and observers on the election venues). They organised a large campaign in order to inform the citizens of their rights and obligations. GONG noticed some issues concerning national minorities such as lack of knowledge of elective committees and about their rights.

### **Example of NGO Good Practice in Media**

Representatives of the Serbian National Council publish a weekly newspaper called Novosti. This newspaper reports on general political issues including political, social and economic aspect of the life in Croatia. In addition, Novosti places special emphasis on Serbian minority activities and relevant events. Priority issues are reintegration of the Serbian minority (return of refugees, housing, victims of war and war crime, positioning in the public space, participation) and development of war affected areas. In addition, to a certain extent this newspaper also follows events and developments in the neighbouring countries of Serbia, Montenegro, Bosnia and Herzegovina and Slovenia.

There is also an independent news website managed by an NGO called Organisation for Independent Media Culture - <http://www.h-alter.org/>. This website named H-alter regularly follows activities of major NGOs in Croatia which deal with human rights generally as well as more specific issues. This website is one of only a few news portals that have been reporting on major human rights violations in society, on racism and discrimination in general.

### **Example of NGO Good Practice in Criminal Justice**

Since 2005, the Centre for Peace, Non-violence and Human Rights Osijek, *Documenta* – Centre for Dealing with Past and Civic Committee for Human Rights have been monitoring war crimes trials at courts in RoC with the objective of ‘strengthening the rule of law in the area of war crimes proceedings by increased efficiency and improved legal framework for the war crimes proceedings, as well as the improvement of the victim’s status in the proceeding.’<sup>140</sup> In this way, these organisations ensure that these war crimes trials are fair and do not depend upon the ethnicity of the accused or victims. In addition, *Documenta* also keeps track of the status of victims of war crimes and of their right to compensation and it monitors civil court proceedings related to compensation for damages caused by war crimes.

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<sup>140</sup> Documenta, *Centre for Dealing with Past, Monitoring War Crime Trials*, <http://www.documenta.hr/en/pr%C4%87enje-su%C4%91enja-za-ratne-zlo%C4%8Dine.html>, accessed 30 August 2012

## 9. National recommendations

### General

- RoC should make every effort to raise awareness of the importance of a more open and tolerant society which would promote diversity and be ready to integrate minority groups.
- While developing and implementing policies, RoC should at all times bear in mind the concerns of national minorities and the particularly sensitive legacy of war. Croatian society is still experiencing the burden of destruction and violence from the 1990s and as such is fertile ground for developing xenophobic and racist tendencies, if the government should fail to curb and reduce those tendencies.
- The RoC should systematically build the professional capacities of all relevant stakeholders involved in the implementation of the Anti-discrimination Act, such as prosecutors, judges, lawyers and other court officers, as well as equip them with the knowledge of international human rights mechanisms.
- RoC should be aware of and prepared for possible changes in the migration policy within the context of the EU accession due to the increase in number of migrants coming to Croatia.
- In order to integrate refugees, an Integration Protocol should be introduced which would clearly list the obligations of relevant Governmental bodies and local authorities.

### Employment

- The state should produce an Action plan and evidence on implementation of Article 22 of the Constitutional Act on the Rights of National Minorities pertaining to employment of national minorities in the public service.
- Training and education on anti-discrimination, diversity and tolerance should be provided for employers and the state administration.
- The Croatian Employment Service should enable better access to information (in different languages) for asylum grantees with interpreters and frequent individual interviews. Our experience shows us that asylum grantees deal with difficulties when they are approaching job market through Croatian Employment Service because of language barrier and cultural differences. Careers advisors could be a great help to this social group, especially in informing asylum grantees and aliens under subsidiary protection about further educational opportunities and programmes

### Education

- The state should introduce systematic classes on democratic citizenship through primary and secondary high school education in order to facilitate the development of responsible and active citizens.
- The practice of 'two schools under one roof' as well as the practice of Roma-only classes should be abolished and the two ethnically homogeneous classes should merged into one which would have the characteristics of both ethnic groups. The school should teach a balanced curriculum, bearing in mind the sensitivities of both groups.

- Further proactive government measures must be introduced in order to guarantee the integration of Roma pupils to enable access to higher education and better integration in the society in general.
- History curriculum should be revised to increase inter-cultural sensitivity
- Schools should build awareness of cultural diversity and practise equality and tolerance, for example, by catering for specific dietary needs with regards to religious beliefs, acknowledging and celebrating a variety of religious holidays and not only those practiced by the majority and so on.
- In public schools alternative programmes should be organised for those students who do not attend Catholic religious education.

### **Housing**

- The Law on Amendments of the Law on Areas of Special State Concern should be revised so as to provide equal treatment to returnees who are holders of tenant rights.
- The 14 pending cases of illegal investment in returnee properties must be settled and the State should take responsibility for compensations for damages.
- The state should provide permanent residence status to refugees who do not have Croatian citizenship in order to provide them with property rights.
- The legal obligation to provide housing for persons who are granted refugee status in Croatia is one of the main tasks for The Ministry of Social Policy and Youth, especially for refugees with no financial support (the majority of refugees). The state should systematically provide such financial support.

### **Health**

- The Ministry of Health should invest efforts in ensuring adequate health care system for refugees through amendments of the Health Insurance Act.

### **Access to goods and services**

- The Free Legal Aid Act must be amended, administrative and all other obstacles for effective implementation should be removed in order for the Act to be an adequate mechanism for accessing justice.
- Specific humanitarian help and social care should be provided to vulnerable groups of muslim devotees (Roma muslims, asylum seekers and grantees muslims). They should have the right to express and enjoy religious practices in their communities, as well as in accommodation centres: in Shelter for Asylum Seekers and Reception Centres for Aliens. These activities should be sponsored by the state and conducted by public workers, Islamic community members and civil society organisations.
- The right to be photographed for official documents with open-face scarves for muslim women should be protected

### **Political participation**

- The Act regulating election procedures for the representatives of the Croatian Parliament should be amended in order to enable equal treatment of all national minorities. Minority organisations are not satisfied with the existing provision.

- Double voting right should be allowed for national minority members in order to practise voting for their special interest representative as well as having the right to choose from the majority list.

### **Media**

- More media space should be dedicated to different cultures present in Croatia as well as to minority rights in general. More objective and in depth reporting is needed as well covering of all relevant themes. So far, only cultural and folklore activities of minorities communicates a stereotypical and superficial picture which is not substantial and does not tackle any of the problems minorities might have.
- Recruitment of minority members should be enabled and fostered in the media agencies and positive measures should be introduced in order to increase representation of minority groups.
- Media agencies should educate their journalists about issues relating to migration and refugees in order to reduce xenophobic articles in daily newspapers, which have a significant influence on citizens.
- Efforts should be made to curtail sensationalist and discriminatory reporting, in particular towards the Roma minority. This may be achieved by conducting diversity training for journalists and editors, as well as by means of a more consistent implementation of the Anti-discrimination Act.

### **Criminal justice**

- Public servants and politicians in positions of power in the Ministry of the Interior should avoid statements that might influence stereotypical attitudes of the police towards minority groups.
- A human rights concerns, especially those faced by national minorities should be taken into account when training new police officers. Police officers should be carefully trained about the new Criminal Act, and especially provisions relating to hate crime, racial and other forms of discrimination.

## 10. Conclusion

Unfortunately, racism and other forms of discrimination are present in Croatian society. This report has revealed cases of systematic and structural discrimination mostly towards the Serbian minority who are perceived negatively due to the violent dissolution of Yugoslavia as well as minorities which experience deeply rooted prejudice such as the Roma. As well as these forms of structural discrimination, we have also found numerous examples of individual and sporadic cases of discrimination in many forms.

Croatia has seen significant improvements in terms of respect for human rights and minority rights in recent years. As a result of the process of the accession to the EU, a number of policies strengthening human rights protections were introduced. Croatia has one of the most developed national minority rights provisions in Europe as well as anti-discrimination legislation - especially Anti-discrimination Act - which gives a solid legal framework for progress in this field. In the period under review, the new Criminal Act was introduced, facilitating sanctioning of hate crimes. However, it does not enter into force until 2013. While the existence of such a legal framework is important, significant problems remain in implementation. The problems concern the lack of capacity of the judiciary, state attorneys, and the victims themselves as well as a general social climate which favours preserving the status quo.

In conclusion, more work has to be done in order to tackle the weaknesses in legal provisions and to ensure their implementation. Beyond this legal framework, every effort must be made to build social capital in order to facilitate a more tolerant, diverse and open society.

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## **Annex 1: List of abbreviations and terminology**

**ADA:** Anti-discrimination Act

**CARNM:** Constitutional Act on the Rights of National Minorities

**CDU:** Croatian Democratic Union party

**CSO:** Civil Society Organisation

**EU:** European Union

**MSES:** Ministry of Science, Education and Sports

**NGO:** Nongovernment Organisation

**Protagora:** Organisation for Protection of the Rights of Non-religious Persons  
and Promotion of Non-religious Comprehension of Life

**RoC:** Republic of Croatia

