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Resolution 5/1**

Croatia

The present report is a compilation of the information contained in the reports of treaty bodies, special procedures, including observations and comments by the State concerned, and other relevant official United Nations documents. It does not contain any opinions, views or suggestions on the part of the Office of the United Nations High Commissioner for Human Rights (OHCHR), other than those contained in public reports issued by OHCHR. It follows the structure of the general guidelines adopted by the Human Rights Council. Information included herein has been systematically referenced in endnotes. The report has been prepared taking into consideration the four-year periodicity of the first cycle of the review. In the absence of recent information, the latest available reports and documents have been taken into consideration, unless they are outdated. Since this report only compiles information contained in official United Nations documents, lack of information or focus on specific issues may be due to non-ratification of a treaty and/or to a low level of interaction or cooperation with international human rights mechanisms.

I. Background and framework

A. Scope of international obligations¹

<i>Universal human rights treaties²</i>	<i>Date of ratification, accession or succession</i>	<i>Declarations/reservations</i>	<i>Recognition of specific competences of treaty bodies</i>
ICERD	October 1992	None	Individual complaints (art. 14): No
ICESCR	October 1992	None	–
ICCPR	October 1992	None	Inter-State complaints (art. 41): Yes
ICCPR-OP 1	October 1995	Declaration (art.5(2)(a))	–
ICCPR-OP 2	October 1995	None	–
CEDAW	September 1992	None	–
OP-CEDAW	March 2001		Inquiry procedure (arts. 8 and 9): Yes
CAT	October 1992	None	Inter-State complaints (art. 21): Yes Individual complaints (art. 22): Yes Inquiry procedure (art. 20): Yes
OP-CAT	April 2005	None	–
CRC	October 1992	None (Reservation withdrawn)	–
OP-CRC-AC	November 2002	Binding declaration under art. 3: 18 years	–
OP-CRC-SC	May 2002	None	–
CRPD	August 2007	None	–
OP-CRPD	August 2007	None	Inquiry procedure (arts. 6 and 7): Yes

Treaties to which Croatia is not a party: OP-ICESCR³, ICRMW, and CED (signature only, 2007).

<i>Other main relevant international instruments</i>	<i>Ratification, accession or succession</i>
Convention on the Prevention and Punishment of the Crime of Genocide	Yes
Rome Statute of the International Criminal Court	Yes
Palermo Protocol ⁴	Yes
Refugees and stateless persons ⁵	Yes, except 1961 Convention
Geneva Conventions of 12 August 1949 and Additional Protocols thereto ⁶	Yes
ILO fundamental conventions ⁷	Yes
UNESCO Convention against Discrimination in Education	Yes

1. In 2009, the Committee on the Elimination of Racial Discrimination (CERD) encouraged Croatia to proceed with the preparation of the optional declaration provided for in article 14 of ICERD⁸ and to consider ratifying ICRMW.⁹ CESCR in 2001 and UNHCR in 2010 recommended that Croatia accede to the 1961 Convention on the Reduction of Statelessness.¹⁰ In addition, CRC recommended ratification of the Hague Convention on Protection of Children and Cooperation in respect of Inter-country Adoption.¹¹

B. Constitutional and legislative framework

2. CESCR noted with satisfaction that in accordance with the revised Constitution (2001), international agreements to which Croatia is a party enjoy supremacy over domestic laws and can be directly applied in domestic courts.¹² The HR Committee¹³ and CERD¹⁴ made similar comments in 2009.

3. While welcoming the State's intention to undertake a review of its Constitution, the HR Committee remains concerned that some provisions limit certain rights to "citizens," including equality before the courts.¹⁵ It also reiterated its concern that article 17 (governing states of emergency) of the Constitution is not entirely consistent with ICCPR.¹⁶

4. CERD welcomed the adoption of the Anti-Discrimination Act (2008), the Constitutional Act on National Minorities (2002), and the Act on the Right to Legal Assistance (2008).¹⁷ It also welcomed information indicating that a new Penal Code was being drafted, and recommended that Croatia ensure that it is comprehensive and in full compliance with article 4 of ICERD.¹⁸ The HR Committee welcomed, inter alia, the adoption of the Gender Equality Act (2008).¹⁹

5. In 2010, UNHCR recommended that Croatia fully align its national refugee and asylum legislation with, inter alia, the 1951 Convention relating to the Status of Refugees.²⁰

C. Institutional and human rights infrastructure

6. The Ombudsman of the Republic of Croatia was accredited with "A" status by the International Coordinating Committee of National Human Rights Institutions for the Promotion and Protection of Human Rights (ICC) in 2008.²¹ CERD welcomed the establishment of the Office of the Ombudsman, but noted information about the lack of adequate funds.²²

7. In 2005, while noting the establishment of the Government Office and the Ombudsman for Gender Equality, CEDAW was concerned that this national machinery did not have enough authority nor human and financial resources to carry out its mandate effectively. CEDAW was also concerned about the Office's limited capacity to undertake effective coordination and cooperation with all gender equality mechanisms.²³

8. In 2007, CRC recommended that Croatia continue and strengthen its political, human and financial support for the Office of the Children's Ombudsperson.²⁴

D. Policy measures

9. In 2009, the ILO Committee of Experts on the Application of Conventions and Recommendations noted that the National Policy for the Promotion of Gender Equality 2006-2010 aims at eliminating discrimination against women, including in the labour market.²⁵

10. In 2007, CRC recommended that Croatia continue to implement the National Plan of Action for Children with respect to protection, rehabilitation and social reintegration of child victims of war.²⁶ CRC also recommended that Croatia prioritize budgetary allocations to ensure implementation of the economic, social and cultural rights of children.²⁷

11. In 2005, Croatia adopted the United Nations Plan of Action (2005–2009) for the World Programme for Human Rights Education focusing on the national school system.²⁸ In 2007, CRC noted that the Government had started human rights education in schools, but

regretted that human rights and, in particular, peace education were not yet elements of the curricula of all schools at all levels.²⁹

I. Promotion and protection of human rights on the ground

A. Cooperation with human rights mechanisms

1. Cooperation with treaty bodies

<i>Treaty body³⁰</i>	<i>Latest report submitted and considered</i>	<i>Latest concluding observations</i>	<i>Follow-up response</i>	<i>Reporting status</i>
CERD	2007	March 2009	Due in March 2010	Combined ninth and tenth report due in 2011
CESCR	2000	November 2001		Second report overdue since 2006.
HR Committee	2007	October 2009	Due in October 2010	Third report due in 2013
CEDAW	2003	May 2005		Fourth and fifth reports overdue since 2009
CAT	2001	May 2004	Submitted in July 2006	Fourth report overdue since 2008
CRC	2002	October 2004	–	Third and fourth reports overdue since 2008
OP-CRC-AC	2006	September 2007	–	Information to be included in third and fourth periodic reports to CRC
OP-CRC-SC				Initial report overdue since 2004

12. In 2004, CRC regretted that recommendations regarding, inter alia, non-discrimination in the repossession of property by returned refugees, international cooperation to resolve the property issue, and the situation of children in institutions or foster care had not been given sufficient follow-up.³¹

2. Cooperation with special procedures

<i>Standing invitation issued</i>	Yes
<i>Latest visits or mission reports</i>	Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context (5 to 13 July 2010); Representative of the Secretary-General on the human rights of internally displaced persons (6 to 8 June 2005). ³²

<i>Visits agreed upon in principle</i>	Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance.
<i>Visits requested and not yet agreed upon</i>	–
<i>Facilitation/cooperation during missions</i>	The Special Rapporteur on adequate housing thanked Croatia for the constructive dialogue and support throughout the visit.
<i>Follow-up to visits</i>	–
<i>Responses to letters of allegations and urgent appeals</i>	During the period under review, 4 communications were sent. The Government replied to 3 communications.
<i>Responses to questionnaires on thematic issues</i>	Croatia responded to 9 of the 23 questionnaires sent by special procedures mandate holders ³³ within the deadlines. ³⁴

3. Cooperation with the Office of the High Commissioner for Human Rights

13. In 2009, Croatia's Ombudsman took part in a workshop organized jointly by OHCHR and UNDP aimed at strengthening the capacity of NHRIs to interact with the international human rights system, more specifically with regard to following up on the implementation of the universal periodic review, treaty bodies and special procedures' recommendations.³⁵

14. Croatia contributed financially to OHCHR between 2006 and 2009, and the Voluntary Funds for Victims of Torture between 2007 and 2009.³⁶

B. Implementation of international human rights obligations

1. Equality and non-discrimination

15. In 2009, the HR Committee indicated that despite progress achieved in respect of the advancement of women, inequalities between women and men persist in many areas.³⁷ In 2005, CEDAW expressed concern about the serious disadvantages women faced in the labour market.³⁸ The ILO Committee of Experts noted that more than one-third of the 174 complaints received by the Gender Equality Ombudsperson in 2007 were related to employment discrimination against women, including sexual harassment, in both the private and public sectors. It added that a wide range of discriminatory practices exist that exclude pregnant women or women with small children from employment.³⁹ The ILO Committee noted that enforcement of anti-discrimination legislation continues to be subject to many challenges, including lack of awareness of the legislation among workers, employers and the judiciary.⁴⁰ CEDAW urged Croatia to ensure de facto equal opportunities for women and men in the labour market, and recommended that measures allowing for the reconciliation of family and professional responsibilities be strengthened and promoted.⁴¹ The HR Committee recommended that Croatia reinforce its measures to ensure equality between women and men in all spheres, including by more effective implementation of relevant legislation.⁴²

16. CERD was concerned about reports of societal prejudice against certain minority groups, such as the Roma and Serb minorities, and encouraged Croatia to strengthen its efforts aimed at the promotion of inter-ethnic harmony and tolerance among the public at large.⁴³ The HR Committee⁴⁴ and CRC⁴⁵ made similar recommendations in 2009 and 2004 respectively.

17. While expressing appreciation for the adoption of certain measures, such as the Action Plan for the Decade of Roma Inclusion and the National Roma Programme, CERD

continued to be concerned about the discrimination faced by members of this minority, in particular in the areas of education, employment, housing, citizenship, and political participation.⁴⁶ In 2001, CESCR recommended that the necessary measures be taken to ensure that the rights of all minority groups are enjoyed throughout the territory without discrimination.⁴⁷ In addition, CRC recommended that Croatia strengthen its administrative and judicial measures to prevent and eliminate de facto discrimination against children belonging to minorities, especially Roma and foreign children.⁴⁸

18. In 2009, CERD noted information about the reluctance of some local authorities to implement laws and policies on non-discrimination, particularly with regard to returnees, and recommended that Croatia take concrete measures to ensure their full implementation.⁴⁹

2 Right to life, liberty and security of the person

19. In 2004, CAT noted with concern that no prosecution or conviction for alleged crimes of torture has taken place.⁵⁰ It recommended that Croatia take effective measures to ensure impartial, full and prompt investigations into all allegations of torture and other cruel, inhuman or degrading treatment, as well as appropriate prosecution and punishment of the perpetrators and the provision of fair and adequate compensation for the victims.⁵¹ CAT thanked Croatia for the follow-up information submitted in 2006 and requested further clarification about measures taken to ensure that victims receive fair and adequate compensation.⁵² Croatia provided additional information in 2009,⁵³ which is currently under review.⁵⁴

20. In 2009, the HR Committee expressed concern about reports of physical and verbal attacks against members of ethnic minority groups.⁵⁵ The same year, CERD reiterated its concern that many cases of violence against members of minorities are not prosecuted and the perpetrators are not punished. It encouraged Croatia to reinforce its measures for the prevention and prosecution of all cases of hate crimes and other ethnically motivated violence.⁵⁶

21. The HR Committee was concerned about continuing poor conditions in detention facilities, including overcrowding and inadequate access to medical care. It recommended that Croatia step up its efforts to improve conditions for all persons deprived of their liberty, and tackle overcrowding as a matter of priority.⁵⁷ CAT was concerned about the poor regime for remand prisoners, who spend up to 22 hours a day in their cells without meaningful activities.⁵⁸

22. HR Committee recommended that Croatia take immediate measures to abolish the use of enclosed restraint beds in psychiatric and related institutions, and establish an inspection system taking into account the United Nations Principles for the Protection of Persons with Mental Illness and the Improvement of Mental Health Care.⁵⁹

23. Concern was expressed by CAT about the alleged failure of the State to address the issue of violence and bullying between children and young adults placed in social care institutions. It recommended that Croatia ensure that violent acts are reported and investigated, providing support and treatment for children and young adults with psychological problems.⁶⁰ CRC expressed similar concerns in 2004.⁶¹

24. The HR Committee was concerned about incidents of domestic violence and impunity due to a low conviction rate, and recommended an effective implementation of the Law on Protection from Family Violence and other relevant legislation.⁶² CEDAW called upon Croatia to ensure that violence against women is prosecuted and punished and urged it to ensure that enough shelters are available to women victims of violence.⁶³ CRC recommended that Croatia strengthen awareness-raising and education campaigns with the involvement of children in order to prevent and combat child abuse and promote positive, non-violent forms of discipline.⁶⁴

25. CRC referred to the relatively high number of deaths and injuries among children due to traffic and domestic accidents.⁶⁵ It was also concerned that pornographic and other harmful material in printed and electronic media was easily available and accessible to children.⁶⁶

26. In 2005, CEDAW highlighted that Croatia had become a country of origin, transit and destination of trafficked women and girls, and that the incidence of trafficking was leading to an increase in the exploitation of women's prostitution.⁶⁷ CRC recommended that Croatia further strengthen its efforts to identify, prevent and combat trafficking in children for sexual and other exploitative purposes.⁶⁸ In 2009, the HR Committee welcomed the National Action Plan for Suppression of Trafficking of Human Beings (2009-2011) and the cooperation agreements with neighbouring countries.⁶⁹

27. The ILO Committee of Experts noted in 2009 that the offences covered by the Juvenile Courts Act do not include the use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs, and recalled that such activities are considered to be one of the worst forms of child labour.⁷⁰

3. Administration of justice, including impunity and the rule of law

28. In 2009, while noting the adoption of the 2005 Strategy for the Reform of the Judicial System, the HR Committee was concerned about the continuing substantial backlog of court cases, and delays in court proceedings. It recommended that Croatia continue implementing and reinforcing its measures aimed at reducing the backlog of court cases and decreasing delays in proceedings.⁷¹ In 2009, CERD noted with concern reports on difficulties in obtaining legal aid, especially for members of minorities, due to the complexity of the procedures of local administrative and judicial bodies.⁷²

29. In 2004, CRC recommended that Croatia ensure the full implementation of juvenile justice standards, and, in particular, that deprivation of liberty is used only as a last resort measure and for the shortest possible time, that guarantees of due process are fully respected, and persons under 18 are not detained with adults.⁷³

30. In 2004, CAT expressed concern at the reported failure of Croatia to carry out prompt and impartial investigations and prosecute perpetrators in connection with torture and ill-treatment which reportedly occurred during the 1991-1995 armed conflict. It recommended that Croatia ensure full cooperation with the International Criminal Tribunal for the former Yugoslavia (ICTY), *inter alia*, by ensuring that all indicted persons in their territory are arrested and transferred to the custody of the Tribunal, and enforce all relevant legislation providing for the protection of witnesses and other participants in proceedings.⁷⁴ In its follow-up response of 2006, Croatia stated that it cooperates without reservations with all international courts, including therefore the ICTY.⁷⁵

31. In 2009, the HR Committee was concerned about reports that many potential cases of war crimes remained unresolved and that the selection of cases had been disproportionately directed at ethnic Serbs.⁷⁶ CERD noted reports alleging the persistent differential treatment of perpetrators of Serb and Croat origin, and recommended that Croatia strengthen its efforts to ensure that all war crimes trials conducted at the national level are carried out in a non-discriminatory manner, and that all cases of war crimes are effectively investigated and prosecuted, irrespective of the ethnicity of the victims and the perpetrators involved.⁷⁷

32. The HR Committee noted with concern that Croatia still has not located and turned over to the ICTY the necessary records concerning military shelling by the Croatian forces during the 1995 operation storm so as to allow the Tribunal's investigation to proceed. It recommended, *inter alia*, that Croatia ensure that the Amnesty Law is not applied in cases of violations that amount to crimes against humanity or war crimes, and suspend the

operation of the statute of limitations for the period of the conflict to allow the prosecution of serious cases of torture and killings.⁷⁸ It also recommended that Croatia ensure that persons convicted in absentia have access to effective remedies with the possibility of reopening cases, and that all such trials be held in conformity with the right to a fair trial.⁷⁹

4. Right to privacy, marriage and family life

33. CERD noted with concern that Roma girls tend to be married at an early age and recommended the effective implementation of laws concerning the legal age of marriage in consultation with the communities affected.⁸⁰

34. UNICEF stated that many children are placed in institutions where they grow up deprived of the nurturing and support that a family setting could provide.⁸¹ CRC expressed concern about the low quality of care and treatment provided to children placed in institutions or foster care. It recommended, inter alia, that Croatia give high priority to providing assistance to families in order to prevent the placement of children in alternative care, and ensure that institutionalization is used only as a last resort measure.⁸²

35. CRC recommended that Croatia apply the Hague Convention on the Civil Aspects of International Child Abduction to all children abducted to Croatia, and if necessary, conclude bilateral agreements.⁸³

5. Freedom of expression, association and peaceful assembly, and right to participate in public and political life

36. In 2009, the HR Committee expressed concern about reports that acts of intimidation and attacks on journalists have not been properly investigated, and called upon Croatia to take vigorous action to ensure freedom of the press.⁸⁴ In 2008, Special Procedures sent three communications regarding 1) two prominent journalists who were reportedly killed in a car bomb,⁸⁵ 2) death threats against a journalist who was investigating cases of alleged war crimes,⁸⁶ and 3) the violent attack of another journalist, known for his reports on organised crime activities and corruption.⁸⁷ The Government replied to these communications in November 2008 and February 2009.⁸⁸

37. In 2009, the HR Committee reiterated its concern about the underrepresentation of women in legislative and executive bodies and recommended that Croatia take positive and coordinated measures to further increase the participation of women in public and political life.⁸⁹ In 2005, CEDAW also made a recommendation in this regard.⁹⁰

6. Right to work and to just and favourable conditions of work

38. In 2001, CESCR was concerned about the scale of unemployment in Croatia, particularly in areas with large numbers of returnees. It also expressed concern about reports of discrimination in employment on the basis of gender, age and ethnic origin.⁹¹ According to United Nations Economic Commission for Europe, Croatia's unemployment rate in 2008 was 8.4 per cent.⁹²

39. In 2009, the ILO Committee of Experts noted that work is under way to draft a comprehensive anti-discrimination law, and urged Croatia to ensure that the new legislation does not restrict the currently available level of protection from discrimination in employment and occupation in line with ILO Conventions Nos. 111 and 156.⁹³

40. In 2005 and 2010, CEDAW and the HR Committee, respectively expressed concern about the high unemployment rate among women.⁹⁴ CEDAW also highlighted the persistence of wage differentials between women and men and the predominance of women in low-wage sectors.⁹⁵ The ILO Committee of Experts reiterated its request that Croatia provide specific information on how the principle of the Equal Remuneration Convention

(No. 100) is promoted in the context of the National Policy for the Promotion of Gender Equality 2006-2010.⁹⁶

41. In 2009, the ILO Committee of Experts asked Croatia to take the necessary measures to ensure that protection afforded by the Minimum Age Convention (No. 138) is also applicable to children who work without an employment relationship.⁹⁷

7. Right to social security and to an adequate standard of living

42. According to UNDP, poverty and social exclusion affect almost half of single-parent households, and a third of the elderly and unemployed. Development disparities across regions remain great, despite solid economic growth. The Areas of Special State Concern, which were heavily damaged during the 1991-1995 war, suffer most from underdevelopment. Those areas are remote, making physical access to education and social services very difficult, and they offer limited employment opportunities.⁹⁸

43. According to UNDP, there is a risk that the focus that accession to the European Union (EU) is giving to structural and legislative reform at the central level could lead to further deterioration of living conditions particularly in the Areas of Special State Concern and other isolated communities. There is a pressing need to ensure that EU accession benefits the poor and marginalized, and does not further compound their current status.⁹⁹

44. CRC recommended, *inter alia*, that Croatia take all necessary measures to accelerate the elimination of child poverty and to continue to provide material assistance and support to economically disadvantaged families, notably Roma families and families of foreign origin.¹⁰⁰ It also recommended that Croatia ensure that all children enjoy equal access to quality health services, with special attention to children from ethnic and minority groups.¹⁰¹

45. CRC remained concerned at the increasing number of cases of drug abuse, as well as alcohol and tobacco consumption by adolescents. Concern was also expressed about their low perception of the risks of contracting HIV and other STDs. CRC recommended that Croatia enhance its efforts to address adolescent health issues and ensure that adolescent health programmes are effectively implemented.¹⁰²

46. UNHCR noted that since 1995, Croatia has reconstructed 146,520 family houses, of which 35 per cent are for Croatian Serb returnees. Nevertheless, 7,104 family claims are still pending in the appeal court and more than 2,092 await implementation of the Housing Care Programme.¹⁰³ In addition, a comprehensive and just solution for former occupancy tenancy rights (OTR) holders needs to be found.¹⁰⁴

47. In 2010, the Special Rapporteur on adequate housing stated that the superposition of laws and regulations had created a complex framework that opened the way for the adoption of discretionary decisions and different solutions for those with equal housing rights in the socialist pre-war period. Moreover, some housing programmes impose unfeasible requirements on applicants, especially taking into account the difficulties of accessing documents in the post-conflict situation and the existence of outdated land registries in some regions, among other constraints.¹⁰⁵ The Special Rapporteur strongly recommended that Croatia consider reopening the application process for programmes which provide durable housing solutions, including outside the Areas of Special State Concern. She also encouraged the Government to define and unify tenure arrangements applicable to those who had similar housing rights from the outset, including the possibility of purchasing the houses in which they reside under favourable conditions.¹⁰⁶

48. In order to face current and future housing challenges, the Special Rapporteur indicated that Croatia also needed to adopt comprehensive housing policies to be implemented without discrimination, and particularly addressed to vulnerable groups,

including Roma communities. Recovery in areas affected by the conflict, especially those in deprived regions of the country, require a holistic strategy, including economic and social policies.¹⁰⁷

8. Right to education and to participate in the cultural life of the community

49. In 2004, CRC was concerned about the different access to education for children belonging to minorities and vulnerable groups.¹⁰⁸ In 2009, CERD reiterated its recommendation that Croatia ensure equal access to quality education for Roma children, including through teaching in the Romany language and preventing de facto segregation of Roma pupils.¹⁰⁹ In addition, CESCR recommended that Croatia ensure that all children residing within its territory, regardless of their ethnic origin or the status of their parents, are able to attend school and are protected from discrimination.¹¹⁰ A 2009 United Nations Statistical Division source indicated that the total net enrolment ratio in primary education in Croatia was 98.9 per cent in 2007.¹¹¹

50. CRC was concerned that the education system was still very centralized, and referred to the poor quality of equipment and school facilities in many parts of the country. It recommended, inter alia, that Croatia improve the quality of education, take measures towards decentralization, and integrate children with disabilities into the mainstream education system and into society.¹¹²

51. In 2005, CEDAW encouraged Croatia to strengthen the mainstreaming of gender perspectives in curricula and textbooks. It called on Croatia to further encourage diversification of the educational choices of boys and girls and, at the tertiary level, to attract more women into the field of science and technology, including through temporary special measures.¹¹³

9. Minorities and indigenous peoples

52. In 2010, UNHCR requested that Croatia fully implement the Constitutional Law on the Rights of National Minorities and ensure access to employment and representation in State administration, police and the judiciary for minority returnees.¹¹⁴ In 2009, the HR Committee welcomed the progress made with regard to participation of members of ethnic minorities in public life, but was concerned about their low representation in local and regional government.¹¹⁵ Also in 2009, CERD encouraged Croatia to take further measures aimed at fair and adequate representation of all minority groups in all public bodies, including the judiciary and human rights coordination bodies at county level.¹¹⁶

53. CERD was concerned that some ethnic groups, in particular persons of Roma and Serb origin, continue to face difficulties obtaining the documentation necessary to acquire citizenship.¹¹⁷ The HR Committee recommended that Croatia continue to strengthen its efforts aimed at facilitating equal access to citizenship, and ensure that the administrative procedures and legislative provisions on citizenship do not disadvantage persons of non-ethnic Croat origin.¹¹⁸

10. Migrants, asylum-seekers, refugees and internally displaced persons

54. In 2009, the HR Committee continued to be concerned about the obstacles faced by returnees, in particular members of the Serb minority, with regard to repossession of their property, access to reconstruction assistance, as well as reintegration into Croatian society.¹¹⁹ CESCR expressed similar concerns in 2001.¹²⁰ CERD reiterated its recommendation that Croatia intensify its efforts aimed at facilitating the return and reintegration of refugees, especially returnees belonging to the Serb minority, by adopting and implementing fair and transparent measures for their sustainable return.¹²¹

55. UNHCR indicated that as of December 2009, 132,405 Serb minority returnees were registered by the Croatian authorities. A 2007 UNHCR Return Sustainability Study indicated that 54 per cent of those who had returned remained in Croatia. The repatriation process continues with an average of 1,000 returnees per year. UNHCR's overall assessment of the conditions conducive to return is positive, yet access to adequate housing remains the main challenge. Some 14,000 Croatian returnees, Internally Displaced Persons (IDPs) or refugee families are awaiting allocation of housing units.¹²²

56. While noting the low number of IDPs, the HR Committee was concerned that many of these persons remain in collective shelters. It recommended that Croatia find durable solutions for all IDPs in consultation with the remaining displaced persons.¹²³ In 2005, the Representative of the Secretary-General on the Human Rights of Internally Displaced Persons also made a recommendation in this regard.¹²⁴ He recalled that in order to make returns permanent and sustainable, the areas affected by internal displacement must be in a position to offer reasonable employment prospects and economic opportunities. The physical environment must also be rendered free of physical dangers such as those posed by landmines and unexploded ordnance.¹²⁵

57. UNHCHR noted that the asylum system has improved significantly in the past two years. However, some shortcomings still exist both in legislation and its implementation.¹²⁶ UNHCR added that a new Asylum Act was adopted in 2007, and that amendments to the law were being prepared to fully align it with the relevant EU legislation on asylum.¹²⁷ UNHCR noted that 147 persons applied for asylum in 2009. Since 2006, only 20 persons have been granted protection (15 were recognized as refugees, and five were granted subsidiary protection). The recognition rate remains relatively low at 8 per cent.¹²⁸

58. In 2004 CAT recommended, inter alia, that Croatia adopt all necessary measures to improve the material conditions of the reception centres for asylum-seekers and immigrants, and refrain from detaining asylum-seekers and illegal immigrants for prolonged periods.¹²⁹ In 2009, Croatia indicated that the Asylum Seekers Reception Centre in Kutina, which has been operational since 2006, fully complies with international standards in the area.¹³⁰

59. 2007, CRC recommended that Croatia identify, at the earliest possible stage, refugee, asylum-seeking and migrant children within their jurisdiction who may have been recruited or used in hostilities abroad, if any, and provide them with assistance for their recovery and social reintegration.¹³¹ UNHCR, recommended that Croatia provide an effective solution for the accommodation of all unaccompanied and separated children (USC), and ensure timely and appropriate appointment of specialized guardians for USC including asylum-seekers.¹³²

III. Achievements, best practices, challenges and constraints

60. UNDP noted that Croatia was on track to achieving the Millennium Development Goals related to extreme poverty and hunger, universal primary education, child mortality, maternal health, environmental sustainability, and HIV/AIDS, malaria and other diseases.¹³³ UNHCR acknowledged the efforts and achievements of Croatia in addressing a number of issues relating to people protected under its mandate.¹³⁴

IV. Key national priorities, initiatives and commitments

Specific recommendations for follow-up

61. In 2009, CERD requested that Croatia provide information on its follow-up to the Committee's recommendations regarding hate crimes, unresolved cases of returnees, and sustainable return of refugees and other displaced persons.¹³⁵ In 2009, the HR Committee requested follow-up information on the implementation of its recommendations concerning discrimination against minorities, war crimes, and acts of intimidation and attacks on journalists.¹³⁶

62. In 2004, CAT requested that Croatia provide information on the follow-up of the Committee's recommendations regarding investigations into all allegations of torture, cooperation with the ICTY, reception centres for asylum-seekers and immigrants, review of interrogation rules, methods and practices for persons deprived of their liberty, and statistical data regarding cases of torture.¹³⁷ Croatia submitted follow-up information to CAT in 2006 and 2009.¹³⁸

63. In 2001, the HR Committee adopted views regarding communication 727/1996 and considered that the facts revealed a violation of the right to be tried without undue delay in connection with charges of slander. It requested that Croatia provide follow-up information.¹³⁹ In 2006, Croatia informed that the author's application for damages had been rejected and that an appeal against this decision was still pending.¹⁴⁰ In 2009, the HR Committee adopted views regarding communication 1510/2006 and considered that the facts revealed violations of the right to a fair trial and the right to privacy in connection with the termination of a lease contract by a person of Serbian origin. HR Committee requested a follow-up response.¹⁴¹ In 2010, Croatia informed that the author was allocated an apartment corresponding fully to his pre-war accommodation. It also acknowledged that the proceedings were excessive.¹⁴²

V. Capacity-building and technical assistance

64. CRC recommended that Croatia seek technical cooperation/assistance from relevant United Nations entities with regarding adolescent health issues,¹⁴³ juvenile justice and police training.¹⁴⁴ It also recommended that Croatia strengthen its cooperation in the implementation of OP-CRC-AC, including through technical cooperation and financial assistance.¹⁴⁵

65. UNHCR expressed its availability to provide technical assistance and capacity-building to finalize the refugee return chapter, and to build an effective and efficient asylum system in Croatia.¹⁴⁶

Notes

¹ Unless indicated otherwise, the status of ratifications of instruments listed in the table may be found in *Multilateral Treaties Deposited with the Secretary-General: Status as at 31 December 2006* (ST/LEG/SER.E.25), supplemented by the official website of the United Nations Treaty Collection database, Office of Legal Affairs of the United Nations Secretariat, <http://treaties.un.org/>

² The following abbreviations have been used for this document:

ICERD	International Convention on the Elimination of All Forms of Racial Discrimination;
ICESCR	International Covenant on Economic, Social and Cultural Rights;

OP-ICESCR	Optional Protocol to ICESCR;
ICCPR	International Covenant on Civil and Political Rights;
ICCPR-OP 1	Optional Protocol to ICCPR;
ICCPR-OP 2	Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty;
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women;
OP-CEDAW	Optional Protocol to CEDAW;
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;
OP-CAT	Optional Protocol to CAT;
CRC	Convention on the Rights of the Child;
OP-CRC-AC	Optional Protocol to CRC on the involvement of children in armed conflict;
OP-CRC-SC	Optional Protocol to CRC on the sale of children, child prostitution and child pornography;
ICRMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families;
CRPD	Convention on the Rights of Persons with Disabilities;
OP-CRPD	Optional Protocol to the Convention on the Rights of Persons with Disabilities;
CED	International Convention for the Protection of All Persons from Enforced Disappearance.

³ Adopted by the General Assembly in its resolution 63/117 of 10 December 2008. Article 17, paragraph 1, of OP-ICESCR states that “The present Protocol is open for signature by any State that has signed, ratified or acceded to the Covenant.”

⁴ Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.

⁵ 1951 Convention relating to the Status of Refugees and its 1967 Protocol, 1954 Convention relating to the status of Stateless Persons and 1961 Convention on the Reduction of Statelessness.

⁶ Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (First Convention); Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea (Second Convention); Convention relative to the Treatment of Prisoners of War (Third Convention); Convention relative to the Protection of Civilian Persons in Time of War (Fourth Convention); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Adoption of an Additional Distinctive Emblem (Protocol III). For the official status of ratifications, see Federal Department of Foreign Affairs of Switzerland, at www.eda.admin.ch/eda/fr/home/topics/intla/intrea/chdep/warvic.html.

⁷ International Labour Organization Convention No. 29 concerning Forced or Compulsory Labour; Convention No. 105 concerning the Abolition of Forced Labour, Convention No. 87 concerning Freedom of Association and Protection of the Right to Organize; Convention No. 98 concerning the Application of the Principles of the Right to Organize and to Bargain Collectively; Convention No. 100 concerning Equal Remuneration for Men and Women Workers for Work of Equal Value; Convention No. 111 concerning Discrimination in Respect of Employment and Occupation; Convention No. 138 concerning the Minimum Age for Admission to Employment; Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.

⁸ CERD/C/HRV/CO/8, para. 24.

⁹ Ibid., para. 22. See also A/60/38(SUPP), para. 208.

¹⁰ UNHCR submission to the UPR on Croatia, pp. 3 and 4; E/C.12/1/Add.73, para. 22.

¹¹ CRC/C/15/Add.243, paras. 47 and 48.

¹² E/C.12/1/Add.73, para. 4

¹³ CCPR/C/HRV/CO/2, para. 3.

- ¹⁴ CERD/C/HRV/CO/8, para. 7.
- ¹⁵ CCPR/C/HRV/CO/2, para. 4.
- ¹⁶ Ibid., para. 9.
- ¹⁷ CERD/C/HRV/CO/8, para. 3.
- ¹⁸ CERD/C/HRV/CO/8, para. 12.
- ¹⁹ CCPR/C/HRV/CO/2, para. 3(c).
- ²⁰ UNHCR submission to the UPR on Croatia, pp. 3 and 4.
- ²¹ For the list of national human rights institutions with accreditation status granted by the International Coordination Committee of National Institutions for the Promotion and Protection of Human Rights (ICC), see A/HRC/13/45, annex I.
- ²² CERD/C/HRV/CO/8, para. 4.
- ²³ A/60/38(SUPP), paras. 192 and 193.
- ²⁴ CRC/C/OPAC/HRV/CO/1, paras. 12 and 13.
- ²⁵ ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Observation concerning Discrimination (Employment and Occupation) Convention, 1948 (No. 111), 2009, Geneva, doc. No. (ILOLEX) 062009HRV111, para. 3.
- ²⁶ CRC/C/OPAC/HRV/CO/1, paras. 14 and 15(b); see also CRC/C/15/Add.243, paras. 64 and 65.
- ²⁷ CRC/C/15/Add.243, paras. 15 and 16.
- ²⁸ See General Assembly resolution 59/113B and Human Rights Council resolutions 6/24, 10/3 and 12/4. See also letters from the High Commissioner for Human Rights dated 9 January 2006 and 10 December 2007, letters from the Permanent Mission of Croatia dated 17 April 2007 and from the Ministry of Science, Education and Sports dated 29 February 2008 at <http://www2.ohchr.org/english/issues/education/training/Summary-national-initiatives2005-2009.htm> and the response of the Ombudsman of the Republic of Croatia to the questionnaire of the Human Rights Council Advisory Committee on the issue of the draft UN declaration on human rights education and training, dated 16 March 2009, available at http://www2.ohchr.org/english/bodies/hrcouncil/advisorycommittee/HR_education_training.htm.
- ²⁹ CRC/C/OPAC/HRV/CO/1, para. 10.
- ³⁰ The following abbreviations have been used for this document:
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| CERD | Committee on the Elimination of Racial Discrimination |
| CESCR | Committee on Economic, Social and Cultural Rights |
| HR Committee | Human Rights Committee |
| CEDAW | Committee on the Elimination of Discrimination against Women |
| CAT | Committee against Torture |
| CRC | Committee on the Rights of the Child. |
- ³¹ CRC/C/15/Add.243, paras. 7 and 8.
- ³² E/CN.4/2006/71/Add.3.
- ³³ The questionnaires referred to are those reflected in an official report by a special procedure mandate holder issued between 1 January 2006 and 30 June 2010. Responses counted for the purposes of this section are those received within the relevant deadlines, and referred to in the following documents: (a) E/CN.4/2006/62, para. 24, and E/CN.4/2006/67, para. 22; (b) A/HRC/4/23, para. 14; (c) A/HRC/4/24, para. 9; (d) A/HRC/4/29, para. 47; (e) A/HRC/4/31, para. 24; (f) A/HRC/4/35/Add.3, para. 7; (g) A/HRC/6/15, para. 7; (h) A/HRC/7/6, annex; (i) A/HRC/7/8, para. 35; (j) A/HRC/8/10, para. 120, footnote 48; (k) A/62/301, paras. 27, 32, 38, 44 and 51; (l) A/HRC/10/16 and Corr.1, footnote 29; (m) A/HRC/11/6, annex; (n) A/HRC/11/8, para. 56; (o) A/HRC/11/9, para. 8, footnote 1; (p) A/HRC/12/21, para. 2, footnote 1; (q) A/HRC/12/23, para. 12; (r) A/HRC/12/31, para. 1, footnote 2; (s) A/HRC/13/22/Add.4; (t) A/HRC/13/30, para. 49; (u) A/HRC/13/42, annex I; (v) A/HRC/14/25, para. 6, footnote 1; (w) A/HRC/14/31, para. 5, footnote 2.
- ³⁴ A/HRC/4/23; A/HRC/4/29; A/HRC/4/31; A/HRC/4/35/Add.3; A/HRC/7/6; A/HRC/7/8; A/62/301; A/HRC/11/6 and A/HRC/13/42.
- ³⁵ A/HRC/13/44, paras. 59 and 88.
- ³⁶ OHCHR 2006 Report, p. 158; OHCHR 2007 Report, pp. 147, 151 and 161; OHCHR 2008 Report, pp. 174, 179 and 190; OHCHR 2009 Report, pp. 190, 195 and 204.
- ³⁷ CCPR/C/HRV/CO/2, para. 8.
- ³⁸ A/60/38(SUPP), paras. 188 and 189.
- ³⁹ ILO Committee of Experts on the Application of Conventions and Recommendations, Individual

- Observation concerning Discrimination (Employment and Occupation) Convention, 1948 (No. 111), 2009, Geneva, doc. No. (ILOLEX) 062009HRV111, 2nd para.
- 40 Ibid., 8th para.
- 41 A/60/38, para. 195.
- 42 CCPR/C/HRV/CO/2, para. 7.
- 43 CERD/C/HRV/CO/8, para. 21.
- 44 CCPR/C/HRV/CO/2, para. 5.
- 45 CRC/C/15/Add.243, paras. 22.
- 46 CERD/C/HRV/CO/8, para. 14; see also A/60/38(SUPP), paras. 196 and 197.
- 47 E/C.12/1/Add.73, para. 20.
- 48 CRC/C/15/Add.243, para. 23.
- 49 CERD/C/HRV/CO/8, para. 11.
- 50 CAT/C/CR/32/3, para. 8.
- 51 Ibid., para. 9(a).
- 52 http://www2.ohchr.org/english/bodies/cat/docs/followup/Croatia_letter_further_may08.pdf;
see also CAT/C/HRV/CO/3/Add.1.
- 53 CAT/C/HRV/CO/3/Add.2.
- 54 See CAT Follow-up Procedure available at <http://www2.ohchr.org/english/bodies/cat/follow-procedure.htm>.
- 55 CCPR/C/HRV/CO/2, para. 5; see also CAT/C/CR/32/3, para. 8.
- 56 CERD/C/HRV/CO/8, para. 12.
- 57 CCPR/C/HRV/CO/2, para. 13.
- 58 CAT/C/CR/32/3, para. 8(g).
- 59 CCPR/C/HRV/CO/2, para. 12.
- 60 CAT/C/CR/32/3, para. 9(k).
- 61 CRC/C/15/Add.243, paras. 37 and 38.
- 62 CCPR/C/HRV/CO/2, para. 8.
- 63 A/60/38(SUPP), paras. 198 and 199.
- 64 CRC/C/15/Add.243, para. 50 (b).
- 65 Ibid., paras. 27 and 28.
- 66 Ibid., paras. 35 and 36.
- 67 A/60/38(SUPP), paras. 204 and 205; see also E/C.12/1/Add.73, para. 14.
- 68 CRC/C/15/Add.243, paras. 66 and 67.
- 69 CCPR/C/HRV/CO/2, para. 3.
- 70 ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Direct Request concerning Worst Forms of Child Labour Convention, 1999 (No. 182), 2009, Geneva, doc. No. (ILOLEX) 092009HRV182, 1st para.
- 71 CCPR/C/HRV/CO/2, para. 15; see also E/C.12/1/Add.73, para. 28.
- 72 CERD/C/HRV/CO/8, para. 13.
- 73 CRC/C/15/Add.243, paras. 68 and 69.
- 74 CAT/C/CR/32/3, para. 9(b), (c).
- 75 CAT/C/HRV/CO/3/Add.1.
- 76 CCPR/C/HRV/CO/2, para. 10.
- 77 CERD/C/HRV/CO/8, para. 15.
- 78 CCPR/C/HRV/CO/2, para. 10.
- 79 Ibid., para. 11.
- 80 CERD/C/HRV/CO/8, para. 18.
- 81 UNICEF, Croatia - Background, available at http://www.unicef.org/infobycountry/croatia_background.html.
- 82 CRC/C/15/Add.243, paras. 41 and 42.
- 83 Ibid., paras. 45 and 46.
- 84 CCPR/C/HRV/CO/2, para. 17.
- 85 A/HRC/11/4/Add.1, paras. 779-782; A/HRC/10/12/Add.1, paras. 832-835.
- 86 Ibid., paras. 784-786; Ibid., paras. 836-840.
- 87 A/HRC/11/4/Add.1, paras. 772-776.
- 88 Ibid., paras. 777 and 787; A/HRC/10/12/Add.1, para. 841.

- ⁸⁹ CCPR/C/HRV/CO/2, para. 8.
- ⁹⁰ A/60/38(SUPP), para. 203.
- ⁹¹ E/C.12/1/Add.73, para. 12.
- ⁹² United Nations Economic Commission for Europe, Work and the Economy, available at <http://w3.unece.org/pxweb/DATABASE/STAT/30-GE/03-WorkAndeconomy/03-WorkAndeconomy.asp>.
- ⁹³ ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Observation concerning Discrimination (Employment and Occupation) Convention, 1948 (No.111), 2009, Geneva, doc. No. (ILOLEX) 062009HRV111, 1st para.
- ⁹⁴ CCPR/C/HRV/CO/2, para. 7.
- ⁹⁵ A/60/38(SUPP), paras. 194 and 195; see also E/C.12/1/Add.73, para. 13.
- ⁹⁶ ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Direct Request concerning Equal Remuneration Convention, 1951 (No. 100), 2010, Geneva, doc. No. (ILOLEX) 092010HRV100, 3rd para.
- ⁹⁷ ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Direct Request concerning Minimum Age Convention, 1973 (No. 138), 2009, Geneva, doc. No. (ILOLEX) 092009HRV138, 1st para.
- ⁹⁸ UNDP Country Programme Croatia (2007-2011), p. 2, available at http://www.undp.hr/upload/file/171/85505/FILENAME/UNDP_Country_Programme_Croatia__2007-2011_.doc; see also E/C.12/1/Add.73, para. 18 and CCPR/C/HRV/CO/2, para. 5.
- ⁹⁹ Ibid., p. 5.
- ¹⁰⁰ CRC/C/15/Add.243, paras. 56 (a) and (b).
- ¹⁰¹ Ibid., para.52.
- ¹⁰² Ibid., paras. 53 and 54.
- ¹⁰³ UNHCR submission to the UPR on Croatia, pp. 3-4.
- ¹⁰⁴ Ibid., p. 2.
- ¹⁰⁵ OHCHR Press release on adequate housing and right to non-discrimination in this context, available at <http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=10205&LangID=E>
- ¹⁰⁶ Ibid.
- ¹⁰⁷ Ibid.
- ¹⁰⁸ CRC/C/15/Add.243, para 57.
- ¹⁰⁹ CERD/C/HRV/CO/8, para. 14.
- ¹¹⁰ E/C.12/1/Add.73, para 36
- ¹¹¹ United Nations Statistical Division coordinated data and analyses, available at mdgs.un.org/unsd/mdg.
- ¹¹² CRC/C/15/Add.243, paras. 57 and 58.
- ¹¹³ A/60/38(SUPP), paras. 200 and 201.
- ¹¹⁴ UNHCR submission to the UPR on Croatia, p. 4; see also ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Observation concerning Discrimination (Employment and Occupation) Convention, 1948 (No. 111), 2009, Geneva, doc. No. (ILOLEX) 062009HRV111, 6th para.
- ¹¹⁵ CCPR/C/HRV/CO/2, para. 18.
- ¹¹⁶ CERD/C/HRV/CO/8, para. 16.
- ¹¹⁷ Ibid., para. 17; see also E/C.12/1/Add.73, paras. 1 and 22.
- ¹¹⁸ CCPR/C/HRV/CO/2, para. 16; see also CRC/C/15/Add.243, paras. 31 and 32.
- ¹¹⁹ Ibid., para. 6.
- ¹²⁰ E/C.12/1/Add.73, para. 21.
- ¹²¹ CERD/C/HRV/CO/8, para. 19.
- ¹²² UNHCR submission to the UPR on Croatia, p. 2.
- ¹²³ CCPR/C/HRV/CO/2, para. 14.
- ¹²⁴ E/CN.4/2006/71/Add.3, p. 3.
- ¹²⁵ Ibid., para. 36.
- ¹²⁶ UNHCR submission to the UPR on Croatia, p. 1.
- ¹²⁷ Ibid., p. 3.
- ¹²⁸ Ibid., p. 1.
- ¹²⁹ CAT/C/CR/32/3, para. 9(f) and (g).

- ¹³⁰ CAT/C/HRV/CO/3/Add.2, p. 3; see also CAT/C/HRV/CO/3/Add.1.
¹³¹ CRC/C/OPAC/HRV/CO/1, para. 15(a); see also, CRC/C/15/Add.243, paras. 59-63.
¹³² UNHCR submission to the UPR on Croatia, p. 4.
¹³³ UNDP, Progress by Goal for Croatia, available at
http://www.mdgmonitor.org/country_progress.cfm?c=HRV&cd=191.
¹³⁴ UNHCR submission to the UPR on Croatia, pp. 3-4.
¹³⁵ CERD/C/HRV/CO/8, para. 28.
¹³⁶ CCPR/C/HRV/CO/2, para. 21.
¹³⁷ CAT/C/CR/32/3, para. 11.
¹³⁸ CAT/C/HRV/CO/3/Add.1; CAT/C/HRV/CO/3/Add.2.
¹³⁹ CCPR/C/71/D/727/1996.
¹⁴⁰ A/61/40/Vol.II(SUPP), p. 705.
¹⁴¹ CCPR/C/95/D/1510/2006.
¹⁴² CCPR/C/98/3.
¹⁴³ CRC/C/15/Add.243, para. 54 (f).
¹⁴⁴ CRC/C/15/Add.243, para. 69 (d).
¹⁴⁵ CRC/C/OPAC/HRV/CO/1, para. 18.
¹⁴⁶ UNHCR submission to the UPR on Croatia, p. 5.
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