

Responses to Recommendations

CROATIA

Review in the Working Group: 08 November 2011
 Adoption in the Plenary: 17 March 2011

Croatia's responses to recommendations (as of 05.07.2011):

| In the Report of the Working Group: | In the Addendum: | During the plenary: | Summary: |
|---|---|------------------------------------|--|
| 94 REC accepted (among which 86 are considered implemented or in the process of implementation), and 22 pending | Out of the 22 pending, 15 are accepted, 2 partially accepted (underlined in blue), 2 rejected and 3 on which the delegation cannot make a definitive statement (-> pending) | No additional information provided | Accepted: 111 Rejected: 2 No clear position: 0 Pending: 3 |

List of recommendations contained in Section II of the Report of the Working Group A/HRC/16/13:

96. The recommendations formulated during the interactive dialogue listed below have been examined by Croatia and enjoyed its support:

A - 96.1. Provide the Government office for Gender Equality as well as the ombudsperson for gender equality with the necessary authority as well as human and financial resources to carry out their work effectively (France); give high priority to the Office for Gender Equality by providing it with necessary resources to effectively carry out its mandate (Ecuador);

A - 96.2. Implement a more human-rights- and community-based approach to the issue of institutionalization of mentally ill persons (Indonesia);

A - 96.3. Reflect and take measures on how to make media more responsible in addressing trafficking issues, in order to make an additional input to tackling this scourge (Republic of Moldova);

A - 96.4. Undertake measures to improve the quality, capacity and effectiveness of the justice system to prevent the abuses of the rights of national minorities and to investigate, prosecute and sanction cases and offenders, particularly against returnees (Serbia);

A - 96.5. Consider the possibility of strengthening targeted social assistance to low-income families with children (Belarus);

A - 96.6. Give special attention to educating Roma girls, many of whom are often unable to finish school because of their gender (Finland);

A - 96.7. Continue consultations with civil society in the follow-up to this universal periodic review (Austria);

A - 96.8. Adopt a transparent and inclusive process with civil society in the implementation of universal periodic review recommendations (Norway).

97. The following recommendations enjoy the support of Croatia, which considers that they have already been implemented or are in the process of implementation:

A - 97.1. Ratify the International Convention for the Protection of All Persons from Enforced Disappearance (Argentina; France; The former Yugoslav Republic of Macedonia) and recognize the competence of the Committee on Enforced Disappearances, as provided for in articles 31 and 32 of the Convention, as early as possible (France);

A - 97.2. Ratify the Hague Convention on Protection of Children and Cooperation in respect of Inter-country Adoption (Ecuador);

A - 97.3. Continue to consolidate its national human rights infrastructure (Egypt);

A - 97.4. Take measures to strengthen the national human rights institutional framework, in particular by allocating the necessary financial and human resources to ensure effective implementation of the mandates of various human rights mechanisms already established (Algeria);

A - 97.5. Strengthen the independent status of ombudspersons and provide the necessary resources for their effective functioning (Hungary);

A - 97.6. Reinforce the capacity of the Ombudsperson and specialized ombudspersons and their coordination, give appropriate follow-up to their recommendations, and publicize their work among the general public (Belgium);

A - 97.7. Continue its efforts to apply its national programme to the promotion and protection of human rights and the plan of action (Palestine);

A - 97.8. Accomplish progressively human rights voluntary goals as set up by Human Rights Council resolution 9/12 (Brazil);

A - 97.9. Take supplementary measures aimed at the integration of human rights education and training into school curricula, and at training Government officials, as coordinated action along these lines could facilitate better implementation of the existing legal and institutional framework (Morocco);

A - 97.10. Consider organizing additional human rights training for media employees, judges, prosecutors and police officers (Bosnia and Herzegovina);

A - 97.11. Take all necessary measures to protect and promote the rights of persons, notably children with disabilities (Sweden);

A - 97.12. Continue its efforts in protecting the rights of women and children (Egypt);

A - 97.13. Guarantee the exercise of the economic, social and cultural rights of children (Ecuador);

A - 97.14. Continue partnership with civil society organizations in putting in place a legal and institutional system of support for their development (Nepal);

A - 97.15. Enhance the fight against corruption (Germany);

A - 97.16. Translate, publish and make available to the citizens of the country the assessments and recommendations made by international human rights bodies, including the Human Rights Council's universal periodic review (Norway);

- A - 97.17. Continue taking measures to prevent discrimination, intimidation and reprisals in accordance with international human rights standards, through more efficient implementation of relevant legislation (Hungary);
- A - 97.18. Strengthen efforts to eliminate discrimination against women, including in the labour market (Ecuador); adopt measures to promote gender equality and non-discrimination, particularly in the area of employment (Iraq);
- A - 97.19. Take measures to increase the participation of women in public and political programmes for the empowerment of women, and reinforce measures to ensure equality between women and men in all spheres, including through more effective implementation of relevant legislation (Ghana);
- A - 97.20. Step up its initiatives which are specifically targeted towards implementing the National Anti-Discrimination Plan, in particular to promote awareness on non-discrimination, intercommunity harmony, mutual respect and tolerance (Algeria); continue the efforts to implement the National Anti-Discrimination Plan 2008-2013 (Indonesia);
- A - 97.21. Take further measures to combat discrimination against minorities, and ensure that they are genuinely put into practice in the field (Switzerland);
- A - 97.22. Continue the main measures adopted to eliminate discrimination against the Roma minority, as contained in the Action Plan for the Decade of Roma Inclusion 2005-2015 (Spain);
- A - 97.23. Promote greater tolerance and understanding among the majority population about the rights of the Roma community and migrants (Bangladesh);
- A - 97.24. Continue its positive efforts with a view to promoting equality and nondiscrimination against different national minorities living together in the country (Cuba);
- A - 97.25. Strengthen efforts to combat racial discrimination, especially against the Roma and Serb minorities, in particular in the areas of education, employment, housing, citizenship and political participation (Ecuador);
- A - 97.26. Implement fully the obligations to ensure unhampered enjoyment of human rights by all persons with disabilities (Czech Republic);
- A - 97.27. Continue to combat racist and xenophobic attitudes (Germany);
- A - 97.28. Carry out as soon as possible the implementation of its legislation on torture and the designation of its national preventive mechanism (Switzerland);
- A - 97.29. 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 (Sweden);
- A - 97.30. Move forward in establishing a system of monitoring and systematic repression of hate crimes, noting that this question is one of the Government's priorities (Morocco);
- A - 97.31. Prosecute and convict perpetrators of domestic violence (France);
- A - 97.32. Ensure prosecution and punishment for acts of violence against women (Ecuador);
- A - 97.33. Strengthen effective legal and administrative measures to address all forms of violence against children and, in particular, discrimination against children belonging to minorities, especially Roma and foreign children (Bangladesh);
- A - 97.34. Implement an effective law to protect the women and child victims of domestic violence (Indonesia);
- A - 97.35. Step up the education and awareness-raising campaigns so as to prevent ill treatment of boys and girls, in accordance with recommendations of the Committee on the Rights of the Child (Chile);

- A - 97.36. Further improve prison conditions, with a special focus on tackling overcrowding (Azerbaijan); continue legislative and practical efforts to improve living conditions in prison and detention facilities, in particular with regard to reducing overcrowding and ensuring access to health care and education (Austria);
- A - 97.37. Continue to effectively implement the Third National Plan against Trafficking in Persons (Indonesia);
- A - 97.38. Further strengthen the measures to fight human trafficking (Azerbaijan; Nepal);
- A - 97.39. Strengthen the effective implementation of measures undertaken to combat trafficking, and protect victims of trafficking (Bangladesh);
- A - 97.40. Continue its efforts in the suppression of trafficking in human beings, in particular in women and girls (Pakistan);
- A - 97.41. Step up its efforts to detect, prevent and combat trafficking in minors for the purpose of sexual or other forms of exploitation, in accordance with recommendations of the Committee on the Rights of the Child (Chile);
- A - 97.42. Strengthen its efforts to combat trafficking in women and children for sexual and other exploitative purposes (Ghana);
- A - 97.43. Increase efforts to combat trafficking in persons, inter alia, through the development of international cooperation with interested Governments, international organizations and non-governmental organizations (Belarus);
- A - 97.44. Intensify efforts to proactively identify trafficking victims among vulnerable populations, particularly women in prostitution and migrant men in the agricultural sector (United States);
- A - 97.45. Strengthen partnerships with non-governmental organizations to enlist their help in identifying victims of trafficking during authorities' initial contact with potential victims among women detained for prostitution offences (United States);
- A - 97.46. Ensure the responsible repatriation of foreign victims of trafficking (United States);
- A - 97.47. Reinforce safeguards for judicial independence and for the objectivity and impartiality of prosecutors (Hungary);
- A - 97.48. Continue the implementation of measures to improve the capacity and effectiveness of its judicial system (Slovakia);
- A - 97.49. Allow for more transparency with regard to the selection of judges (Germany);
- A - 97.50. Intensify efforts to improve efficiency of the judiciary; by implementing legal and organizational measures to prevent undue court delays and reduce the backlog before the courts; improving physical infrastructure and computerization of courts; and the continuation of the rationalization of municipal and misdemeanour courts (United Kingdom);
- A - 97.51. Continue, with all necessary determination, the efforts already undertaken to remedy the excessive length of court procedures and difficulties faced in prosecuting war crimes (Switzerland);
- A - 97.52. Continue providing free legal aid to the most vulnerable citizens (Pakistan; Palestine);
- A - 97.53. Carry out an independent assessment on the effectiveness of the law on free legal aid and, depending on the results thereof, take the measures required to guarantee that the most disadvantaged among the population have access to effective, comprehensive and non-discriminatory legal aid (Belgium);
- A - 97.54. Ensure full cooperation of the Croatian Government in making available all requested documents to the International Criminal Tribunal for the former Yugoslavia (Canada);

- A - 97.55. Establish full collaboration with the International Criminal Tribunal for the Former Yugoslavia (Italy);
- A - 97.56. Pursue a thorough and comprehensive investigation into the missing documents requested for the trial of General Gotovina, and act on any suggestions the Chief Prosecutor has made to improve the investigation, pursuing all avenues of enquiry (United Kingdom);
- A - 97.57. Uphold the rule of law, and make every effort to ensure that domestic war crime trials are carried out fairly and without discrimination (Canada);
- A - 97.58. Strengthen its efforts to ensure that all war crimes trials 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 perpetrators involved (Czech Republic); investigate and prosecute all war crimes, regardless of the ethnic origins of the victims and the perpetrators of the crimes (Ecuador);
- A - 97.59. Strengthen policies on the rights of the child, with attention to the Guidelines for the Alternative Care of Children, according to Human Rights Council resolution 11/7 and General Assembly resolution 64/142 (Brazil);
- A - 97.60. Further enhance measures to guarantee freedom of the press, by investigating acts of intimidation and aggression against journalists in accordance with recommendations of the Human Rights Committee (Chile);
- A - 97.61. Take necessary measures in order to ensure effective protection of journalists and to prevent and punish threats and acts of violence of which they are victims (France); take concrete measures to ensure that justice is served in cases of threats and intimidation against journalists and that freedom of the press is guaranteed (Switzerland);
- A - 97.62. Adopt legislative measures necessary to strengthen access to public information (Mexico);
- A - 97.63. Implement a system of fines to be applied when public authorities do not respond adequately to requests for information (Netherlands);
- A - 97.64. Continue its efforts to increase women's representation in public and political life (Azerbaijan);
- A - 97.65. Further adopt policies and measures for the advancement of women and against their discrimination, with a view to a reduction in female unemployment and the elimination of wage differentials (Brazil);
- A - 97.66. Pursue its ongoing positive efforts to promote and protect the rights of children in the area of access to health and education, as well as to ensure the empowerment of women (Cuba);
- A - 97.67. Ensure equal access to quality education for Roma children (Finland);
- A - 97.68. Reach out to the parents of Roma children to make sure that they fully understand the importance of education and, in this effort, use school assistants with a Roma background (Finland);
- A - 97.69. Tailor and design tuition in special schools on the basis of the child's individual needs rather than ethnicity (Finland);
- A - 97.70. Further promote inter-ethnic harmony and tolerance, particularly with regard to the Serb and Roma minorities (Brazil);
- A - 97.71. Implement measures to promote inter-ethnic harmony and tolerance among the public at large, and continue the efforts to smoothen the reintegration of ethnic Serbs into Croatian society (Norway);

A - 97.72. Intensify efforts to promote inter-ethnic harmony and tolerance among the population (Belarus); make further efforts towards the promotion of tolerance among all citizens, regardless of their origin or ethnic background (Bosnia and Herzegovina);

A - 97.73. Work with and through media to promote tolerance among all citizens of Croatia, and take measures to address the stereotyping of some groups of citizens based on their origin (Bosnia and Herzegovina);

A - 97.74. Provide for persons belonging to the Slovenian minority all guaranteed rights (Slovenia);

A - 97.75. Continue to pay special attention to the situation of the Roma minority by strengthening its efforts to provide equal access to citizenship without discrimination based on ethnicity (Finland);

A - 97.76. Strengthen effective and transparent measures to prevent and punish all forms of discrimination against minorities. Along the same lines, strengthen the measures to ensure better representation of national minorities in legislative and executive governmental bodies (Mexico);

A - 97.77. Address the remaining shortcomings in the implementation of the Constitutional Law on the Rights of National Minorities, and undertake measures aimed at ensuring effective participation of national minority members in public life and decision-making processes (Ghana);

A - 97.78. Ensure the effective participation of national minorities in public life, in decision-making processes and in executive and judicial institutions at all levels of governance (Serbia); continue efforts for the appropriate representation of national minorities in public and judicial authorities (Nepal); take measures aimed at fair and adequate representation of all minority groups in all public bodies, including the judiciary and human rights coordination bodies at the country level (Poland);

A - 97.79. Apply measures to increase the participation of individuals from the Serb or Roma communities in local and regional governments, and ensure that the provisions of the Constitutional Act on the Rights of National Minorities are fully applied at the regional level (Spain);

A - 97.80. Take additional steps to clear up the backlog of cases in the justice system, ensure the effective implementation of the Constitutional Law on the Rights of National Minorities, and take additional measures to ensure the effective integration of minorities into society (Austria);

A - 97.81. Adopt and implement fair and transparent measures for the sustainable return of members of the Serb minority (Poland);

A - 97.82. Adopt domestic legislation on refugees in conformity with international standards in this field (Argentina);

A - 97.83. Strengthen cooperation on the issue of refugees on the regional level, and focus on the most vulnerable groups or persons in the collective centres in order to find a just solution for them and close those centres (Bosnia and Herzegovina);

A - 97.84. Continue ongoing efforts to ensure the return of refugees and Croatian displaced persons of Serb origin, to their home and the recovery of all of their rights; particularly with regard to their property, pension and social rights (Spain);

A - 97.85. Continue its efforts in facilitating the return and reintegration of refugees and internally displaced Serbs and in further resolving all related issues (Slovakia);¹

A - 97.86. Make efforts to resolve difficulties in repossessing property and acquiring citizenship for returnees, in order to ensure the successful integration of minorities into Croatian society (Republic of Korea).

98. The following recommendations will be examined by Croatia, which will provide responses in due course, but no later than the 16th session of the Human Rights Council, in March 2011:

P - 98.1. Consider ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, in line with recommendation 1737 of 17 March 2006

adopted by the Parliamentary Assembly of the Council of Europe, to which Croatia is an active member (Algeria);

P - 98.2. Ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Argentina; The former Yugoslav Republic of Macedonia);

P - 98.3. Sign the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Turkey);

A - 98.4. Sign and ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, and ratify the International Convention for the Protection of All Persons from Enforced Disappearance (Spain);

A - 98.5. Follow up with their valuable work on human rights issues by ratifying the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, the International Convention for the Protection of All Persons from Enforced Disappearance, and the 1961 Convention on the Reduction of Statelessness, and by accepting recommendations made by the Human Rights Council mechanisms (Hungary);

A - 98.6. Adopt measures aimed at strengthening the work of the Council of National Minorities so as to address the situation of particularly vulnerable racial and ethnic groups (Argentina);

A - 98.7. Continue with determination to promote and implement respect for all human rights, including within the framework of regional reconciliation and just solutions for the victims, and to do so in particular for those belonging to the ethnic minority and refugee communities (Serbia);

A - 98.8. Reinforce its efforts to protect the rights of people with disabilities and to oversee the work of mental health residential facilities, and amend its legal framework to ensure that it contains human rights guarantees in line with international standards (Canada);

A - 98.9. Intensify investigations of trafficking crimes in high tourism sectors and other areas with prostitution; aggressively prosecute traffickers (United States of America);²

A - 98.10. Take necessary measures in order to guarantee to everyone who requests it, including those belonging to minorities, access to legal aid (France);

R - 98.11. Amend the strict eligibility requirements of the Free Legal Aid Act so that all who need it can make use of its provisions (Netherlands);

A - 98.12. Enact legislation to ensure that imprisonment is used only as a last resort when sentencing all juvenile offenders, ensure that they are held separately from adult offenders, and provide systematic resource realization support to them (Austria);

A - 98.13. Initiate an independent inquiry on cases of torture and maltreatment relating to the years 1991–1995 (Italy);

A - 98.14. Allocate additional resources to the State's Prosecutor's Office to ensure the full application of the Instructions it issued in October 2008 with regard to local war crimes proceedings (Netherlands);

A - 98.15. Promote anti-discrimination through awareness-raising campaigns on legislation among workers, employers and the judiciary (Norway);

A - 98.16. Develop programmes to raise awareness on legislation, in the area of gender equality between workers, employers and the judiciary, strengthen the existing measures, and promote new measures to combine family responsibilities with work (Spain);

A - 98.17. Expedite the process of returning occupied private properties to their rightful owners, and promote the successful conclusion of ongoing legal proceedings by strengthening the applicable legal framework (Canada);

R - 98.18. Strengthen the efforts aimed at ensuring equal access to citizenship (Poland), and ensure that the administrative procedures and legislative provisions on citizenship do not put at a disadvantage persons of non-Croat ethnic origin (Poland; Finland);

A - 98.19. Increase measures to integrate ethnic Serb and Roma minorities into the fabric of Croatian life, including through a broadcast media campaign to communicate and strengthen themes of reconciliation and tolerance. Such a media campaign could also target the minority communities themselves with messages on how to address some of the issues that perpetuate discrimination, such as Roma-language broadcasts on birth registration, education and health services (United States);

A - 98.20. Consider the offer by the United Nations High Commissioner for Refugees to provide technical assistance and capacity-building in order to finalize the refugee return chapter and build an effective and efficient asylum system in Croatia (Norway);³

A - 98.21. Continue to promote partnerships between the authorities and civil society organizations, to complete the process of return of refugees and displaced persons, to solve the issue of housing accommodation, through accelerated accommodation of the former tenancy right holders and full implementation of the action plan to achieve progress in the implementation of the Housing Care Programme for former tenancy rights holders within and outside the areas of special state concern, as a precondition for the sustainable and dignified return of refugees and displaced persons (The former Yugoslav Republic of Macedonia);

A - 98.22. Develop a national programme to follow up on the results of this universal periodic review (Mexico);

Notes

1 The recommendation as made during the interactive dialogue was: "Continue its efforts in facilitating the return and reintegration of refugees and internally displaced Serbs, with particular focus on their legitimate housing rights".

2 The recommendation as made during the interactive dialogue was: "Intensify investigations of trafficking crimes and aggressively prosecute traffickers".

3 The recommendation as made during the interactive dialogue was: "Consider the offer by the UNHCR to provide technical assistance and capacity building in order to finalize the refugee return chapter and build an effective and efficient asylum return chapter in Croatia".

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