



IMPRESSUM

Bulletin #21: Alternative Report on the Implementation of the International Convention on the Elimination of All Forms of Racial Discrimination in the Republic of Croatia for the period 2007 — 2020: the Serb National Council's Alternative Report on the Combined ninth to fourteenth periodic reports submitted by Croatia to the UN Committee on the Elimination of Racial Discrimination

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srpsko narodno vijeće		српско народно вијеће		serb national council
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Nikola Šolić

SNV Bulletin #21

*Alternative Report
on the Implementation
of the ICERD in Croatia*

Information on the Serb National Council

This Alternative Report was drafted by the Serb National Council — the national coordination of Serb national minority councils (SNC).

The SNC is an elected political, consulting and coordinating body acting as the self-government of Serbs in the Republic of Croatia. The SNC is engaged in the protection and promotion of Serbs' human, civil and national rights, as well as on the questions of their identity, integration and participation in the Croatian society.

The SNC was founded in 1997, in accordance with the provisions of the Basic agreement on the region of Eastern Slavonia, Baranja and Western Sirmium (the Erdut Agreement) of November 1995 and the Croatian Government's January 1997 Letter to the United Nations Security Council for the completion of the peaceful reintegration of the region under UN transitional authority (UNTAES), and on the basis of a centuries-long tradition of Serb self-government in Croatia.

The SNC is headquartered in Zagreb.

The Serb National Council's network comprises 137 local and regional councils (70 municipal, 49 urban, and 18 county-level), and 6 individual Serb national minority representatives (5 urban and one county-level) in all parts of Croatia, who were elected in the May 2019 elections as minority advisory bodies in regional and local self-government units, under the Constitutional Act on the Rights of National Minorities.

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Summary

This alternative report has been drafted with the aim of examining the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) in the Republic of Croatia. It represents an alternative source of information with reference to the country report on the implementation of the Convention for the period 2007 — 2018. The substance of the report is focussed on the practical application and effects of selected provisions in the Convention with regard to Serbs, who make up the most numerous ethnic minority in the country. Serbs' position in the Croatian society is largely determined by the legacy of inter-ethnic intolerance and the armed conflict of the early 90s, due to which they have been continuously exposed to greater risk of racial discrimination in relation to other social groups.

The Alternative Report comprehensively lists the weaknesses and problems in the implementation of national anti-discrimination regulations and policies. It places a special emphasis on considerations regarding adequate investigation, prosecuting and sanctioning, as well as public condemnation and prevention, of hate speech and violence against Serbs. While recognising that a certain degree of progress has been achieved during the reporting period, the Alternative Report also draws attention to the still-present problems of sustainability of the return and reintegration of Serbs who had fled, or had been displaced, their access to their rights, as well as the inconsistent and problematic process of realising certain legally guaranteed rights and freedoms. The report suggests that the Croatian authorities' public expressions of dedication to the struggle against racial discrimination need to be substantially and comprehensively reaffirmed by consistent and decisive action to implement anti-discrimination regulations and policies, which is as yet lacking, as well as prompt and unambiguous public condemnation of inter-ethnic violence and hate crime, hate speech and other manifestations of intolerance towards Serbs.

Introductory remarks about the alternative report

This report by the SNC represents an alternative source of information to the Combined Ninth to Fourteenth Periodic Reports Submitted by the Republic of Croatia (RC) about the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination. The Combined country report for the period from 1 January 2007 to 31 December 2018 has been submitted to the United Nations Committee on the Elimination of Racial Discrimination on 2 April 2020 [CERD/C/HRV/9-14].¹

With this Alternative Report, the SNC seeks to examine the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) in the Republic of Croatia. Parts of the Report refer to the Country Periodic Report without entering into its comprehensive considerations and comments, or reiterating information and data contained in the country report, including its annexes. Unlike the country report, which mainly provides information on the relevant national legislation and anti-discrimination policies, the alternative report is focussed more on problems in the implementation of the legislation and the targeted policies, that is, their actual effects. It should therefore be perused in parallel with the report presented by the RC Government.

This Alternative Report does not seek to provide an all-encompassing analysis of the implementation of the ICERD in the RC; rather, its focus is on examining the state of affairs concerning the implementation and effects of selected Convention provisions with respect to members of the Serb national minority. In this respect, it outlines the current situation and some of the key problems faced by ethnic Serbs in Croatia – problems that, in the SNC's experiences and opinion, demand additional attention, as well as appropriate, certainly revised, practice by the authorities over the following period.

The data, information and views contained in the Alternative Report are based on the SNC's continued monitoring and analyses of how Serbs' human rights, as well as their specific minority rights, are observed, as well as on the results of activities, both independent and in partnership, focussed on combating and eliminating various manifest forms of discrimination and intolerance in the RC. The report is based on analyses carried out by the SNC and information gathered by it before the close of 2020. The implementation of the Convention is examined by indivi-

dual articles, with particular attention focussed on select comments and recommendations contained in the Concluding Observations of the Committee on the Elimination of Racial Discrimination (CERD) of 5 March 2009, adopted by the Committee during the previous cycle of reviews of the implementation of the ICERD in the RC [CERD/C/HRV/co/8].² The report concludes with a short conclusion and recommendations to the Croatian authorities.

Implementation of the Convention by article

Article 1 Definition of racial discrimination

Point 10 of the Concluding Observations — collecting data on the ethnic composition of the population and respect for the principle of self-identification

- /1 The last Census of the RC was taken in April 2011. The Census registered 186,633 Serbs in Croatia, making up 4.36% of the population as the largest ethnic minority in the country. Both during and after the census, the SNC objected over methodological issues and irregularities with regard to the collection of data about citizens' national origin (ethnic affiliation) (as well as their religion and the language they use).³ For instance, the SNC has received a certain number of complaints alleging that Serbs, that is, people who can be assumed to be ethnic Serbs, have had it suggested to them not to state their ethnic affiliation — complaints which it has brought to the attention of the media and the public. Nevertheless, an appropriate reaction by the State Electoral Commission brought down the number of complaints. Furthermore, the SNC has expressed its regret that the Conference of European Statisticians Recommendations for the 2010 Censuses of Population and Housing, prepared in collaboration with EUROSTAT and the United Nations Economic Commission for Europe (UNECE), to allow respondents to indicate more than one ethnic affiliation (multiple affiliation), have not been adopted. The SNC has also underlined the fact that the answers offered suggested indicating a Croat national affiliation as the first specified option, while indicating another ethnic affiliation was only an option if the person decided to be recorded under the item "other". Bearing in mind the objections cited above, the SNC believes that when the 2011 Census was carried out, the CERD General Recommendation no. 8 (1990) on self-identification about membership of a particular racial or ethnic group or groups, was not consistently followed.
- /2 Since the Census is not the only method of collecting, registering and expressing statistical data on citizens' ethnic affiliation, the SNC has observed that the country report failed to provide adequate information about other nation-wide methods and policies of collecting the relevant data (e.g. the collection, processing and statistical monitoring of data on hate crime, representation of members of minorities in public authorities etc.), that is, the criteria on which they are based. In this

respect, over the reporting period, the SNC analysed and highlighted the ongoing use of different methodologies and approaches to the collection, processing and presenting of data in various registers or records kept by various authorities, whether state-level, or in local and regional self-government units. Where such data are collected, processed and presented in aggregate, the methodology according to which this is done is not clearly stated, nor is it clear whether it respects the principle of freedom of identification in line with the CERD General recommendation No. 8 (1990).

- /3 The SNC has stressed that the questionable reliability and up-to-dateness of data disaggregated by ethnic affiliation makes it difficult to analyse and assess the situation as regards the implementation of national regulations and the actually achieved extent to which guaranteed minority rights are realised, including the implementation and evaluation of the “special measures” to benefit members of national minorities in accordance with line 4 of Article 1 of the CERD that depend on the relative or absolute size of individual national minorities, nationally or locally. In the SNC's view, this also has a detrimental effect on the appropriate planning and implementation of the relevant implementing regulations and policies focussed on the promotion and realisation of the guaranteed rights, as well as full and effective equality for members of national minorities in the RC. The inexistence of, that is, failure to collect and present, disaggregated data, is another problem in specific areas pertaining to the exercise of rights relevant to the monitoring of the situation and the effects of combating ethnic discrimination. The Ombudswoman also highlighted this in her reports for 2018 and 2019.⁴
- /4 In the context of respect for the principle of self-identification, over the previous period the SNC has continuously expressed concern over the fact that a certain number of Serbs have relinquished their right to freely state their ethnic affiliation, primarily due to anxiety or fear of stating their minority affiliation and the related increased chance of being the object of direct or indirect forms of discrimination, or various forms of intolerance and/or violence based on their membership of the Serb national minority.⁵ Unfortunately, annual analyses of cases of violence and expressions of various forms of intolerance and discriminatory attitudes towards Serbs, which the SNC has been publishing since 2014, have indicated that there has been a trend of intensification of such negative phenomena in political and public discourse.⁶

Article 2 Obligation to condemn and eliminate racial discrimination, and to promote understanding

Point 11 of the Concluding Observations — Full implementation of the non-discrimination legislation and policies, especially at the local level

- /5 In addition to the general anti-discrimination regulations and policies, over the reporting period, the RC authorities have also adopted certain legal and political documents aimed at enhancing the protection and exercise of national minority rights. These documents included specific measures focussed on developing tolerance towards difference and combating discrimination, as well as the implementation of “special measures” to benefit members of national minorities. In 2008, the RC Government adopted an Action Plan to Implement the Constitutional Act on the Rights of National Minorities (CARNM). In 2011, its namesake for the period 2011 — 2013 was adopted. Both documents were aimed at helping to make the implementation of the CARNM more effective, that is, contributing to better and more comprehensive realisation of all national minority rights guaranteed by the Act. Adopting the Action Plans was part of fulfilling the political criteria for Croatia's EU accession.
- /6 The SNC welcomed the adoption of the Action Plans to Implement the CARNM and the implementation of the measures specified therein. However, the implementation of the measures did not lead to any substantive or significant, that is, necessary and expected, improvement in the realisation of minority rights and non-discrimination against Serbs in certain key areas. In July 2015, the SNC concluded, among other things, “[...] that the authorities' real determination and motivation to enhance minority rights primarily needs to be considered in view of the negotiations on Croatia's membership of the EU, that is, in the context of Croatia's EU accession being contingent upon its fulfilment of the relevant political criteria. The SNC has found that since the conclusion of the EU accession negotiations process, not only has there been no improvement in the Serbs' position and the realisation of their minority rights in line with expectations, but that key areas have indeed seen a significant deterioration. In view of this, the SNC considers the RC Government's general assessment, that ‘in line with the legislative system of the Republic of Croatia, national minority rights have been guaranteed at the highest possible level, from the first generation of rights — equality before the law and non-discrimination — through the second generation of rights safeguarding minority cultures, languages, traditions and religions, to the third generation of rights pertaining to national minorities' participation in public life and decision-making

processes,' to be arbitrary, baseless and unsubstantiated."⁷ Furthermore, the SNC has highlighted that future policies and measures to improve the implementation of the CARNM should "be based on realistically achievable aims, objectively measurable criteria for evaluating progress achieved within a certain period, and a clearly defined system of accountability of the competent institutions and individuals in cases where responsibilities within their purviews go unmet, or where the guaranteed minority rights are not honoured,"⁸ which has not been the case with the aforementioned Action Plans.

/7 In August 2017, the RC Government defined the Operational Programmes for National Minorities for the period 2017 — 2020, as well as special operational programmes for seven national minorities, including the Serb minority. The Operational Programme for the Serb National Minority has defined the measures that should be taken on the key problems facing Serbs — the legacy of the 90s, such as reconstruction of housing and living accommodation for returnees, integration of Serbs in the wider society, returning property owned by the Serbian Orthodox Church and other Serb organisations confiscated during the FFRY/SFRY, as well as prosecuting and punishing all war crimes, exhuming and identifying victims of war, and dealing with the issue of civilian victims of war. As had been the case with the 2008 and 2011 Action Plans, the realisation of the Operational Programmes was marked by delays in the implementation of specific key measures. Monitoring the concrete effects of the measures, for which no specific and objectively measurable progress indicators were defined for a certain period, has also proven to be problematic. Following the model of the 2017-2020 Operational Programmes, on 30 December 2020, the RC Government adopted the Operational Programmes for National Minorities for the following four-year period from 2021 — 2024.

/8 Looking back at the 2015 — 2019 period, in early 2020, the SNC concluded that the measures taken by the RC authorities did not contribute in a concrete and significant way either to improving the protection of Serbs and to the practical realisation of their rights, or to greater openness and respect for differences in society. In that regard, the SNC reported that there has been a continuation and further intensification of the "ongoing trend of degrading protection for members of the Serb national minority and making it difficult to exercise many of their rights, a trend that had started when the conditionality of the conclusion of the negotiations on the accession of the RC to the membership of the EU upon respecting minority rights ended, that is, when the accession negotiations ended in 2012. Over the past five years, there has been a clear intensification of expressions of intolerance and discriminatory views of Serbs in the public and political discourse, which frequently go without condemnation

and reaction from the representatives of the authorities, or indeed other public actors at the national and local levels. The numerous enduring problems in the realisation of Serbs' minority and human rights that have remained from the previous period are still unresolved. [...] The SNC believes that the formally expressed dedication of the Croatian authorities to protecting minorities must be made tangible in practice. This will require real political will and determination in taking actions. Since the CARNM took effect in December 2002, both newly adopted and amended existing regulations, as well as adoption of strategic political documents, have often not significantly and sustainably affected the protection and realisation of individual minority rights, or the full integration of Serbs and acceptance and respect for ethno-cultural differences."⁹

- /9 Throughout the reporting period, the SNC has recorded and analysed cases of suspected discrimination against Serbs in various spheres of life. Over the past few years, the majority of the complaints and inquiries sent to the SNC that were considered still concerned access to rights within the context of problems related to the legacy of war and its aftermath and to issues concerning basic living needs. Especially salient were problems of the protracted judicial and administrative proceedings, problems of narrow interpretation and application of relevant regulations, as well as the problem of rising numbers of complaints and suspicions of unequal treatment and discrimination. The SNC's experiences have shown that conducting more systematic and comprehensive quantitative and/or qualitative, as well as both short-term and long-term analyses of the dynamics, intensity and areas of incidence of various forms of discrimination is, among other things, also hampered by the failure to collect, or a lack of, up-to-date ethnically disaggregated data (see points 2 and 3 in this Report). There is also the ongoing problem of non-reporting a certain number of cases of suspected ethnic discrimination due to anxiety or distrust of the competent institutions, as well as due to the slow functioning of the competent bodies or the high costs of pursuing (judicial) proceedings, but also due to fear that unpleasant situations may arise, that is, the risk of ethnically motivated violence, hate speech and further discrimination that may result from addressing the competent authorities, and similar.
- /10 Regardless of the general barriers to achieving a more detailed overview and analysis of the state of discrimination in the RC mentioned above, the SNC believes that along with the Roma, the Serbs are among the societal groups that are continuously vulnerable to various manifest forms of discrimination and unequal treatment, primarily, though not exclusively, on the grounds of ethnic affiliation or origin. The Ombudswoman also highlighted Serbs' increased vulnerability to discrimination in her annual reports.¹⁰

- /11 The implementation of anti-discrimination regulations and appropriate measures as defined by national policies, including certain “affirmative measures” in order to fully realise minority rights and liberties, has remained beset by problems, especially (though not exclusively) in certain local areas. Hence, local authorities’ contributions to promoting and implementing the relevant national regulations, policies and measures cannot be assessed as a whole, but need to be considered and analysed at the level of each individual local and/or regional self-government unit.
- /12 Representatives of local authorities in certain self-government units did not just fail to contribute to the implementation of individual measures, but actually actively impeded them, even openly justifying the unequal treatment of members of the Serb national minority. In this regard, in early 2020, the SNC reported, among other things, that, “the level of exposure to discrimination and practical enjoyment of individual minority rights vary among various local surroundings. In some places, especially those that were exposed to direct armed conflict during the 1990s, Serbs are still saddled with collective guilt for the suffering undergone during the war, and are usually pointed to as the ‘aggressors’. Directly or indirectly, this is used as an excuse and a rationale for disrespecting the principle of equality and non-discrimination, as well as to limit the realisation of specific minority rights. Thus, protection of minorities and minority rights is effectively placed outside the framework of international and national standards for combatting discrimination and protecting human rights. Thus, for instance, the mayor of Vukovar rejected the June 2019 decision of the Constitutional Court calling for the urban authorities to respect the right to equal official use of the Serbian language and script within the city, declaring: ‘First we have to resolve these unfortunate circumstances and crimes committed during the Homeland War, and then, from these clean foundations, we can go on building a better society and state, where there will be room for each, even the smallest right concerning either national minorities, or any other person living in this state.’”¹¹
- /13 Overall, the SNC believes that trends of intensifying violence and expressions of various forms of intolerance and discriminatory views against the Serbs in political and public discourse on the part of a segment of both current and former representatives of the government and/or holders of public office, as well as certain public figures, have aided the retrogression on the issue of the accomplishments (as limited as they are) achieved thus far in implementing anti-discrimination policies, as well as the continuation and/or deepening the inherited forms of discriminatory practice, both in local communities and at the national level.

- /14 In the context of the CERD recommendation that the state should take concrete measures to ensure the full implementation of anti-discrimination legislation and policies aiming to eliminate all cases of *de facto* discrimination, the country report provided information on the achievement of the level of representation of minorities in the Croatian Parliament as well as the representative and executive bodies in local and regional self-government units guaranteed by the CARNM, as well as information on the selection of members of local and regional minority councils and representatives of national minorities to enable them to participate in public affairs and the management of local affairs. However, in effect, the realisation of these rights is not a firm guarantee of the selected national minority representatives' effective involvement and participation in all the relevant decision-making processes. Negative attitudes towards the Serbs and their chosen representatives and/or ignoring of their legitimate suggestions and requests, especially in certain self-government units, frequently diminish their potential contributions to the implementation of the relevant legislation and the realisation of the aims of anti-discrimination policies at both the local and the national levels.

Article 4 Obliging parties to condemn all racist propaganda, organizations and activities

Point 12 of the Concluding Observations — Reinforcing measures for the prevention and prosecution of all cases of hate crimes and other ethnically motivated violence

- /15 The SNC has assessed that amending regulations, as well as adopting and implementing targeted measures, did not accomplish tangible results, that is, did not contribute to substantial improvement in the prevention and appropriate penalisation of hate crimes and other forms of ethnically motivated violence during the reporting period. The intensification of radical nationalism, ethnically motivated violence and inflammatory rhetoric and hate speech against Serbs coincided with the conclusion of Croatia's EU accession negotiations in late 2012 and its entry into EU membership in 2013.
- /16 In the SNC's experience, both subjective and objective problems remain a significant impediment to official monitoring and statistical processing of the number and characteristics of instances and cases of crimes committed out of hatred, and other ethnically motivated violence against Serbs, despite the 2011 adoption of the Protocol on handling hate crime cases. This especially pertains to the non-reporting of a

certain number of incidents by victims, as well as the possibility that the same offence can be differently characterised by different authorities, and/or at different stages of the proceedings.

- /17 The SNC has concluded that the number of officially registered criminal and misdemeanour offences motivated by ethnic hatred against the Serbs needs to be taken with a pinch of salt. The European Commission against Racism and Intolerance (ECRI) has stated in 2012 that “[...] officially reported figures concerning racially motivated violence seldom reflect the true picture and should be treated with caution,” as well as that “It is believed that many cases of attacks against ethnic Serbs and Roma go unreported due to basic lack of trust in the police and the judicial system.”¹² Reflecting on the long-standing issues with monitoring hate crime cases, in early 2020, the Ombudswoman reported: “Over the past few years we have highlighted the difficulties in analysing data on hate crimes that ensue from the way various bodies collect them, using inconsistent methodology and at different stages of proceedings, due to which the data lack consistency as regards the characteristics of the offence, the perpetrator and the victim.”¹³ Furthermore, she highlighted the significant rise in hate crimes that were officially registered as criminal offences in 2019 (51 cases) in comparison to 2018 (33 cases), as well as that the perpetrators were most often motivated by the injured parties' national or ethnic origin (37 cases), but also that the information received from the Ministry of the Interior did not include data about the perpetrators' national origin, that is, ethnic affiliation. “Nevertheless,” the Ombudswoman states, “in the context of ethnically, that is, nationally motivated attacks, the media reported the most about attacks against members of the Serb national minority...”¹⁴
- /18 The Action Plan to Implement the National Anti-Discrimination Plan for the period 2017 — 2019 included a measure that also indicated a need to improve the system of collecting data on hate crimes and hate speech.¹⁵ In that regard, the Government Office for Human Rights and Rights of National Minorities (GOHRRNM) has reported that in October 2018 it had embarked on drafting a new Protocol on handling hate crime cases, and announced that the draft document was expected during 2019.¹⁶ The new Protocol was not adopted in 2020, and the GOHRRNM only informed the public on its website on 15 January 2021 that it was launching a public consultation on the new Protocol.¹⁷
- /19 The SNC has noticed in 2014 that “in some cases filed reports to competent authorities are rejected on the grounds that there are no elements of a misdemeanour or crime. Some cases are inappropriately qualified as a misdemeanour, or as offences of minor importance and

weight, while certain crimes are evaluated as crimes without the elements of a hate crime, despite pronounced indications that these really are crimes motivated by (ethnic) hatred or intolerance.”¹⁸ Similarly, considering avenues to sanction hate speech, ECRI has noted in 2018 that only a few criminal cases have been prosecuted, at least partly due to the fact that such offences are mostly prosecuted under the misdemeanour provisions of the Anti-Discrimination Act and the Law on Public Order and Peace, which determine the lighter penalties that are thus handed out. ECRI goes on to state that it “notes this trend with concern and draws attention to the legal uncertainty arising from the different sanctioning regimes applicable to hate speech incidents as misdemeanours,”¹⁹ concluding overall that the lack of criminal prosecutions, that is, penalising most cases of hate speech and hate motivated violence as misdemeanours, does not provide an effective deterrent against such crimes.²⁰

- /20 Differences in the perception of hate crime, that is, in what is considered as qualifying as a criminal offence, can be seen in the case of the incident in Uzdolje, a village near the town of Knin, which happened on 21 August 2019. Involved in the incident were a number of masked individuals, who carried out an assault on Serbs, customers in a local café. At the time of the attack, the assaulted Serbs were watching a live TV transmission of a football match played by a Serbian club from Belgrade. Five of the individuals who were attacked were injured, and the suspects in the assault were apprehended several days later. Both the Police and the State Attorney's Office initially characterised the incident as the criminal offence of disturbance of peace. Nevertheless, in early December 2019, 15 persons were charged with offences of violent behaviour, destruction of another's property, inflicting bodily harm, all of this in connection to a hate crime. The Municipal State Attorney's Office in Šibenik (MSAO) filed a motion with the County Court in Šibenik (cc) seeking pre-trial detention for seven of those charged. Acting on the MSAO's request, the investigating magistrate with the cc refused to remand the accused. However, the cc overrode the investigating magistrate's decision, determining that the accused were to be held in pre-trial detention for one month. The MSAO then filed a motion to extend pre-trial detention, which the investigating magistrate also rejected, issuing instead the protective measure of mandatory weekly visits to their local police stations, as well as the precautionary measure of prohibiting the accused from entering or staying in Uzdolje. This decision by the investigating magistrate was justified by the existence of reasonable suspicion that the accused did commit the crimes, but that there was no evidence to suggest that there was reasonable grounds to believe that the offences were committed out of hatred. Acting on the MSAO's appeal against the decision of the investigating magistrate,

the cc's pre-trial chamber accepted the decision, modifying it with a decision of its own, to extend pre-trial detention by another two months. Incidentally, dissatisfied with the decision to extend their pre-trial detention, six of the accused filed constitutional complaints with the RC Constitutional Court, alleging violations of their right to liberty (art. 5 of the European Convention for the Protection of Human Rights and art. 16 of the RC Constitution). The Constitutional Court ruled to reject the aforementioned complaints,²¹ finding, among other things, that "the explanation given by the pre-trial chamber of the County Court in Šibenik contains sufficient and plausible reasons based on which the court has explained its correct conclusion on the crime having been contingent upon the victims' connection through their Serb ethnicity."²² As far as further actions by the competent judicial bodies are concerned, according to information the SNC has received from the injured parties, during 2020, after the indictment was filed, there has been no progress, at least not to the knowledge of the injured parties.

/21 As stated in point 4 in this Report, since 2013, the SNC has systematically monitored, analysed and reported on cases of ethnically motivated violence and hate crime, as well as expressions of various forms of intolerance, discriminatory views and hate speech against Serbs, as well as historical revisionism in terms of public glorification and promotion of the ideology and the criminal legacy of the Nazi-Fascist regime of the Ustashe, and of denying the crimes and genocide against the Serbs that happened during World War II. In its analysis for 2013, the SNC concludes, among other things, that: "Almost daily expressions of negative attitudes towards Serbs are additionally assisted by the lack of limiting and sanctioning of hate speech and transmitting or publishing content with elements of ethnic intolerance on the part of the media, as well as a frequent lack of adequate social sensitivity and clear and vigorous condemnation of such phenomena by politicians and other public actors in society. Particularly concerning is the long duration of investigative proceedings, as well as the fact that perpetrators of violence often remain undetected and unpunished. We also conclude that mistakes in making certain security assessments on the issue of possible aggressive and violent behaviour by individuals or certain groups have contributed to competent bodies' failure to act and weakness in forestalling and preventing ethnically motivated violence and frequent expressions of intolerance against members of the Serb minority in certain areas."²³ Unfortunately, a similar conclusion can be reached for the years that followed. This resulted in the continuation and intensification of the trend of degrading protection for members of the Serb national minority and complicating their access to many of their rights.

/22 Comparative numerical data on cases of historical revisionism, hate speech and violence against Serbs analysed by the SNC between 2014 and 2019 diverge from the official records of hate crimes and offences of public incitement of violence and hatred, in which a significantly smaller number of cases has been registered.²⁴ In this regard, it should be borne in mind that the SNC's statistical data cannot be considered to be all-encompassing and comprehensive, as they are mainly, though not exclusively, limited to cases involving Serbs, and only those that are reported to the SNC or which the SNC has registered by monitoring news items and other content published in the media. Reflecting on the differences between the statistical data in official and unofficial (non-governmental) registers, ECRİ states: "In contrast to official data, the data provided by the NGOs indicate higher number of cases of hate crimes. [...] While diverging methodologies for the registration of hate crimes may result in this discrepancy, the Ombudsperson underlined that these data should not be ignored, since hate crime victims often only report incidents to NGOs due to a lack of trust in or fear of the authorities."²⁵

Statistical representation of cases of historical revisionism, hate speech and violence against Serbs recorded by the SNC in the period from 2014 to 2019²⁶

Cases of historical revisionism, hate speech and violence against Serbs	2014	2015	2016	2017	2018	2019
Graffiti and symbols containing hate speech and ethnic intolerance	8	14	26	35	33	40
Hate speech and ethnic intolerance at sports events	4	8	20	14	12	16
Hate speech and ethnic intolerance in the media	8	21	42	40	43	37
Hate speech and ethnic intolerance on social networks	5	10	28	31	38	32
Public conduct with characteristics of intolerance towards Serbs	9	31	53	52	52	51
Ethnic intolerance and historical revisionism in statements by public figures	9	37	42	52	56	55
Insults and threats directed against Serbs and Serb institutions in the RC	7	20	62	107	105	115
Physical assaults (number of people assaulted)	5	9	16	11	5	25
Damaged, destroyed or stolen property belonging to private individuals and Serb institutions	6	9	17	16	15	11
Damaged and destroyed anti-fascist monuments	7	13	17	17	19	16
Damaged and destroyed bilingual signs	8	8	2	4	3	2
TOTAL	82	189	331	393	381	400

- /23 Public expressions of intolerance and hate speech against Serbs by writing graffiti and displaying inappropriate symbols are an almost quotidian and widespread phenomenon. The SNC has continuously recorded the appearance of graffiti with the Ustasha salute, “for the homeland ready”, or the acronym, “ZDS” [za dom spremni], with Ustasha symbols in the shape of the long-serifed letter U [“the U with ears”] and the acronym “isc”.²⁷ Some graffiti issued much more direct messages to Serbs — for instance, “Hang Serbs off willow trees”, “Kill the Serb”, “Death to Serbs”, “Serbs get out of Croatia” etc. Graffiti are mostly written in public spaces and on buildings, but there are cases of graffiti being written on private houses and buildings owned by Serbs. Hate speech in the form of shouts, chants and displaying messages and symbols of hatred towards Serbs also sporadically appears at sporting events and certain public gatherings.
- /24 Cases of hate speech and/or its tolerance also represent a specific problem in certain national and local media — both print and electronic — as well as websites.²⁸ Thus, for instance, in a regular programme broadcast by the Croatian public media service — the Croatian Radiotelevision (HRT) — the *Good Day, Croatia* show, which aired on 30 May 2018, the president of the revisionist Society for Research of the Threefold Jasenovac Camp presented his book, *The Jasenovac Labour Camp*. He was allowed to deny the widely known criminal purpose and genocidal practice of the largest Croatian World War II concentration camp and downplayed the number of victims who perished there without so much as a word of condemnation or intervention on the part of the hosts. Incidentally, the Society in question has received financing for its activities from the national budget, distributed and allocated by the Ministry of Veterans' Affairs. The Ombudswoman also highlighted the growing problem and consequences of relativising, legitimising and glorifying the Nazi-Fascist Ustasha regime and (non-)dealing with the Ustasha past: “In recent years, explicit Ustasha or Nazi symbols have often appeared in public space, as have symbols reminiscent of the Ustasha movement; books, articles and interviews are published, panels held, documentary films made and TV programmes broadcast in which the criminal character of the ISC is denied. Such views have also been aired in the official organ of the Catholic Church and on public TV channels, while the authorities' reactions were inconsistent, or altogether absent. For this reason, in November 2018, the Ombudswoman published an analysis entitled ‘Relativisation of ISC Crimes Violates Fundamental Values of the Constitution, and Absence of Reaction Opens up Space for Hatred’.”²⁹
- /25 During the reporting period, numerous cases have been recorded of public actions such as protests and counter-gatherings by members and sympathisers of veterans' associations, as well as pro-fascist organisa-

tions and extreme right-wing political parties and associations. These actions were characterised by expressions of intolerance and hatred not only towards Serbs, but also towards Croatia's anti-fascist legacy and commemoration of innocent Serb victims of World War II and the armed conflicts of the 90s. In 2019, invoking the problem of failure to punish war crimes committed during the early 90s, the mayor of Vukovar set off what might be considered a campaign of public and media lynching, which gave additional impetus to the anti-Serb atmosphere and attacks on Serbs in the city. When Serb pupils allegedly failed to stand up when the Croatian anthem was played at a local football match, the mayor held a press conference where he spoke about Vukovar as the "epicentre of Greater Serbian aggression". He gave a presentation to the journalists present, entitled "The Continued presence of Greater Serbian politics in Vukovar". On this issue, the SNC concluded: "[Mayor] Penava used the event [at the football match] to depict one third of the city's population as greater Serbs. Playing the video where faces of under-age students were visible constitutes a breach of the Convention on the Rights of the Child, but is also directly linked with the physical assault on a [Serb] middle technical school student one day later."³⁰ The mayor and his sympathisers continued to fan inter-ethnic tensions, which found its strongest expression in the continuation of the anti-Cyrillic and anti-Serb campaign started in early 2013. As regards the events of 2013, at the time the SNC reported: "At the request of local Serb representatives to exercise language rights guaranteed by law and the government's readiness to facilitate the exercising of that right, dissatisfied non Serb citizens of Vukovar responded, at the beginning of 2013, by establishing an informal civil initiative 'Headquarters for Defence of Croatian Vukovar' and started a wide anti-Cyrillics campaign, which in time spread to other parts of the country and which continued to contribute to the increase of intolerance against Serbs. The 'Headquarters' opposed the placement of plaques and incited and organized removal of bilingual state entity inscriptions from buildings housing state-run offices in Vukovar, which were placed there in 2013. During 2013, the SNC recorded 20 cases of forcible removal or destruction of bilingual Latin-Cyrillic plaques from the buildings housing state authorities in Vukovar, but also from the buildings of various legal persons in other parts of Croatia where these plaques had been hanging for years. The plaques were removed during bouts of violence and conflict with the police."³¹ It is in Vukovar that some of the cases of physical violence and assaults on Serbs were recorded in 2020. On several occasions, beatings of Serb individuals were organised there, especially in May and August. Based on the gathered information, although the assaults were represented as confrontations between supporters' groups, the SNC has established that the victims clearly included individuals who had nothing whatsoever to do with the

supporters' subculture. In October 2020, invoking the criminal offence of "public incitement of violence and hatred" (article 325, paragraphs 1 and 2 of the Criminal Code), the SNC filed a criminal complaint against the extreme right-wing Authentic Croatian Party of Rights (A-CPR) and its leader for publicly broadcasting a video called "An invitation to a protest gathering in Vukovar".³²

- /26 Individuals and groups identifying as supporters of individual football clubs, that is, as members of supporters' groups, are often among the chief initiators and/or executors of assaults on Serbs. For instance, in June 2020, members of a supporters' group of a Zagreb football club³³ publicly shouted "Kill the Serb!" and unfurled a banner announcing that they would rape Serb women and children. Individual sympathisers and members of the aforementioned supporters group from various cities also called for Serbs to be killed or subjected to other forms of violence, and were among the chief perpetrators of the assaults on Serbs in Vukovar during 2020.
- /27 As in the previous years, in 2020, various forms of attacks on, and destruction of property owned by Serbs, Serb institutions and associations, as well as the Serbian Orthodox Church, have been recorded throughout the RC. For instance, in Kistanje, the flag of the Serb minority in the RC was burned; in Varaždin, the sign outside the premises of the local Serb council was destroyed on several occasions; in Zagreb, the signs of the Serb associations, Prosvjeta and Privrednik, were damaged, while similar incidents were recorded in Split and Bjelovar; in Petrinja, the fencing around a construction site was set on fire; and in Gračac, a Serb Orthodox Church chapel was broken into, while in Otočac, the floodlights used to illuminate a local church were destroyed. Individual acts of destruction of entrance doors to flats bearing Serbian surnames were also recorded. In areas that were once affected by war, that is, in areas of return (e.g. certain parts of the Zadar, Lika-Senj and Sisak-Moslavina counties), there have been cases recorded of destruction of crops and usurpation of land and pasture, as well as illegal logging and other forms of exploitation of land belonging to Serbs.
- /28 The SNC holds that the by now almost commonplace failure to condemn manifest forms of intolerance towards Serbs, not only by representatives of the authorities, but by many opposition politicians and influential public figures as well, is especially problematic in view of the generation of violence and hate speech. Some public condemnations can be seen as mild and ambiguous, while some contain aspects of attempts to relativise negative phenomena, or even to justify them. What is more, public instances of inflammatory speech, that is, spreading and promoting radical nationalism, anti-Serb sentiments, as well

as direct or indirect threats against Serbs by certain state and local officials, have also been recorded. For instance, referring to a statement by a minister in the Government of the Republic of Serbia, that Croatia should not be doling out lessons to Serbia before looking at its own backyard, in May 2015, Croatian MEP Ruža Tomašić stated: “Let them pray to God that we do not clean up our backyard, because if we start cleaning our backyard, they’ll have a lot more Serbs from Croatia who’ll have to go to Serbia. They take this country to be their cash register and self-service, and give nothing in return.”³⁴ In 2017, Milijan Brkić, Deputy Speaker of the Croatian Parliament and member of the largest, ruling party, the Croatian Democratic Union (CDU), stated: “Mister Pupovac [Independent Democratic Serb Party — IDSP] is a Member of Parliament and supports the majority. Although they participate in government, he and the minorities are not going to determine the Government’s system and direction. And I’d like to remind of what I already said in the media, that this is a Croatian state. That in Croatia, alongside the national minorities, whose constitutional rights are certainly guaranteed, it is the Croats who decide. And that this is our country and nobody else’s. And imagine what it would be like, if I were to say from here how Mr. Vučić [President of the Republic of Serbia] should reshuffle the Serbian government, who am I to say that.”³⁵ In 2019, commenting on a supporters’ song with lyrics saying, “Rijeka, you mangy city, you’re full of Serbs, don’t worry, Rijeka, there are more willow trees”,³⁶ Ivona Milinović, member of the Rijeka City Council and president of the City committee for national minorities, said: “I have nothing against supporters’ folklore. But I am against what Torcida³⁷ is currently doing, harming Croatia. It is really unacceptable, to sing such songs, handing Pupovac the argument to cry tomorrow that Croats are fascists. However, if we’re being cheeky, people should know that there are only 6,5% of Serbs in Rijeka, we don’t need any willow trees — maybe some villages in Dalmatia where there are 30–40%.”³⁸

Article 5 Obligation to eliminate discrimination and to guarantee equality in the enjoyment of rights

Point 13 of the Concluding Observations — Availability of free legal aid

- /29 The legal framework for providing legal aid to disadvantaged people, that is, the system for facilitating their access to courts and other bodies authorised to make decisions that impact on individuals’ rights, was defined by the Free Legal Aid Act (FLAA) of 2008. However, certain provisions and their execution, including complicated approval proce-

dures and requiring means testing for approving free legal aid, were the target of a great deal of criticism by experts, providers and beneficiaries alike. In 2013, a new Act was adopted, which among other things somewhat simplified the approval procedures and lowered the threshold of financial eligibility for free legal aid.

/30 Based on long-term experience in the provision of free legal aid, the SNC has concluded that the purpose of the FLAA — to ensure equality of all before the law; effective access to legal aid and to courts and other relevant bodies governed by public law under equal conditions — are not being adequately and fully met, especially when it comes to the most disadvantaged (potential) beneficiaries. This represents a particular challenge to achieving equality and respect for the principle of non-discrimination in Serb returnees' access to their rights. In practice, the system of free legal aid has been riddled with issues, lacking in quality and inefficient. For years, both providers of free legal aid and the Ombudswoman³⁹ have been drawing attention to the problems of slowness and delays in the annual distribution and allocation of public funds to certified providers of primary legal aid. The available funding is small, and awarded for limited periods of time, which often compromises not only the continuity of free legal aid providers' work, but also their ability to provide legal aid to those who are socially most disadvantaged, living in more isolated, rural and returnee areas. In relation to the (in)ability to exercise one's right to secondary free legal aid, the Ombudswoman has stated that in 2019, she received 50% more complaints than in 2018. The complaints mostly concerned difficulties engaging an attorney or the length of time it takes to handle rights requests.⁴⁰

Article 5 (a)

Point 15 of the Concluding Observations — Non-discriminatory and effective investigation and prosecution of war crimes

- /31 The SNC has publicly and continuously supported all the relevant actors who have invested effort in prosecuting and punishing all war crimes committed during the 90s, regardless of the ethnic affiliation of either the perpetrators or the victims. In this regard, it has also expressed its full understanding for the frustrations experienced by victims' family members because of the sluggishness of the relevant national authorities and the years-long wait for justice to be done.
- /32 The SNC regrets to state that ethnic prejudice in investigating and prosecuting war crimes committed against Serbs,⁴¹ as well as ethnic

bias in sentencing for comparable criminal offences to the detriment of Serb defendants, have not been eliminated. In early 2020, the SNC has reported that it believed “that the national judiciary has mostly neglected and denied war crimes committed against Serbs. Such crimes are not thoroughly investigated, and a significant portion of information about them is concealed, presented in public in merely a superficial and piecemeal fashion. A series of crimes adversely affecting Serb citizens in areas that were controlled by Croatian authorities remain unprosecuted. Only a single perpetrator was convicted for the numerous and well documented crimes against Serbs during and after the military and police operation Storm, in August 1995, when more than a hundred people were murdered according to data from a number of non-governmental sources. Although the Storm crimes have been included in the national prosecution priorities, no new investigations have been opened into them, nor have any new indictments been issued. In 2018, the Ministry of the Interior filed a total of 14 criminal charges of war crimes committed on various sites around the RC. Ten charges have been brought between September 2018 and January 2019, while protests instigated by individual local politicians and Croatian veterans' associations were taking place. Criminal charges have pointed the finger of suspicion at members of local Serb military formations or the Yugoslavian People's Army (YPA), yet not a single one concerned the crimes committed against Serb civilians. Analysing the represented intensity of work in correlation to public pressure by local politicians, the SNC has expressed concern over the violations of judicial independence by the executive authorities, and even more so over the creation of an atmosphere of persecution against part of the local Serb population, who may become victims of political criminal prosecutions. The problems mentioned above, regarding processing war crimes to the detriment of Serb citizens can also be seen in the work of the competent county state attorney's offices. For instance, in 2018, they initiated 11 investigations and brought 7 indictments, of which only a single investigation concerns three suspects in a case involving the death of a Serb civilian.”⁴²

Article 5 (c)

Point 16 of the Concluding Observations — Ensuring adequate representation of minorities in public authorities

- /33 Although the right to legally guaranteed representation of national minorities in the Croatian Parliament is honoured, the SNC would like to highlight that over the past few years, certain citizens' initiatives and political parties, as well as individual politicians and public figures, have

suggested or called for abolishing or restricting it. In 2018, the “People decide” citizens' initiative started a campaign to hold a national referendum to reform the election law. The initiative proposed to reduce the number of seats in parliament, but also the guaranteed number of representatives of national minorities, as well as excluding them from votes of confidence in the Government and from voting on the Budget. Although the initiative was unsuccessful, the SNC believes that it should be highlighted that a substantial number of citizens gave their support to the campaign to collect signatures for the initiative, and that the campaign was characterised by the spreading of inter-ethnic intolerance, with a pronounced anti-minority, and especially anti-Serb rhetoric.

- /34 The adoption in 2012 of the Act on Local Elections has been a significant step forward in the realisation of the guaranteed right to national minority representation in representative and executive bodies of local and regional self-government. With the implementation of the Act, which began with the local elections held in May 2013, some problems that had been observed previously could now be avoided, such as the issues concerning the fulfilment of the legal obligation to statutorily determine the appropriate levels of representation of national minorities in representative and executive bodies of self-government units before each new cycle of local elections — which was a key precondition for the practical achievement of appropriate representation. Nevertheless, although the representation of national minorities in executive bodies of self-government units is achieved by electing deputy municipal and city mayors and county governors who are themselves members of and represent national minorities, the SNC has drawn attention to the fact that their roles are often very formal and symbolic. That is to say, individual elected deputies often have no tangible influence on local politics, as they perform a function without clearly defined competences and responsibilities.
- /35 Electing local and regional national minority councils and representatives (NMCR) should guarantee national minorities' participation in public life and in running the affairs of self-government units. However, the significance of NMCRs and perception of their real role and work remain encumbered by numerous restrictions. Whilst recognising the various measures carried out by the authorities with the aim of improving their functioning over the previous period, the SNC has expressed the overall impression that the “quality and intensity of the functioning of a significant number of national minority councils and representatives, especially in rural and economically underdeveloped areas, are still constrained by the relatively narrow powers and insufficient level of competence and motivation to work, as well as the limited funds and the inadequate level of acceptance by, and cooperation with, bodies of local self-go-

vernment units."⁴³ Local self-government units' obligations on issues such as e.g. securing appropriate conditions, space, and financing for NMCRs' work, and concrete realisation of their advisory role, have not been stipulated clearly and in detail. Ever since the first elections for NMCRs, held in 2003, this has repeatedly proven to be problematic in rather a few cases. In the SNC's experiences, this also feeds back into a lack of motivation and interest among members of national minorities to exercise both their active and passive electoral rights.⁴⁴

/36 The legally prescribed proportional representation of national minorities in government bodies, the judiciary and the police has not been achieved. National minorities, which according to the 2011 Census make up 7.67% of the population of the RC, including Serbs, who make up 4.36% of the population, remain highly under-represented in public authorities. It is clear that implementing legally defined positive measures to benefit national minorities, stipulating preferential employment, that is, admission to the civil service or appointment to public office under equal conditions, has borne no results. What is more, trends have shown a continued reduction in the representation of national minorities in public bodies. No appropriate system for monitoring how the right of preference under equal conditions is honoured, or for monitoring the practical implementation of the relevant legal provisions. The SNC's analyses of the state of representation and the results of the implementation of the affirmative measures and targeted government policies published in March 2014 and September 2017 conclude that "there has been no progress, and special, 'affirmative action' measures and policies in favour of ethnic minorities appear to be utterly ineffective, inadequate and hardly justified."⁴⁵

Representation of members of national minorities in public bodies 2013 — 2018 (as of December 31) — Public Administration Ministry data

Year	Total employed	Employed — minorities %	Employed — Serbs %
2013	52,691	3.51%	2.28%
2014	50,478	3.49%	2.31%
2015	50,375	3.40%	2.23%
2016	49,697	3.40%	2.22%
2017	49,602	3.34%	2.19%
2018	49,612	3.24%	2.11%

Representation of members of the Serb national minority in judicial institutions on 31 March 2013, 31 December 2016, and 31 December 2018
— Ministry of Justice data

	31 March 2013		31 December 2016		31 December 2018	
	Total number in employment	% Serbs	Total number in employment	% Serbs	Total number in employment	% Serbs
Senior judicial officials / Judges	1,945	2.21%	1,830	2.30%	1,752	2.17%
Senior officials in State Attorney's Offices / Deputy State Attorneys	616	2.76%	621	2.90%	638	2.82%
Officials, clerks, and junior clerks in courts and State Attorney's Offices	8,123	1.96%	7,737	1.93%	7,710	1.75%

/37 Bearing in mind the data from the SNC's yearly analyses about cases of historical revisionism, hate speech and violence against Serbs, the SNC has expressed special concern over the inadequate representation, and even falling number, of Serbs in the police force. This concerns the total representation of Serbs in the police, and especially the significant under-representation in the specific police departments (PD) whose jurisdiction encompasses areas of return and areas in the respective counties with significant Serb populations. For instance, in 2017, "Serbs are significantly underrepresented in PD Lika-Senj County, with 1.86%, while they make 13.65% of total population; in PD Sisak-Moslavina County with 1.01%, while they make 12.18% of total population; PD Karlovac County with 1.52%, while they make 10.40% of total population; PD Šibenik-Knin County with 2.69%, while they make 10.53% of total population; PD Bjelovar-Bilogora County with 0.46%, while they make 6.31% of total population; PD Zadar County with 0.4%, while they make 4.81% of total population; PD Primorje-Gorski Kotar County with 1.48%, while they make 5.03% of total population. There are also 6% of Serbs in Požega-Slavonia County while they representation in PD is 0.63% based on the data from February 2015."⁴⁶

Representation of members of the Serb national minority in the police 2008
— 2017 — Ministry of Interior data

2008	2010	April 2011	June 2013	February 2015	April 2017
3.13%	3.00%	2.93%	2.86%	2.62%	2.51%

Article 5 (d), (ii) and (iii)

Point 17 of the Concluding Observations — Access to citizenship on a non-discriminatory basis

- /38 In the context of Serbs, problems around access to citizenship and regularising one's status as citizen overwhelmingly, though not exclusively, concern Serb returnees. With the falling number of returning refugee or displaced Serbs, the problem occurred with decreasing frequency in practice. Nevertheless, a certain number of Serbs are still facing the problem of establishing, that is, recognising their RC citizenship. For instance, alongside a certain number of people who inquired about ways of acquiring RC citizenship, several people also contacted the SNC in 2020 with requests for help with retrospective registration in the Croatian register of citizenship. These people should have been, and in the SNC's view some indeed have been, registered in the citizenship registry of the erstwhile Socialist Republic of Croatia, in line with the pre-war regulations in force at the time. A similar problem is faced by individuals registered in registers of births that were lost or destroyed during the 90s' conflicts, who are issued certificates by the competent registry offices confirming that they are not registered in the register of citizenship. Several individuals who lost their right to register as citizens while they were still children, due to the protracted process of establishing their parents' citizenship, whose status as RC citizens had been subsequently confirmed, also contacted the SNC. The protracted processes of establishing their parents' citizenship caused these individuals to miss the legal deadlines to submit a request to be registered in the register of citizenship. They are now demanding that the date their parents had submitted their requests be recognised as the date they themselves submitted their own requests, in which case the deadlines would have been met. Such people have frequently expressed their suspicion that the reason they were discriminated against was their Serb ethnicity.
- /39 In addition to complaints of improper behaviour by police officers in certain police departments (PD Primorje-Gorski Kotar, PD Istra and PD Sisak-Moslavina), in 2020, the SNC has also recorded objections to the continued practice by RC consulates in the Republic of Serbia and Bosnia and Herzegovina of providing ethnic Serbs with misleading information as regards the issues of regularising their status and rights as citizens. This is especially relevant to information about the provisions of the new Croatian Citizenship Act, which the SNC's clients have experienced as attempts to dissuade them from submitting the proper requests.

Article 5 (e)

Point 19 of the Concluding Observations — Facilitating the return and reintegration of refugees

- /40 The SNC believes that the process of refugee and displaced Serbs' return can be considered to have effectively been over for years. The real number of minority returns cannot be easily established, especially when it comes to the number of those returns that can be considered sustainable. For instance, citing information from the Croatian authorities and the UNHCR, ECRI has stated that 134,000 Serb refugees returned to Croatia by January 2017, but also that “[w]hile the overall conditions conducive to return are positive, ECRI notes that returnees continue to experience problems in accessing rights, particularly in the fields of housing and health care, as well as in issues relating to legal status and access to legal aid. ECRI was informed about some extreme cases by civil society, that include areas in Slavonia where access by returnees to public services such as electricity, gas and water is intermittent and where no investment into the severely damaged infrastructure appears to have been made since the end of 1995.”⁴⁷ As far as the sustainability of minority returns is concerned, the SNC does not have access to more recent estimates, but considers it interesting to quote the findings of an independent study, according to which in 2010, “every third returnee selected from the data base of registered returnees lives in Croatia [...] of which around 83 percent reside in the place where they registered their return.”⁴⁸
- /41 Returnees who did not acquire citizenship in line with the law in force mostly regularised their status in the RC under the Aliens Act. This Act allows alien returnees who had settled status in the RC on 8 October 1991 to regularise their residence in the RC under more favourable conditions on humanitarian grounds including programmes of return, housing reconstruction and accommodation.
- /42 Political and legal-administrative obstruction, the slow functioning of bodies in charge of determining returnees' rights and assisting their exercise, as well as returnees' vulnerability to various forms of discrimination in accessing numerous rights, have greatly contributed to problems facing sustainable minority return and reintegration of returnee Serbs. Although the situation did improve with time, some key problems faced by a segment of minority returnees have still not been resolved, 25 years on from the end of the armed conflicts. In her report for 2018, the Ombudswoman states, among other things, “According to data available from the complaints and contacts with CSOs,

it is the Serb returnees to places of their pre-war residence who are particularly affected by discrimination, typically on multiple grounds, including national origin, age, and financial status, as they are mostly elderly people with very low income, living in under-developed rural areas where the basic services, even water and electricity, are unavailable. The exposure to heightened risk of ethnically motivated violence and hate speech, and the insufficiently effective system of housing care in the areas of special state concern, including delays of several decades in the reconstruction of war-damaged houses, contribute to these difficulties. A case upon which we acted in 2018 is hardly encouraging, either, when a returnee family's house and farm buildings had been set on fire, the police established that the fire had been started deliberately, but the perpetrators have not yet been found.⁴⁹ Nevertheless, the Ombudswoman's report for the following years highlights, for instance, that during 2019, work was intensified on resolving the cases of former holders of tenancy rights (FHTR), mostly Serbs, and that the number of pending cases has fallen by 76.21%.⁵⁰ However the faster pace of resolving cases did not necessarily translate into a faster pace of providing accommodation for FHTRs. For instance, according to information received by the SNC in October 2020 from the Central State Office for Reconstruction and Housing (CSORH), 645 FHTRs realised their right to living accommodation in 2020; housing units were secured for 305, while only 221 FHTRs (that is, a little more than 30% of those whose right to living accommodation was recognised) entered a tenancy agreement, moving into rented flats. CSORH information allows the conclusion that the problem of the concrete realisation of FHTRs' rights to accommodation is most pronounced for beneficiaries from larger urban centres such as Zagreb, Osijek, Rijeka, Pula, Zadar, Šibenik, Split, Dubrovnik and Karlovac, which covers 209 out of the 340 FHTRs whose right has been recognised, but who have not entered a tenancy agreement.

- /43 Citizens' complaints to the SNC in the field of living accommodation for returnees and housing reconstruction over the past few years have concerned "the slow execution of decisions to allocate building material for renovating or building houses; changing housing priority lists in relation to previous years to their detriment; inadequate objects allocated as a form of housing; several years' delays in delivering lease contracts to returnees accommodated in housing units owned by the state; and illegal requests for retrospective one-off payments for several years' worth of rent, etc."⁵¹ In addition to the problems regarding protracted judicial and administrative proceedings and appropriate application of regulations, the number of complaints alleging unequal treatment and discrimination has risen. The SNC wishes to highlight the case of 88-year-old J. P. from Gospić and the six members of his family,

whose right to have their house reconstructed and furnished was recognised 20 years after they submitted the request. In 2020, we recorded a complaint by a lady from the small village of Glavaci near Otočac, population 15. She believes she was discriminated against based on her ethnicity, as unlike the Croat inhabitants, she has no access to water.

- /44 Considering national housing programmes, in early 2020, the SNC has concluded that they “remain without sufficient institutional support, and that they are untransparent, complex and burdened with a number of administrative, legal, economic and political obstacles. Especially problematic is the issue of practical fulfilment of the right to housing for former holders of housing rights outside war-affected areas, where, often due to the unavailability of an appropriate housing stock in larger urban centres (e.g. Rijeka, Zadar, Split, Dubrovnik, Zagreb...), it is uncertain how long the waiting time between the moment the right to be allocated a housing unit is established and moving in will last. On the other hand, returnee Serbs' access to housing in war-affected areas is restricted by the mode of awarding points to potential users and the related unfavourable ranking in relation to, for example, the category of defender-veterans. As defender status carries so many points, returnee Serbs – even if they meet all the other criteria to the full — can practically never exercise the right.”⁵²
- /45 A certain number of returnees, as well as refugee and displaced Serbs who do not live in the rc, are still faced with the problem of establishing and realising certain property rights. This is especially relevant to Serbs from rural areas, who are unable to register their property (e.g. forests, pastures, agricultural land) with the land registry due to destroyed or lost papers, as well as the high costs of the relevant procedures. For this reason, their property is frequently vulnerable to long-term deterioration, destruction or usurpation by non-owners.

Point 20 of the Concluding Observations — Creating conditions for a sustainable development of areas inhabited by the most numerous minorities and eliminating economic and social disparities between regions

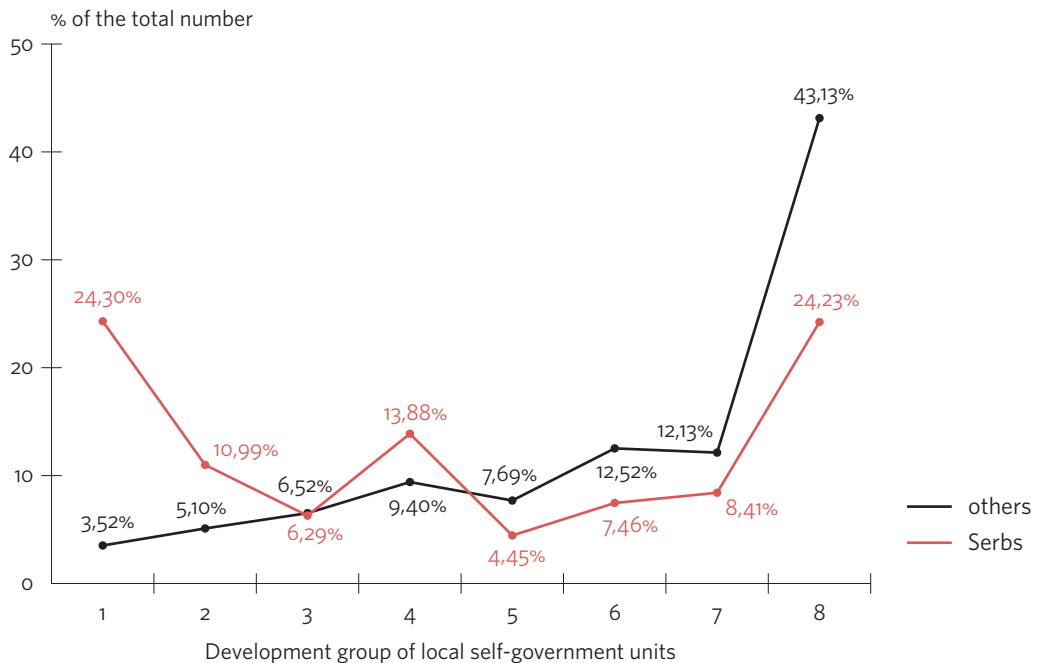
- /46 Reconstruction or development of utility and social infrastructure are still not complete, and in some cases have not even properly got going in certain returnee micro-areas, as well as other areas with larger Serb populations, during the reporting period, despite various measures and investment in the socio-economic and infrastructural revitalisation of erstwhile “areas of special state concern”, now belonging to the “assi-

sted areas" category. This goes especially, though not exclusively, for certain parts of the Zadar, Lika-Senj and Sisak-Moslavina counties. The problems of dilapidated, inexistent or poor transport, water, electricity, social, health and education infrastructure compound the marginalisation and social exclusion of the inhabitants of these areas. This has a negative bearing on their ability to exercise their economic, social and cultural rights, while the growing gap between the developed and undeveloped regions of the country is also detrimental to the sustainability of minority returns and the proper integration of returnees into wider society.

- /47 In collaboration with the IDSP, in 2016 and 2017, the SNC carried out a study in 32 returnee municipalities where Serbs make up more than 15% of the population, which has shown up the systematic neglect of these communities. The research established that "in the analysed municipalities, two thirds of state roads and nearly half of the local and uncatagorised roads need to be restored, that more than 60% of settlements are not connected to the water supply, as well as that nearly all public buildings and sewerage systems require thorough renovation or reconstruction. The SNC estimates that in areas with majority Serb populations, there is a need to construct, restore and renovate water supply systems in 145 rural settlements, encompassing around 5,100 households. Some of the settlements are not connected to the water supply and are entirely without running water (in some, the water supply had been destroyed during the war), while some are connected to local water supplies through crumbling piping, or pipes made with asbestos, which leads to large losses of water, or the water accessible being of questionable quality. There has been no significant state investment in returnee areas, while some self-government units do not consider setting up water supply systems in Serb-populated villages a matter of priority. For instance, in the wider area around the city of Benkovac, some majority-Serb settlements are still not connected to the existing water supply, unlike the surrounding settlements. An identical problem exists with the necessary investments in individual uncatagorised roads. The data gathered for the purpose of restoring and renovating the low-voltage grid show that there are still some 80 settlements without access to electricity, affecting a total of around 200 households. The (re)electrification of returnee settlements did not proceed at the planned pace, and in the period between 2013 and 2017 the renovation of the electrical grid has been at a complete standstill. The problem of double charging for connections to the grid for renovated houses, even though as pre-war consumers, the owners were entitled to free connections. The process of (re)electrifying returnee settlements has been resumed in 2018, but has not proceeded at a pace that might be considered satisfactory."⁵³

/48 Data on the development index of local and regional self-government units for the period 2014 — 2016 analysed by the SNC have shown that 55.45% of Serbs in the RC lived in self-government units classified as underdeveloped (groups I — IV on the axis of development).⁵⁴ Incidentally, 24.54% of the total population of the RC live in such units. Serbs make up the majority or a significant share of the population in 39 of the 50 least developed local self-government units in the Republic of Croatia — Serbs make up between 97.19% and 27.26% in 19 units, between 22.40% and 11.71% in 13 units, while in 7 units, the share of Serbs in the local population ranges between 8.96% and 4.8%. Serbs make up more than half of the population in 8 of the 10 least developed municipalities in Croatia, ranging from 62.22% to 97.19% of the total population.

Share of Serbs in municipalities and cities classified into development categories according to the 2011 Census



/49 In late 2019 and early 2020, the SNC carried out research into the quality, scope and effects of the absorption of EU funds (ESI funds)⁵⁵ in the 2014 — 2020 financial perspective. The research analysed data about contracted projects and their impact on the development of local Serb communities in 47 municipalities and cities where Serbs make up at least 15% of the population. The results of the research clearly highlight the economic and developmental challenges before the analysed local self-government units, the greater part of which belong to the four groups (I — IV) of underdeveloped local self-government units accor-

ding to the index of development. ESI fund investment in the analysed units is far lower than the average of their representation in the total number of local self-government units in the RC, and wholly diverges from the goals of the investment — economic and social cohesion. To wit, the analysed municipalities and cities comprise 8.46% of the total number of local self-government units and are inhabited by 4.92% of the total population of the RC; yet only 3.24% of the total available ESI funding for the country has been invested in them.⁵⁶

Article 7 Obligation to adopt effective measures against prejudices which lead to racial discrimination

Point 21 of the Concluding Observations — Fostering inter-ethnic tolerance among the public at large

- /50 The SNC welcomes the policies and measures adopted by the authorities with the aim of promoting inter-ethnic tolerance. Unfortunately, the SNC can generally assert that their implementation, in view of the intensification and strengthening of historical revisionism, hate crime and violence against Serbs, did not achieve significant results for members of the Serb national minority.
- /51 The SNC highlights that the necessary steps were not made in the particularly important area of school education that would lead to the proper understanding and acceptance of ethnic and cultural diversity, inter-ethnic coexistence and Serbs' position in our society. Thus, for instance, the 2019 history curriculum for primary and secondary schools mainly refers to Serbs in the context of the 90s war, that is, the "Greater Serbian aggression against the RC". Moreover, although the text of the curriculum mentions the World War II "policies of terror against citizens (especially Jews, Serbs and Roma)", it fails to mention, for instance, who was responsible for such policies, nor does it mention the Jasenovac concentration camp as a symbol of the Ustasha regime's terror and crimes, and the place where masses of innocent citizens perished.
- /52 As regards electronic media content, in early 2020, the SNC reported that over the previous period, there has still not been "improvement in the situation regarding the production and broadcasting of high-quality television and radio programmes and content of interest to members of the Serb national minority in programming by electronic media holding national broadcasting rights. Serb minority members' access to electronic media, as well as the inclusion of topics of their interest in broadcast content on national and regional TV and radio channels, has remained

very limited and unsatisfactory. This also applies to including and airing broadcast content in the minority language. Thus, for instance, the Croatian Radiotelevision's informative programmes, both those broadcast on the national and those broadcast on the regional level, do not include shows and content on the Serbian language and in the Cyrillic script (while such shows for other minorities do exist). Although it welcomes the production and broadcasting of shows dedicated to national minorities on the CRT ("Prizma" and "Manjinski mozaik" [Minority mosaic]), the SNC believes that this still does not provide the Serb national minority with adequate media space, nor are thus a pluralist media environment and inclusion sufficiently promoted and realised. The fact is that the little content there is on the CRT about and for minorities remains marginalised by being aired in special shows, broadcast outside the more popular time slots."⁵⁷

/53 The government's (in)action on the issue of realising certain legally guaranteed national minority rights has also not been helpful to promoting inter-ethnic tolerance. This sends unclear messages to the wider public as to the real intentions and goals of the relevant government policies, allowing different conclusions to be made about the authorities' honesty and perseverance not only in the context of the protection of minorities, but also of strengthening inter-ethnic tolerance and combating discrimination in the broader sense. For instance, on the issue of realising the guaranteed language rights of national minorities, ever since 2015, the RC Government has been failing to comply with the 12 August 2014 and 2 July 2019 decisions with which the Constitutional Court instructed the Government, that is, reminded it of the instruction to present the amendments to the Law on the Use of the Language and Script of National Minorities to the parliament, in order to organise an appropriate legal mechanism for cases of local self-government units' legislative bodies' failure to comply with the obligations under the Law in question, that is, when they obstruct its implementation.⁵⁸ The Vukovar City Council failed to comply with the RC Constitutional Court decision on the statutory regulation of the realisation of the language rights of members of the Serb national minority in the City.⁵⁹ There is also the long-term problem of failing to install "bilingual Latin and Cyrillic signs for place names in areas in local self-government units where the units' statutes stipulate the right to equality in official use of the Serb language and Cyrillic script. Requests by municipal representatives to the relevant state bodies, that is, those charged with operating the country's roads, to put up bilingual signs have had no concrete effect for years."⁶⁰

Conclusion

Over this reporting period, the Republic of Croatia made some political and legal steps forward in the strengthening and development of the national anti-discrimination framework. New legislation was adopted and existing legislation improved, national policies to protect human rights and combat discrimination were adopted and implemented, and relevant institutions developed and strengthened. The European Union recognised the achieved progress, honouring it by giving Croatia full membership in 2013. It was precisely the policy of making EU membership conditional on establishing stable institutions that guarantee democracy, the rule of law, human rights and protection of minorities and respect for their rights, that has shown itself to be the most significant motivating factor for implementing said reforms.

Unfortunately, the expectations of ethnic Serbs, whose position in the Croatian society is significantly and continuously determined by the legacy of ethnic intolerance and armed conflicts from the early 90s, that these reforms would contribute to enhancing the level of respect for their legally guaranteed minority rights and to a significant diminishing of discrimination based on their ethnicity, have become deflated over time. As it were, when the years-long “weight” of conditioning and progress monitoring imposed by the EU accession negotiations was cast off, this triggered an escalation in expressions of various forms of intolerance against the Serbs. The rise in the recorded cases of historical revisionism, hate speech and violence against Serbs testifies to this. Weaknesses and problems in the implementation of national anti-discrimination regulations and policies highlighted in this Alternative Report further contribute to the ongoing vulnerability of Serbs to increased risk of racial discrimination. In this regard, the SNC holds that to a significant degree, the comments and recommendations from the Concluding Observation of the Committee on the Elimination of Racial Discrimination from the previous cycle of reviews of the implementation of the ICERD in Croatia, which have been examined in this Alternative Report, still hold.

In conclusion, the SNC believes that public expressions of the Croatian authorities' commitment to fighting racial discrimination need to be substantively, and at all levels, reaffirmed by consistent and decisive actions in implementing anti-discrimination and other relevant national regulations and policies, as well as by prompt and unambiguous public condemnation of racial discrimination, inter-ethnic violence and hate crime, as well as other manifest forms of intolerance towards Serbs.

References

- 1 The Combined Ninth to Fourteenth Periodic Reports Submitted by the Republic of Croatia about the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination can be found at: https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolNo=CERD%2fC%2fHRV%2f9-14&Lang=en
- 2 The Concluding Observations of the Committee on the Elimination of Racial Discrimination on the sixth to eighth periodic reports of Croatia on the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination can be found at: https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolNo=CERD%2fC%2fHRV%2fCO%2f8&Lang=en
- 3 For instance, see the SNC Bulletin #4: Alternative report on the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination in the Republic of Croatia for the period between 2009 and 2014, July 2015, points 2 and 3. (https://snv.hr/wp-content/uploads/2020/12/SNV_bulletin_4.pdf)
- 4 “As regards combating discrimination on account of race, ethnicity or skin colour and national origin, statistical data on the national minorities in the RC are either mostly non-existent or insufficiently reliable or verifiable, or are collected irregularly” [Ombudswoman's report for 2018, March 2019, p. 50 (<https://www.ombudsman.hr/en/reports/>); “[...] it is necessary to re-emphasise the recommendation in the 2018 Report to the relevant administrative bodies and public authorities, especially in the domain of internal affairs, health, welfare, labour, retirement insurance and education, to start collecting and processing [data], while making sure appropriate measures of protection are used. As things stand, some bodies continue to assert that they have neither the authorisation nor the legal grounding to collect specific categories of personal data on, for instance, ethnicity, religion and other sensitive characteristics.” [Ombudswoman's report for 2019, March 2020, p. 30 (in the Croatian text; English translation not yet available, t.n.) (<https://www.ombudsman.hr/en/reports/>)]
- 5 See: SNC Bulletin #4: Alternative Report on the Implementation of the Framework Convention for the Protection of National Minorities in the Republic of Croatia for the period 2009 — 2014, points 3, 6 — 12, 15 — 18; and the SNC Bulletin #18: Alternative Report on the Implementation of the Framework Convention for the Protection of National Minorities in the Republic of Croatia for the period 2015-2019, points 2, 6 — 9 and 13 — 18. (https://snv.hr/wp-content/uploads/2020/12/SNV_bulletin_4.pdf)
- 6 For more detail see: SNC Bulletin #2: Violence and intolerance against Serbs in 2013 (<https://snv.hr/publikacije/snv-bulletin-2/>); SNC Bulletin #3: Violence and intolerance against Serbs in 2014 (<https://snv.hr/publikacije/snv-bulletin-3/>); SNC Bulletin #6: Violence and intolerance

against Serbs in 2015 (<https://snv.hr/file/attachment/file/bilten6-compressed.pdf>); SNC Bulletin #10: Historical revisionism, hate crime and violence against Serbs in 2016 (<https://snv.hr/file/attachment/file/bilten-10-web.pdf>); SNC Bulletin #14: Historical revisionism, hate crime and violence against Serbs in 2017 (<https://snv.hr/file/attachment/file/snv-bulletin-14-web.pdf>); SNC Bulletin #17: Historical revisionism, hate crime and violence against Serbs in 2018 (<https://snv.hr/file/attachment/file/snv-bulletin-17-online.pdf>); SNC Bulletin #19: Historical revisionism, hate crime and violence against Serbs in 2019 (https://snv.hr/wp-content/uploads/2021/01/SNV_bulletin_19_ONLINE.pdf).

7 See: SNC Bulletin #4: Alternative Report on the Implementation of the Framework Convention for the Protection of National Minorities in the Republic of Croatia for the period 2009 — 2014, “Concluding remarks and considerations”.

8 Ibid.

9 See: SNC Bulletin #18: Alternative Report on the Implementation of the Framework Convention for the Protection of National Minorities in the Republic of Croatia for the period 2015 — 2019, “Concluding remarks and considerations”.

10 The Ombudswoman's 2018 report (March 2019, p. 51), states, among other things, “[...] it is the Serbs who are increasingly exposed to discrimination on the grounds of race, ethnicity or skin colour and national origin in the RC. This is obvious from the complaints stressing exposure to harassment due to their national origin, and discrimination in employment on account of speaking the Serbian language, but we have also for several years been witnessing

a trend of deteriorating relations of the majority public and certain political actors with regard to this community.

11 SNC Bulletin #18: Alternative Report on the Implementation of the Framework Convention for the Protection of National Minorities in the Republic of Croatia for the period 2015 — 2019, point 5.

12 ECRI: ECRI Report on Croatia (fourth monitoring cycle) CRI(2012)45, 2012, point 126.

13 The Ombudswoman's report for 2019, March 2020, p. 22 (Croatian edition).

14 Ibid.

15 See: Action Plan: Priority Area 5 — Administration and the Judiciary, Goal 1: Increased sensitivity of public officials and civil servants when dealing with marginalised groups, Measure 1.7: Improving the system of collecting data on hate crimes and hate speech.

16 See: RC Government, Report on the implementation of the Action Plan to Implement the National Anti-Discrimination Plan for the period 2017 — 2019, for the years 2017 and 2018, January 2020, pp. 75 — 6 (<https://pravamanjina.gov.hr/UserDocslImages/dokumenti/01%20Izvješće-%20AP-NAP%20za%20borbu%20protiv%20diskriminacije-2017%20i%202018.pdf>) (Croatian only).

17 <https://pravamanjina.gov.hr/vijesti/otvoreno-javno-savjetovanje-sa-zainteresiranom-javnoscju-o-protokolu-o-postupanju-u-slucaju-zlocina-iz-mrznje/988>

- 18** SNV Bulletin #2: Violence and intolerance against Serbs in 2013, Conclusion.
- 19** ECRI, ECRI Report on Croatia (fifth monitoring cycle) CRI(2018)17, 2018, points 35 — 36.
- 20** Ibid, see: Summary.
- 21** Ruling of the Constitutional Court of the Republic of Croatia, no: U-III-4719/2019, U-III-4752/2019, U-III-4755/2019, U-III-4759/2019, U-III-4814/2019, U-III-4894/2019, of 18 December 2019.
- 22** Point 22.4.
- 23** SNC Bulletin #2: Violence and intolerance against Serbs in 2013, Conclusion.
- 24** Official national data on the number of registered cases of hate crime in the reporting period are available at the OSCE / ODIHR: <https://hatecrime.osce.org/croatia>
- 25** ECRI, ECRI Report on Croatia (fifth monitoring cycle) CRI(2018)17, 2018, point 49.
- 26** Methodologically speaking, in view of the large number of individual cases, the tabulation used examples taken as singular, overall instances, depending on the location where they have been recorded (for instance, not every piece of graffiti promoting hate speech and intolerance on the streets of every Croatian town and village was recorded). The same methodology was used in processing data derived from the media — due to the quantity of content featuring the aforementioned negative phenomena, produced by certain right-wing media (mostly websites) on an almost daily basis, each media outlet was processed as a single instance. In cases of TV networks broadcasting such content, that is, featuring it in various programmes, a single show is taken as a measuring unit (for instance, if a single TV channel broadcasts three shows featuring content that is often controversial, and an abundance of such content can be found in each of the broadcast shows, the unit of measure is not a single instance, but a broadcast show as a whole). Moreover, the table only included the more radical examples of verbal violence, used by public figures, on media websites and social networks.
- 27** For the collaborationist Independent State of Croatia which existed during World War II.
- 28** E.g. on sites such as Maxportal, Dnevno.hr (together with its sister site 7dnevno), Nacija.hr, Hkv.hr (website of the Croatian Cultural Council), Kamenjar.com, Dragovoljac.com, Braniteljski portal, Hrvatsko nebo, Tjedno.hr, Hop.com.hr etc.
- 29** Ombudswoman's report for 2018, March 2019, p. 225.
- 30** SNC Bulletin #19: Historical revisionism, hate crime and violence against Serbs in 2019, p. 15.
- 31** SNC Bulletin #4: Alternative report on the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination in the Republic of Croatia for the period between 2009 and 2014, point 28.
- 32** The video can be seen at: <https://www.youtube.com/watch?v=w4Y6UtzD6Xs>
- 33** Bad Blue Boys (BBB), the association of supporters of the Zagreb club Dinamo.

- 34** <https://www.24sata.hr/news/tomasic-jos-puno-srba-bi-moglo-iz-hrvatske-ici-u-srbiju-417558>
- 35** <https://www.index.hr/vijesti/clanak/radin-uskracuje-podrsku-vladi-dok-se-hdzne-distancira-od-brkica/969032.aspx>
- 36** An allusion to the cry “Serbs on willow trees!”, a call to hang Serbs off trees.
- 37** Torcida is the supporters' group of the Split-based club Hajduk (Dalmatia).
- 38** <https://www.index.hr/vijesti/clanak/hdzovka-rijeci-ne-trebaju-vrbe-je-jemalosrba-mozda-trebaju-u-dalmaciji/2121258.aspx>
- 39** See for instance the Ombudswoman's report for 2019, March 2020, pp. 13 — 14 (Croatian).
- 40** *Ibid.*, p. 13
- 41** In October 2018, the SNC published a collection of essays describing some of the most serious crimes committed against Serbs in Croatia during the last war. The collection is by no means comprehensive, as it does not include all the crimes that were committed, but it does provide the groundwork for their further investigation. For more detail, see: SNC Bulletin #16: War crimes against the Serbs in Croatia 91 — 95, October 2018. <https://dev.snv.hr/wp-content/uploads/2020/10/snv-bulletin-16-4-web.pdf>
- 42** SNC Bulletin #18: Alternative Report on the Implementation of the Framework Convention for the Protection of National Minorities in the Republic of Croatia for the period 2015 — 2019, point 9.
- 43** SNC Bulletin #18: Alternative Report on the Implementation of the Framework Convention for the Protection of National Minorities in the Republic of Croatia for the period 2015 — 2019, point 37.
- 44** For instance, all the elections for members of the national minority councils and for national minority representatives (2003, 2007, 2011, 2015 and 2019) were marked by low voter turnout. According to State Electoral Commission data, the overall voter turnout at the last election in May 2019 was 12.61% at county level, 10.90% at city level, and 23.14% at municipality level for minority council members, while 10.88% of the registered voters at county level, 13.86% at city level and 10.68% at municipality level voted for minority representatives. See: https://www.izbori.hr/site/UserDocslImages/2019/Izbori_clanova_vijeca_nac_manjina_i_izbori_predstavnika_nac_manjina/Rezultati/Konačni%20rezultati%20-%20objava/2019_Predgovor_Naslovnica_Informacija%200%20rezultatima.pdf
- 45** For more detail, see: SNC Bulletin #1: Unrealized rights and failed policies: Representation of national minorities in the state administration, judiciary and police (https://snv.hr/wp-content/uploads/2020/12/snv_bulletin_1.pdf); SNC Bulletin #11: Unrealized rights and failed policies: Representation of national minorities in the state administration, judiciary and police, September 2017 (https://snv.hr/wp-content/uploads/2020/12/snv_bulletin_11.pdf)
- 46** See: SNC Bulletin #11: Unrealized rights and failed policies: Representation of national minorities in the state administration, judiciary and police, pp. 20 — 21.

47 ECRI, ECRI Report on Croatia (fifth monitoring cycle) CRI(2018)17, 2018, point 85.

48 Mesić, M. and Bagić, D.: Minority Return to Croatia — Study of an open process, UNHCR, 2011, p. 189. (<https://kirs.gov.rs/media/uploads/Povratak/Minority%20Return%202011.pdf>)

49 Ombudswoman's report for 2018, March 2019, p. 52.

50 Ombudswoman's report for 2019, March 2020, p. 39. (Croatian)

51 SNC Bulletin #18: Alternative Report on the Implementation of the Framework Convention for the Protection of National Minorities in the Republic of Croatia for the period 2015 — 2019, point 6.

52 Ibid.

53 SNC Bulletin #18: Alternative Report on the Implementation of the Framework Convention for the Protection of National Minorities in the Republic of Croatia for the period 2015 — 2019, point 38.

54 The development index allows the measurement of the level of development of all 576 units of local (428 municipalities and 127 towns) and regional (20 counties and the City of Zagreb) self-government in RC. The process of evaluating and categorising self-government units according to the development index is carried out by the Ministry of Regional Development and EU Funds. Local self-government units, that is, municipalities and towns, are divided into eight groups according to the value of the index: groups I, II, III, and IV include underdeveloped municipalities and towns, and groups V through VIII those towns and municipalities

whose development level is above average. Group I contains the least, and group VIII the most developed local self-government units. For more information on the development index, see <https://razvoj.gov.hr/o-ministarstvu/regionalni-razvoj/indeks-razvijenosti/112>

55 European social and investment funds

56 Looking at the distribution of total available ESI funding for Croatia by operational programme (OP), 2.88% of the funding from OP Competitiveness and Cohesion went to the analysed cities and municipalities; 2.19% from the OP Efficient Human Resources; and 7.88% from OP Rural Development.

57 SNC Bulletin #18: Alternative Report on the Implementation of the Framework Convention for the Protection of National Minorities in the Republic of Croatia for the period 2015 — 2019

58 Constitutional Court decisions no. U-VIIR-4640/2014 and U-II-1818/2016

59 Constitutional Court decision no. U-II-1818/2016. For more information about the problems around realising the right to equal official use of the Serbian language and the Cyrillic script in the City of Vukovar, see: SNC Bulletin #18: Alternative Report on the Implementation of the Framework Convention for the Protection of National Minorities in the Republic of Croatia for the period 2015 — 2019, point 27.

60 SNC Bulletin #18: Alternative Report on the Implementation of the Framework Convention for the Protection of National Minorities in the Republic of Croatia for the period 2015 — 2019, point 29.