



**PERMANENT MISSION OF THE REPUBLIC OF CROATIA
TO THE UNITED NATIONS OFFICE
G E N E V A**

No. 5/2016

The Permanent Mission of the Republic of Croatia to the United Nations Office in Geneva presents its compliments to the Office of the High Commissioner for Human Rights and has the honor to provide the response of the Government of Croatia to the joint letter of 29 October 2015 of UN Special Rapporteurs - the Special Rapporteur on freedom of religion or belief; the Special Rapporteur on minority issues; the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance.

The Permanent Mission of the Republic of Croatia to the United Nations Office in Geneva avails itself of this opportunity to renew to the High Commissioner for Human Rights the assurances of its highest consideration. *V.Bh*

Geneva, 15 January 2016



**UN OFFICE AT GENEVA
HIGH COMMISSIONER FOR HUMAN RIGHTS**

INFORMATION

to the joint letter of UN Special Rapporteurs of 29 October 2015 - the Special Rapporteur on freedom of religion or belief; the Special Rapporteur on minority issues; the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance

Hate Speech

- Following **the event of 10 January 2015** in Rijeka, a criminal investigation was conducted against 18 persons for their illegal behavior. After the criminal investigation was completed, owing to a reasonable doubt that they committed a misdemeanor under Art. 4(1)(vii) punishable pursuant to Art. 39a (1)(ii) of the Act on Prevention of Disorder at Sports Competition, indictments were raised at the competent Misdemeanor Court in Rijeka against all persons covered by the criminal investigation.
- As for the **17 February 2015** event, a criminal investigation has been conducted against one person. Owing to a reasonable doubt that he committed a misdemeanor pursuant to Art. 5. of the Act on Misdemeanors against Public Order, an indictment was raised against the perpetrator before the Misdemeanor Court in Koprivnica.
- The events on **28/29 May 2015** in Osijek were followed by the police inspecting the scene before the owner was found. Also, soon after the event the graffiti were removed and the wall repainted.

In accordance with information received from the State Attorney's Office of the Republic of Croatia, Municipal State Attorney's Office in Osijek received a special report of the Police Administration Osječko-baranjska, 1st Police Station Osijek against an unknown perpetrator reported for committing criminal offence of Public Incitement to Violence and Hatred referred to in Article 325 of the Criminal Code and police was ordered to continue with actions aimed at detecting the perpetrator.

- Regarding the **5 August 2015** event, a criminal investigation was carried out against 12 persons for their illegal behavior. After the investigation was completed, owing to the reasonable doubt that they had committed misdemeanors pursuant to Art. 6, 13, 14, and 17 of the Act on Misdemeanors against Public Order and Peace, indictments were raised before the Misdemeanor Court in Rijeka against all persons covered by the criminal investigation.
- Following the **5 August 2015** event, a criminal investigation was conducted against 4 persons. After the criminal investigation was completed, owing to the reasonable doubt that they had committed misdemeanors pursuant to the Act on Misdemeanors

against Public Order and Peace and the Act on Public Assembly, indictments were raised before the Misdemeanor Court in Šibenik against all persons covered by the criminal investigation.

- Regarding the **17 August 2015** event the police did not record it in the police files since the event had taken place in July 2012 and was organized for invited persons only and in an enclosed place, meaning that it was private in character and not meant for the public.
- Following the event in the night of **24/25 August 2015**, a criminal investigation was conducted against 3 persons. After the investigation was completed, owing to a reasonable doubt that they had committed criminal offenses of 'Public instigation to Violence and Hatred' pursuant to Art. 325(1) of the Criminal Code, as well as 'Malicious Mischief' pursuant to Art. 235(2) of the Criminal Code, on 31 August 2015 criminal proceedings were instigated before the municipal State Attorney's office in Vukovar against all of the three perpetrators. Municipal State Attorney's Office in Vukovar preferred an indictment against referenced persons before the Municipal Court in Vukovar for committing referenced criminal offence.

Physical violence against Serbs

- Regarding the **event of 15/16 July 2015** in Zagreb, the police filed on 11 August 2015 criminal charges against unknown perpetrators for the offence of hate motivated *Grievous bodily harm* as described in Article. 118 paragraph 1 in connection Article 87 paragraph 21 of the Criminal Code, committed to the detriment of the citizens of the Republic of Serbia.
- Regarding the event of **15 July 2015**, the injured parties continued their journey towards the Republic of Slovenia and are unavailable for further crime investigation and the establishment of the circumstances of the event. However, in order to continue the crime investigation the police of the Republic of Serbia was requested for assistance through the international police cooperation.

Attacks on public monuments and Orthodox religious facilities

- Regarding the event of **15/16 August 2015**, a criminal investigation did not find elements of a hate crime. However, criminal charges against unknown perpetrators were filed with the municipal State Attorney's Office in Slavonski Brod for the offence of *Property Damage* as described in Article 235, paragraph 1 of the Criminal Code.

- Regarding the event of **5 December 2014**, a criminal investigation has been carried out and criminal charges against unknown perpetrators were filed with the municipal State Attorney's Office in Vukovar for the offence of *Property Damage* as described in Article 235 paragraph 2 of the Criminal Code.
- Regarding the event of **8 January 2014** when a forceful breaking and entering into the Church of St. Đurađ (St. George) in Knin was committed, whereby items were stolen from inside the church that are used for religious purposes, a criminal investigation did not find elements of a hate crime. However, criminal charges were filed with the municipal State Attorney's Office in Šibenik against unknown perpetrators for the crime of *Aggravated Theft* as described in Article 229, paragraph 2 of the Criminal Code.
- Regarding the event of **16 May 2015**, a criminal investigation did not find elements of a hate crime. However, criminal charges were filed with the municipal State Attorney's Office in Slavonski Brod against unknown perpetrators for the crime of *Aggravated Theft* as described in Article 229, paragraph 1, Point 7 of the Criminal Code. Furthermore, police was ordered by the municipal State Attorney's Office in Slavonski Brod to conduct measures necessary for the detection of the perpetrator and collection of data and evidence necessary for the initiation of criminal proceeding.
- Regarding the event of **27/28 September 2014**, a criminal investigation against two persons was carried out. After the completed criminal investigation due to reasonable suspicion that they have committed the offence *Aggravated Theft* as described in Article 229 Paragraph 1 Point 8 of the Criminal Code in conjunction with Article 228, paragraph 1 et al. criminal charges were filed with the municipal State Attorney's Office in Karlovac. After inquiries and evidence collecting actions, state attorney's office dismissed the crime reports

Language Rights

- Regarding the event in **July 2015** when on two occasions the plaque with inscription in three languages was stolen on the premises of the Serbian Democratic Forum in **Zagreb**, the police are taking all necessary measures in order to identify the unknown perpetrators. A criminal investigation will follow after the identification of the perpetrators.
- Regarding the event in **February 2015** when a bilingual plaque was stolen from municipality building in Donji Lapac, the police are taking all necessary measures in order to identify the unknown perpetrators. A criminal investigation will follow after the identification of the perpetrators.

However, Municipal State Attorney's Office in Gospić received a special report from the Police Administration Ličko-senjska, Police Station Donji Lapac, indicating that

on 1 February 2015, unknown perpetrator removed a bilingual sign located at the entry to Donji Lapac (not from municipality). The sign marks the entry into the village, and it is owned by company Lika ceste. Since referenced criminal offence is the criminal offence of theft referred to in Article 228, paragraph 2 of the Criminal Code and it is prosecuted by private suite, the case was archived.

- Regarding the damage and the **stealing of bilingual plates in Vukovar**, the police registered a total of 23 separate incidents of damage and stealing of bilingual plaques affixed on façades of various national, regional and local institutions in Vukovar.

In all these events the police have taken the necessary measures and actions falling within its competence in order to identify the perpetrators - in all registered cases the appropriate criminal or misdemeanour reports were filed with the competent State Attorney's Offices or with the Misdemeanour courts. When drawing up the Strategic Assessment and Strategic Policing Plan as fundamental strategic documents governing the work of the police, all recorded events of hate motivated crimes and offences were taken into consideration with a view to comprehensive planning of the implementation of preventive activities in target areas and thereby directly influence the prevention of hate crime.

The use of Cyrillic script in Vukovar

- **General information.** There are twenty two national minorities in Croatia. Croatian Government considers national minorities as richness and a bridge towards neighboring countries. With a view that ethnic and multicultural diversity, the spirit of understanding, mutual respect and tolerance contribute to development and the enrichment of society at large, the Government continues to ensure rights of persons belonging to national minorities.

Respect for the rights of individuals belonging to minorities, including respect for the principle of non-discrimination, is one of the Croatia's constitutional principles. In accordance with constitutional values, Croatia is pursuing a policy to fight discrimination on the grounds of race, ethnic origin or religion.

One of the fundamental principles on which the entire political and legal system of the Republic of Croatia is based is the principle of equality of all before the law. Article 15 of the Constitution guarantees equal rights to members of all national minorities and freedom of expressing their nationality, to use their language and script and to exercise cultural autonomy. In order to strengthen the legal framework on discrimination the Constitutional Law on the Rights of National Minorities established further rights to those guaranteed by the Constitution.

The right to the official use of languages and scripts of national minorities in local units is exercised when its members constitute at least 1/3 of the population in accordance with the Constitutional Law on National Minorities (CLNM), if such a right was introduced in the statutes of the local units. Based on results of the 2011

census, members of national minorities exercised this right in 27 local units (Serbian language/the Cyrillic script in 23).

- **Situation in Vukovar.** In the City of Vukovar 34.87% of population were members of the Serb national minority and had the right to use the Serbian language/Cyrillic script. In September 2013, government bodies began putting up bilingual boards in accordance with the CLNM and the Law on the Use of Languages and Scripts of National Minorities in Croatia.
- **First Constitutional decision (U-II-6110/2013, August 12, 2014).** Following a notification by the Council of Serbian National Minority in Vukovar (November 2013), stating that the Statute of the City of Vukovar did not comply with the relevant law provisions, the Ministry of Administration found - that the provision of the Statute (Art. 22 of the Statutory Decision on Amendments to the Statute) which stipulates that Vukovar was exempt from the CLNM and Law on the Use of Languages and Scripts of National Minorities in Croatia - is contrary to the existing legislation.

Consequently, the Ministry suspended the application of the disputed provision of the Statute of the City of Vukovar and on its proposal the Government in December 2013 initiated proceedings of its compliance with the Constitution and the law before the Constitutional Court of the Republic of Croatia. The Constitutional Court by its decision accepted the request of the Government and repealed Article 22 of the Statutory Decision on Amendments to the Statute of the City of Vukovar.

- **Second Constitutional decision (U-VIIR-4540/2014, August 12, 2014).** In December 2013, a citizen initiative was launched for a **referendum** with the aim to change the criterion for using the language and script of national minorities from 1/3 to 1/2. In August 2014, the Constitutional Court found that the referendum question was not in compliance with the Constitution and that the referendum was not permissible. The Constitutional Court determined:
 - the City Council of Vukovar shall within one year prescribe and regulate in the Statute (for the entire area i.e. specific parts of town), individual rights of minority members to the official use of their languages and scripts, as well as legal obligations of the state and public authorities. Also, the needs of Croatian majority population stemming from the still living consequences of the war as well as the need for fair and proper treatment of the Serbian minority have to be taken into account.
 - the Government shall within one year refer to the Parliament Amendments to the Law on the Official Use of Languages and Scripts of National Minorities which shall regulate the legal mechanism in the case when bodies of units of local self-government do not implement the obligations under this Law and obstruct its implementation;

- the competent national authorities shall not implement the Law on Use of Languages and Scripts of National Minorities in Vukovar by using coercive measures until the adoption of amendments to this Law.

In accordance with the second decision of the Constitutional Court:

- the Council of the City of Vukovar, amended its Statute (August, 2015). The amendments constitute changes of the Statute of the city so that it no longer provides for the existence of bilingual signs, and Cyrillic alphabet, on the city's institutions, squares and streets. Therefore, the Ministry of Administration found that the Council amended its Statute in such a way which violated its obligations from the Constitutional Court decision;

- the Government already prepared the draft of the requested amendments which will go through a second reading in the Parliament.

- **State of play.** After the Ministry of Administration initiated proceeding before the Constitutional Court to examine whether the Statute is in conformity with Constitution and relevant law, the Court informed the Ministry, in its official response from 7 October 2015, that the contested amendment is not yet in force and therefore the Court is not competent to deliver its opinion.

Taking into account that the provisions of the City Statute entered into force only on 1 January 2016, the relevant national authorities will continue the process of monitoring the legality of the provisions of the Statute with the view to fully comply with the domestic legal framework, in the forthcoming period.

National framework for suppressing Hate Crime

The Office for Human Rights and Rights of National Minorities (OHRRNM) is the central body for collecting statistical data on hate crimes. OHRRNM collects the data from the Ministry of the Interior, the State Attorney's Office and the Ministry of Justice by using a special form developed for statistical monitoring. However, within this activity OHRRNM does not receive detailed description of the particular hate crime incidents but only the data needed to follow the overall track record.

In order to better follow the statistical data, in 2011 the OHRRNM has initiated the adoption of the Protocol on the Procedure in Hate Crime Cases by the Government of the Republic of Croatia. The purpose of the Protocol is to provide conditions for effective and comprehensive work of the competent authorities involved in the detection, treatment and monitoring of hate crime cases. Currently, OHRRNM is in the process of drafting the Protocol's revision with intent of further improvement of the monitoring mechanism.

OHRRNM also coordinates the activities of the Working Group for Monitoring Hate Crimes, which analyses and monitors the implementation of anti-discrimination legislation, and coordinates data collection and interagency cooperation. The instances of ethnically motivated offences described in the special rapporteurs' letter and their concern about indications of increasing trend of intolerance in inter-ethnic relations have been discussed within the Working Group's meeting and members have been invited to consider possible initiatives to respond to this trend.

Furthermore, the National Program for the Protection and Promotion of Human Rights for the Period of 2013-2016, as a strategic document by the Government that sets priorities and objectives in human rights protection policy, includes specific measures relating to the suppression of racial and other types of discrimination. OHRRNM is the competent authority for continuous organization of expert seminars on international and national legal frame on combat against discrimination. Within the project "Supporting combat against hate crime" in 2013 OHRRNM has provided educations for police officers, state prosecutors, judges and NGO representatives in Zagreb and Split. These educations were followed by public discussion in Rijeka on Prevention and Suppression of Hate Crime in Croatia and public discussion in Zagreb on Prevention and Suppression of Hate Speech at Sport Competitions. OHRRNM is also the competent authority for providing financial grants to NGO's projects related to hate crime victim assistance. In 2013, 2014 and 2015 OHRRNM has financed 9 projects by NGOs in the scope of discrimination and hate crime suppression with 261.000 kn (approx. 34.500 Euro) in total. OHRRNM will continue with the implementation of the National Program measures related to discrimination and hate crime suppression and eventually adapt them to specific trends that Croatia is facing at the moment or that may occur in the future.

Regarding combating discrimination Croatia has adopted a National Anti-discrimination Plan (2008-2013). In the meantime a draft of the new National Anti-Discrimination 2016-2020 has been made and it is supposed to be adopted soon.

OHRRNM is implementing an IPA 2012 project "Support to National Minorities on the local level". The goal of the project is to strengthen the integration and cooperation of national minorities, including Serb national minority, on the local level, and particularly of the monitoring of the implementation of the Constitutional Act on Rights of National Minorities (CARNM) by minorities themselves, through their local councils of national minorities (CNMs), advisory bodies to regional and local self-governments. For that purpose, 80 computers were distributed in 2015 to local councils of national minorities, mostly councils of Serb national minority, in least developed municipalities throughout Croatia. The project envisages a large number of capacity building activities for CNMs, local authorities and other relevant stakeholders. The project is complementary to a 2 million EURO grant scheme to NGOs, supporting implementation of human rights policies on the local level in 2015-2016, and particularly to the project of the Ministry of Public Administration on the local monitoring of the implementation of the CARNM.

One of the measures from the CARBN is effective participation of national minorities in decision making process at all levels. In the following period it is important to intensify these activities and organization of seminars on education of councils and representatives of national minorities, especially Serb national minority, in the territorial units of lower economic development.