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Report of the Working Group on the Universal Periodic Review

Croatia

Addendum

Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review*

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

Croatia welcomes the recommendations made in the course of its Universal Periodic Review on 8 November 2010. Croatia accepts recommendations 96.1 to recommendation 96.8, which already met its support, as well as recommendations 97.1 to 97.86, that have already been implemented or are in the process of implementation. After thorough consideration and examination, Croatia presents its views and replies with regard to recommendations 98.1 to 98.22 and would kindly ask to include the following responses in the final draft:

Recommendations No. 98.1–98.3

Croatia **cannot, at this point, make a definitive statement** concerning these recommendations. Croatia believes that an effective system for the protection of migrant rights should be seen as an integral part of the wider European human rights framework. While the Croatian Government has not yet reached a final decision concerning possible signing and ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, Croatia has already enacted broad legislative framework for the protection of human rights of migrants and their families, based both on the national legislation as well as the international instruments to which it is a party.

Recommendation No. 98.4

Croatia **partly accepts** the recommendation. Croatia has actively contributed to efforts that led to the adoption of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights. In order to examine legal and practical requirements of its implementation in the legal system, the Government has set up an inter-agency Working Group which is in the process of formulating recommendations with regard to its signature and possible ratification.

With regard to the ratification of the International Convention for the Protection of All Persons from Enforced Disappearance, Croatia signed the Convention in 2007 and is currently conducting preparatory work with a view of its ratification.

Recommendation No. 98.5

Croatia **partly accepts** the recommendation. The views of Croatia regarding the ratification of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights and the International Convention for the Protection of All Persons from Enforced Disappearance have been elaborated with regard to the Recommendation No. 98.4. The Government currently undertakes preparatory steps needed to ratify the 1961 Convention on the Reduction of Statelessness, which are in a final phase.

Croatia continues to support the work of the Human Rights Council and its Special Procedures and has extended a standing invitation to all Special Rapporteurs. Croatia remains fully committed to making the recommendations of the Human Rights Council mechanisms more visible, including through the Internet.

Recommendation No. 98.6

Croatia **accepts** the recommendation. Continued strengthening of the Council of National Minorities has been envisaged in relevant strategic documents of the Croatian Government, including the Action Plan for the Implementation of the Constitutional Act on the Rights of National Minorities for the period 2011-2013, which outlines concrete activities and financial resources in this respect. Additionally, with amendments of the Croatian Constitution and the Constitutional Act on the Rights of National Minorities of June 2010, Council of National Minorities has been provided with additional means and

tools aimed at further enhancement of the position of national minorities through their participation in public life and decision-making processes.

Recommendation No. 98.7

Croatia **accepts** the recommendation and will continue to promote and implement all human rights. Croatian Government has actively promoted reconciliation and remains committed to assure enjoyment and implementation of the rights of all persons belonging to minorities. Croatian Government implements specific programmes with regard to the return of refugees and their settlement in the country of origin, including through providing housing and adequate care and remains committed to the continuation of dialogue and cooperation aimed at finding adequate solutions to the refugee problems at the regional level.

Recommendation No. 98.8

Croatia **accepts** the recommendation. Croatia is in a process of further strengthening of the legal and practical framework for the protection of the rights of people with disabilities. A special Working Group has been established to analyze the effects of the implementation of the existing Family Act, which identified the need for further improvements of the legislation in the area of guardianship, in view of achieving full harmonization with the Convention on the Rights of Persons with Disabilities. The new Master plan for Deinstitutionalization and Transformation of Social Welfare Institutions for the period 2011-16 was adopted with the aim of fostering community-based approach instead of the principle of institutionalization, which also includes mentally ill persons.

Recommendation No. 98.9

Croatia **accepts** the recommendation which has already been implemented to a significant extent. National Plan for the Suppression of Trafficking in Human Beings for the period 2009-2011, envisages a set of concrete measures aimed at the suppression of human trafficking, including for the purposes of prostitution. Having in mind developed tourism sector in Croatia, the Ministry of Interior regularly issues, before the commencement of the tourist season, specific instructions to the police stressing the importance of special attention to the identification and processing of cases of human trafficking, with emphasis on tourist areas.

Recommendation No. 98.10

Croatia **accepts** the recommendation, which has already been implemented. Croatian Constitution, in its Article 27, guarantees that every person is entitled to legal aid.

Recommendation No. 98.11

Croatia **cannot accept** the recommendation, as the provisions of the Free Legal Aid Act in Croatia guarantee free legal aid solely to the persons who are, due to financial constraints, not in a position to engage a legal counsellor (attorney). In this view, the Act sets the financial and property limit (financial census) for the eligibility to free legal aid, as a solution which is applied in a great majority of countries.

Recommendation No. 98.12

Croatia **accepts** the recommendation, which has already been implemented to a significant extent. The process of elaboration of amendments to the Law on Courts for Minors, aiming at further deinstitutionalization of the execution of sanctions for juvenile offenders, is currently under way. In this context, alternative solutions such as placement in

specialized foster homes for children with behavioural problems as well as education outside correctional institutions are envisaged to be applied as a primordial concept.

Recommendation No. 98.13

Croatia **accepts** the recommendation, as it has already acted accordingly. Croatia continuously and systematically processes all cases of war crimes and crimes against humanity, in particular those committed during the armed conflict 1991-95. Development of comprehensive National Strategy for Investigating and Processing of War Crimes is currently under way.

Recommendation No. 98.14

Croatia **accepts** the recommendation, as it has already acted accordingly. Additional budgetary resources have been allocated for the work and activities of the Office of State Attorney in 2011 in comparison to previous years. Processing of war crimes represents one of the important priorities of the work of the Office of State Attorney, as confirmed by special formal instructions issued to the local and regional branches of the Office in this regard.

Recommendation No. 98.15

Croatia **accepts** the recommendation, as it has been implemented to a significant extent. The Government Office for Human Rights in cooperation with the Ombudsman's Office launched the project "Support to the Implementation of the Anti-Discrimination Act", which also includes media campaign for awareness-raising in the area of anti-discrimination. Research on the Discrimination in the Croatian Labour Market has been carried out and the Compendium of best practices in promoting diversity and implementing anti-discrimination measures in the labour market and relevant Guidelines have been elaborated. Judicial Academy intensified education on discrimination for judicial officials.

Recommendation No. 98.16

Croatia **accepts** the recommendation. Concrete measures have been implemented in the framework of the National Policy for the Promotion of Gender Equality 2006-2010. The Draft of the National Policy for the period 2011–2015 envisages measures aimed at harmonization of family and professional responsibilities as one of priority areas. The new Act on Maternity and Parental Benefits promotes the inclusion of fathers in family life, and balanced presence of both parents in the labour market.

Recommendation No. 98.17

Croatia **accepts** the recommendation and will continue to assure that the processes related to the return of occupied private property to the rightful owners are carried in an efficient and expeditious manner, as part of the overall efforts related to the reform of judiciary and public administration.

Recommendation No. 98.18

Croatia **cannot accept** the recommendation. The Croatian Citizenship Act stipulates that every individual can acquire Croatian citizenship under the same conditions, irrespective of his or her national, racial, religious or other affiliation. However, in addition to the general requirements, some categories of applicants – such as those born on the territory of Croatia, persons living abroad of Croatian descent and origin, persons of special interest for Croatia and persons who have previously renounced Croatian citizenship – are eligible for a simplified procedure. It should be pointed out that definition of criteria for

citizenship and procedures to be followed in this respect remain, including introduction of simplified procedure for certain category of persons remain prerogatives of a sovereign state. Croatia stresses that all provisions of the Croatian Citizenship Act, including procedure for the acquisition of Croatian citizenship, are applied without discrimination.

Recommendation No. 98.19

Croatia **accepts** the recommendation. The draft Action Plan for the Implementation of the Constitutional Act on the Rights of National Minorities for the period 2011–2013 envisages additional targeted media campaign with regard to minorities, in particular Roma, on fundamental rights in the field of status issues, health, social care, employment and housing. The campaign shall also include workshops for journalists and persons belonging to minorities.

Recommendation No. 98.20

Croatia **accepts** the recommendation, as it has been already partly implemented. Croatia appreciates valuable advice of the United Nations High Commissioner for Refugees in the context of the refugee return process and stands ready to continue cooperation in this respect. However, Croatia would like to point out that its refugee return programmes are almost entirely funded from the state budget. Croatia remains committed to continue to build effective and efficient asylum system, in particular through the strengthening of institutional framework, training of responsible officials as well as ameliorating conditions for the accommodation of asylum seekers awaiting the outcome of the process.

Recommendation No. 98.21

Croatia **accepts** the recommendation, which has already been implemented to a significant extent. The completion of the process of return of refugees and displaced persons remains one of the priorities of the Croatian Government. Important results have been achieved through the implementation of the Action Plan for the Accelerated Implementation of the Housing Care Programme within and outside the areas of special state concern. Revised Action Plan has been adopted in June 2010 which is expected to be fully realized until the end of June 2011. Civil society organizations have been actively involved in the work of commissions established with a view of efficient and transparent implementation of the Revised Action Plan.

Recommendation No. 98.22

Croatia **accepts** the recommendation and intends to establish adequate mechanisms at the national level for the follow-up on the results of the Universal Periodic Review, which will include all relevant stakeholders.
