

Mandates of the Special Rapporteur on freedom of religion or belief; the Special Rapporteur on minority issues; and the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance

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Excellency,

We have the honour to address you in our capacities as Special Rapporteur on minority issues; Special Rapporteur on freedom of religion or belief; and Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance pursuant to Human Rights Council resolutions 25/5, 22/20, and 25/32.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received **concerning the rise of instances of hate speech and other ethnically motivated incidents, including physical and verbal violence in the Republic of Croatia against Serbs**, and the alleged failure by Croatian authorities to effectively and systematically condemn such incidents.

According to information received:

There have been a growing number of cases of ethnically motivated incidents, including hate speech and intolerance directed against the Serbian minority in Croatia. These include the increased use of the Ustasha salute and symbols, and other graffiti with pro-Nazi, anti-Serb intent. Particularly troubling in this regard are the instances of severe hate speech that incite physical violence, as well as violent physical attacks on some individuals as well as attacks on property, including sites of religious or historical significance, on the basis of Serbian ethnicity.

Below are a summary of some, but not all, of the most striking instances brought to our attention:

Hate speech:

On 10 January 2015, during a national handball game between Croatia and Serbia in Rijeka, a small group of fans whistled loudly and protested during the playing of the Serbian anthem. Throughout the game other hate speech was heard

including chants of "Kill the Serb" "Ready for the Homeland" "Gypsies" "To the battle, to the battle".

On 17 February 2015, Drazen Keleminec, President of the Authentic Croatian Party of Rights, sang together with several other members of his Party, an Ustashi "Budnica" (wake-up call) outside the Magistrates' Court in Koprivnica. The incident was filmed and recorded by police officers, however no charges were laid.

In Osijek, on 28 and 29 May 2015, anti-Serb graffiti stating "Kill the Serb", "Hang Serbs on willows" "Run over all the Chetniks" appeared and were accompanied with a swastika and the letter "U".

On 5 August 2015, a group of approximately 250 protesters interrupted a performance of the play "Women in War" co-hosted by the Croatian National Theatre in Rijeka Iv. Zajc and by the Serb National Council. The play was performed the occasion of the anniversary of "Storm", a strategic battle of 1995 which effectively ended the war. The protesters shouted out Ustashi slogans, while the most aggressive among them used video-cameras to record the entrance and exit of spectators, threatening them with comments that they were: "maki[ing] a record of who was at the play, and we'll see later on."

On 5 August 2015 in Knin, to mark the 20th anniversary of the strategic battle "Storm", slogans were shouted, together with a call for a lynch and annihilation of Serbs, in the presence of Croatian officials. Some of the slogans included: "Kill, kill the Serb", "For homeland ready", "We Croats drink no wine, but the blood of Chetniks of Knin", and the symbols of the Independent State of Croatia were displayed.

On 17 August 2015, the Croatian National Television's Channel (HRT1) broadcasted during prime time a video recording made in 2012 from the wedding reception of the Mayor of Vukovar M. Pavlicek. The footage showed footage of Ustasha songs being sung.

On the night of 24-25 August 2015, Ustashi symbols "U" with a cross, swastika and the slogan "Kill the Serb" were sprayed in black on "Atina" café, owned by a married couple of Croatian and Serbian nationality, as well as on other facilities in the shopping mall in Vukovar.

On 24 August 2015, a petition was addressed to the President of Croatia Mr. K. Grabar-Kitarovic, containing a provocative content to introduce the fascist salute "For Home Ready" in an official use in the Armed Forces of R. Croatia. The petition was signed by around 3,200 persons, among them academics and public figures including Bishops V. Pozaic and V. Kosic, as well as the President of the Croatian National Ethics Court Z. Separovic.

Physical violence against Serbs:

Some specific instances of concern, which were brought to our attention include, but are not limited to the following:

On the night of 15-16 July 2015, three male nationals of the Republic of Serbia were physically assaulted by a group of youths (10-15) in downtown Zagreb, at Ban Jelacic Square. The brutal assault was allegedly initiated due to the recognition of the victim's Serbian accents. One of the victims suffered serious bodily injuries. The incident was reported to the police.

On 15 July 2015 a male national of Serbia was attacked, beaten up and severely injured at a railway station in Zagreb. A medical examination performed upon his return to Serbia diagnosed a concussion, whereas two procedures on the victim's retina were carried out due to eye injury

Attacks against public monuments and Serb religious sites:

There have been reports of numerous attacks against Serb monuments, icons and religious sites in recent years. Some recent incidents include:

- On the night of 15-16 August 2015, the monument dedicated to Serbian victims from 1991 to 1995, located in the churchyard of the Serbian Orthodox Church in Medari village near Nova Gradiska, was desecrated.
- On 24 July 2015, the Municipal Court in Vukovar, acting upon the claim filed by the Mayor of Vukovar I. Penava Works, issued an order to halt the construction of the Serbian Orthodox Church Parish Centre in Vukovar. Although construction had already commenced, it was claimed that the land was unlawfully granted in 2010.
- On 5 December 2014, graffiti with the Ustaša insignia and messages of 'Kill the Serb' and 'For homeland ready' were painted on the façade of a Serb Orthodox Church in Vinkovci.
- On 8 January 2014, after the second day of Orthodox Christmas, the Serb Church of St George the Great Martyr in Knin, was broken into. Unknown perpetrators caused damaged, seized part of the property and turned most of the icons upside-down.
- On 16 May 2014, a bell was stolen from the Temple of Saint Emperor Constantine and Empress Helena in the village of Ustica.
- On 27-28 September 2014, unknown perpetrators almost completely demolished the monuments to 525 victims of Ustasha in Veljun and then proceeding to break into the Nativity church. They ascended the church

spire remove two bells which were then thrown from the belfry in front of the church entrance, causing damage.

Language Rights:

Despite the important recognition of minority language rights established under the Constitutional Act on the Rights of National Minorities, which mandates bilingual signs in any area where more than one-third of the population belongs to an ethnic minority, allegations including stigmatization of signs of Serbian language, including the Cyrillic script.

Of particular concern was the decision adopted, on 7 August 2015, by the City Council of Vukovar, to amend the city statute in such a way as not to provide bilingual signs in Latin and Cyrillic scripts at official town buildings, institutions, squares and streets. The effect of this was reportedly the removal and destruction of bilingual plates from many state institution buildings in Vukovar area, among other regions.

Furthermore, through a wave of campaigns carried out by radical elements of society the Cyrillic Script has been defamed and denigrated, labeled as ‘Serbian War Script’ or the script of the ‘aggressor’. These incidents have reportedly impacted on the Serbian minority’s right to enjoy the right to use their own language.

In this connection, there are further allegations of the removal of signs in minority Serbian and Serbian Cyrillic languages through vandalism. Such instances include the theft of the trilingual sign of the Serbian Democratic Forum in Zagreb which was removed twice, in July 2015. Furthermore, a bilingual sign on the municipality building in Donji Lapac was stolen in February 2015.

While we do not wish to prejudge the accuracy of these allegations, we are concerned that these incidents appear to violate the basic principles of human rights law. Furthermore, while the list of incidents is not comprehensive, we remain concerned that they seem to indicate a worrying trend of increasing intolerance and deterioration of inter-ethnic relations.

Furthermore, the failure by authorities to publically condemn such incidents of hate speech, the failure to sanction those responsible, and the presence or participation of some government authorities during these instances of hate speech, seriously undermines the efforts and investment that have been made over the past decade to promote inter-ethnic tolerance.

With regard to the situation in Vukovar, we are aware that the Ministry of Administration has already brought this matter to the Supreme Court, which found that the amendment by the city of Vukovar was not in compliance with the Constitution. We

are pleased that your Government has treated this matter with the utmost seriousness and hope that this issue will be resolved in practice as early as possible.

In connection with the above alleged facts and concerns, please refer to the **Reference to international law Annex** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

It is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention. We would therefore be grateful for your observations on the following matters:

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.
2. Have complaints been lodged with regards to the incidents mentioned. If so, please provide details, and where available the results, of any investigation, and judicial or other inquiries, including any criminal charges laid against the perpetrators in relation to these incidents. If not inquiries have taken place, or if they have been inconclusive, please explain why.
3. Please indicate how Croatia ensures that all those who disseminate ideas based on racial hatred are prosecuted?
4. Please provide information on measures taken by your Excellency's Government to condemn all acts of hate speech and violence, including any initiatives to promote ethnic tolerance and prevent hatred against the Serbian community of Croatia?
5. Have any other measures been taken to prevent any escalation of the reported inter-ethnic tension?
6. Please explain any measures taken by your Government to ensure the rights of linguistic minorities, including the protection of the Serbian linguistic minority?
7. Please explain any measures taken by your Government to ensure that members of the Serbian Orthodox Church can exercise their freedom of religion free from intimidation, and that their places of worship are protected from attacks, desecration or destruction.

We would appreciate receiving a response within 60 days.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the

investigations support or suggest the allegations to be correct, to ensure the accountability of any person(s) responsible for the alleged violations.

Your Excellency's Government's response will be made available in a report to be presented to the Human Rights Council for its consideration.

Please accept, Excellency, the assurances of our highest consideration.

Rita Izsák
Special Rapporteur on minority issues

Heiner Bielefeldt
Special Rapporteur on freedom of religion or belief

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and related intolerance

Annex

Reference to international human rights law

In this connection, we would like to refer your Excellency's Government to the International Covenant on Civil and Political Rights (ICCPR), which your Excellency's Government ratified in 1993, and in particular to article 20, paragraph 2, that states: "[a]ny advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law".

We also refer to the International Convention on the Elimination of All Forms of Racial Discrimination, which your Excellency's Government ratified in 1992, in particular Article 4, stating that:

"States Parties condemn all propaganda and all organizations which are based on ideas or theories of superiority of one race or group of persons of one colour or ethnic origin, or which attempt to justify or promote racial hatred and discrimination in any form, and undertake to adopt immediate and positive measures designed to eradicate all incitement to, or acts of, such discrimination and, to this end, with due regard to the principles embodied in the Universal Declaration of Human Rights and the rights expressly set forth in article 5 of this Convention, inter alia:

- (a) Shall declare an offence punishable by law all dissemination of ideas based on racial superiority or hatred, incitement to racial discrimination, as well as all acts of violence or incitement to such acts against any race or group of persons of another colour or ethnic origin, and also the provision of any assistance to racist activities, including the financing thereof;

- (b) Shall declare illegal and prohibit organizations, and also organized and all other propaganda activities, which promote and incite racial discrimination, and shall recognize participation in such organizations or activities as an offence punishable by law".

We also wish to draw the attention of your Excellency's Government to the provisions of the 1992 United Nations Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities. Article 1.1 of the Declaration provides that "States shall protect the existence and the national or ethnic, cultural, religious and linguistic identity of minorities within their respective territories and shall encourage conditions for the promotion of that identity". This provision should be understood to require the prevention of any acts of violence and the protection of minorities from any form of physical attack against individuals, communities, their property and places of worship. Article 1.2 also provides that "States shall adopt appropriate legislative and other measures to achieve those ends." The Declaration stipulates in Article 4 (1) that: "States shall take measures where required to ensure that persons belonging to minorities may exercise fully and effectively all their human rights and fundamental freedoms without any discrimination and in full equality before the

law.” Furthermore, the Commentary to the UN Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities encourages States to adopt laws protecting against acts or incitement to acts which physically threaten the existence of groups or threaten their identity.

We would like to draw the attention to the recent conclusions of the Human Rights Committee adopted upon consideration of the Third Periodic Report of Croatia on the implementation of the ICCPR in March 2015. In the concluding observations the Committee, among other things, voiced "concerns about the continued reports of racist attacks against members of ethnic minority groups, particularly ... Serbians", Also observed were "concerns that persons belonging to national minorities face problems in enjoying the right to use their own language, particularly those in Cyrillic script”.

We also note that discrimination against Serbs in Croatia was recently highlighted in the conclusions of the Committee of Ministers of the Council of Europe in the implementation of the Framework Convention on the Protection of National Minorities and the European Charter for Regional and Minority Languages. In those Conclusions the Council of Europe noted that Croatia "should undertake additional measures, including positive measures, to promote inter-ethnic tolerance in its diverse society, as well as to provide full implementation for the right to equal usage of minority languages and scripts in accordance with its constitutional and legal framework, with special emphasis on the usage of Cyrillic script in the city of Vukovar and municipalities concerned".

We also wish to draw the attention to the Rabat Plan of Action on the prohibition of advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence as a comprehensive framework to assist States in implementing their obligations to combat incitement to hatred. The Rabat Plan of Action contains specific recommendations and guidance on balancing freedom of expression enshrined in article 19 of the International Covenant on Civil and Political Rights, with the prohibitions of article 20, through a six part threshold test for forms of speech that are prohibited under criminal law. Among the key factors put forward in the Plan to prevent incitement to hatred are the collective responsibility of States, media and society and the need to foster social consciousness, tolerance, mutual respect and intercultural dialogue.

We note that freedom of religion, protected by ICCPR article 18, includes the right to build and maintain places of worship, as stated by the Human Rights Committee in its general comment 22, par. 4. We also wish to draw the attention of your Excellency's Government to Human Rights Council resolution 6/37, which urges States, "To exert the utmost efforts, in accordance with their national legislation and in conformity with international human rights and humanitarian law, to ensure that religious places, sites, shrines and symbols are fully respected and protected and to take additional measures in cases where they are vulnerable to desecration or destruction;".

We would also like to refer to resolution 2005/40 of the Commission on Human Rights, which urges States to step up their efforts to eliminate intolerance and discrimination based on religion or belief, notably by: "(a) Taking all necessary and

appropriate action, in conformity with international standards of human rights, to combat hatred, intolerance and acts of violence, intimidation and coercion motivated by intolerance based on religion or belief, with particular regard to religious minorities”.