



CROATIA

PERMANENT MISSION TO THE UNITED NATIONS OFFICE

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Statement by

H.E. Vesna Batistić Kos

Ambassador

Permanent Representative

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**Consideration of the UPR outcome for the
Republic of Croatia**

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Mr. President, Excellences, Ladies and Gentlemen,

On behalf of the Government of the Republic of Croatia I have a pleasure to present our position regarding the recommendations received during the second UPR cycle.

At the outset, I would like to reiterate our firm support to the UPR process. The UPR is an excellent tool for an internal insight in the overall human rights situation as well as a global assessment of the same.

We would like to use this opportunity to present the continuity of our policies in the field of the protection and promotion of human rights. If elected to the Human Rights Council for the period 2017 - 2019, Croatia will work with all esteemed UN Member States in the genuine spirit of cooperation and solidarity.

Mr. President,

Allow me to extend our sincere appreciations to all countries that have contributed with their constructive remarks and recommendations during the interactive UPR dialogue in May this year.

Croatian Government has reviewed carefully and in good will 167 recommendations in close cooperation and through intensive and fruitful consultations with all relevant actors in Croatia. We are pleased to inform you, that Croatia was able to accept 162 recommendations; among those six that were partially accepted are now confirmed to be fully accepted. Only five recommendations have been noted.

Allow me now to address the recommendations in thematic clusters.

Concerning the chapter on Ratification and reporting processes, I would like to draw your attention to the fact that Croatia is a party to almost all international human rights treaties, without reservations to any of their provisions. In line with this, under this chapter, we have noted only the recommendations on the ratification of the International Convention on the Rights of Migrant Workers (two in total) and on ratification of the ILO Convention 189 as well as the recommendation for the establishment of the inter-ministerial committee for reporting.

On the issue of the ICRMW, Croatia, as a member state of the European Union, adheres to the common policy on migration and will continue to actively participate in the consideration of the EU asylum framework within the EU.

That being said, I would like to underline the particular sensitivity that Croatia attaches to the current plight of migrants arriving to Europe. From the beginning of the crisis, around 55 000 people have entered Croatia on their way to final European destinations and that number is still growing. All arrivals have been taken care of in a humane and dignified manner and people were and are continuing to be provided with medical care, food, water and shelter.

We have underlined that current situation requires a swift, but a comprehensive response. A long term solution needs a wider partnership and help from international partners. Croatia will continue to advocate the importance of addressing the root causes of these overwhelming migrations.

Regarding the ILO Convention 189 ratification, for the time being, Croatia considers its existing legal framework sufficient and is therefore currently not planning to ratify this Convention. In addition, our legislation does not recognize the term of domestic workers.

Regarding the recommendation to establish an inter-ministerial committee responsible for international HR obligations, Croatia uses a system where the ministries are the competent state bodies that, in accordance with their jurisdiction, deal with the implementation of the provisions of the HR conventions. Ministries are primarily responsible for preparing drafts of national reports whether through the inter-ministerial drafting groups or in a close cooperation with all the other relevant stakeholders. Finally, the Ministry of Foreign and European Affairs is responsible for the coordination of those reports.

Regarding some other international instruments, allow me to add:

- a review of the alignment of the national legislation and practices is ongoing with a view to take the decision on ratifying the OP-ICESCR,
- preparatory activities related to the ratification of the OP-CRC-I are envisaged;
- and the ratification of the ICPPED (IC for the protection of all persons from enforced disappearance) is under consideration.

Regarding the Legislative and Institutional Framework, we are proud that, in accordance with the analyses of different human rights mechanisms, Croatia demonstrates a solid legal framework. Thus, all recommendations were accepted.

Regarding the chapters on Discrimination and Hate crime and speech, we have accepted all recommendations. The Criminal Code adopted in 2013 is fully harmonized with modern European criminal laws that distinguish defamation and insult. Furthermore, the amendments passed in 2015 amended the criminal offense of severe defamation and stipulated more clearly the preconditions for exclusion of unlawfulness.

Namely, it is now required that the perpetrator proves that the factual claims made or propagated by him or her are true (or that a serious reason why he or she believed them to be true existed).

Also, it is important to mention that there will be no criminal offences of insult and serious defamation if the elements of the offences were fulfilled in an academic, technical or literary piece, work of art or public information, or while the perpetrator was performing a function laid down by law, or engaging in a political or other public or social activity, or doing journalistic work or defending a right, provided this was done in the public interest or for other justified reasons.

Related to the Prisons/Torture, there have been several recommendations and all of them were accepted.

In light of the recommendations to the chapter on Domestic Violence, we were slightly surprised by their number (20), however we have accepted all of them with the aim to further improve all aspects of the promotion, respect and effective protection of women against violence. A progress will be soon clearly reflected in our MTR, as it is a tool that can significantly contribute to the regular UPR report and this is the reason why we have delivered one ourselves. Let me turn now to the current situation regarding domestic violence.

Through permanent adjustment of the legislative framework (Gender Equality Act and the National Policy on Gender Equality), specific and targeted measures have already been put in place to effectively combat gender discrimination and gender based violence. However, we would like to do more, especially in the area of the prevention of gender based violence, as well as regarding provision of optimal protection for victims, and support through activities and programmes for their social inclusion.

When it comes to Women's rights, allow me to mention that balanced participation of women in all social processes at all levels is our national priority. For example, state administration bodies are obliged to adopt/implement plans for gender equality and to appoint special coordinators. It is obligatory that at least 40% of all places on electoral lists are reserved for women.

Croatia will continue to implement measures to further increase the proportion of women in decision-making processes - this includes running a campaign before the forthcoming parliamentary elections.

Further action for gender equality and women empowerment will also include measures to balance private and professional obligations, combat widespread gender stereotypes and raise the level of public knowledge on gender equality as well as the introduction of the gender dimension in the state budget and the budgets of units of local and regional self-government.

Mr. President,

The Rights of the Child and the Rights of Persons with Disabilities have been constantly high on the Government's agenda since our independence. Therefore, all recommendations were fully appreciated and all of them are already implemented or are in the process of the implementation.

Croatia actively promotes the rights of the child and traditionally supports all resolutions that focus on different aspects of the child's protection, including in armed conflict. Also, Croatia continues to support the protection of children in armed conflict through active participation in the UN Security Council debates on children as well as on the protection of civilians in armed conflict. Furthermore, Croatia adopted the *Paris Commitments and Principles* and will further pay attention to the needs of children and their vulnerabilities, during and after armed conflict.

At the national level, the new National Strategy for the Rights of the Child 2014/20 has been adopted with a great number of measures to further improve the situation in this area.

Croatia fully recognises the need to strengthen the promotion, protection and monitoring of the human rights of persons with disabilities. Croatia has established a modern institutional framework that can answer the need of persons with disabilities to exercise all their rights. We are among a small number of countries that have a special Office of the Ombudsperson for Persons with Disabilities, and in our view the rights of persons with disabilities have to be a substantive part of the "*Post-2015 development agenda*".

Croatia attaches great importance to the protection of the LGBTI persons from discrimination as well as to enabling them to enjoy their rights. With this in view, the Life Partnership Act adopted in 2014 has introduced a civil partnership for same-sex couples with all rights that married heterosexual couples enjoy, except for the adoption of children.

However, the recommendation related to the strengthening the accountability and prosecution of law enforcement officers who commit abuses against LGBTI persons and ethnic persons has been noted. Since 2007 Croatia implements a system of track record for all hate crimes. During that period all of the criminal offences and misdemeanors committed on account of a person's race, color, religion, national or ethnic origin, disability, gender, sexual orientation, or gender identity were recorded in the track record. During that period no law enforcement officers were recorded as perpetrators of hate motivated criminal offences or misdemeanors.

In addition, since 2006 Croatian Police introduced education on hate crimes for police officers at the Police Academy. Therefore, the recommendation has not been accepted as we have not recorded any hate motivated criminal offences committed by law enforcement officers against LGBTI or ethnic persons.

In relation to the Trafficking in Persons, we are pleased that in this cycle we have only four recommendations. This has been a significant decrease from the first UPR cycle, however what is more important – it is a sign that our efforts to combat this phenomenon are effective.

Mr President,

Concerning the chapter on National Minorities, including the Roma minority allow me to firstly mention, that for Croatia national minorities represent an asset and a clear sign of our cultural diversity. As all of the UPR recommendations in this area are focused on the need for continuous efforts in this regard, we have accepted them all and they are now in the course of implementation.

Members of national minorities in Croatia enjoy the rights prescribed in Croatian Constitution, in adopted international instruments as well as in laws established for the purpose of their protection. They are guaranteed the right to representation in the Croatian Parliament as well as in local self-government units.

When it comes to Roma minority, it is important to stress that the national policy on Roma is in place since 2003 and that Croatia was also one of the founding members of the Decade of Roma Inclusion. Although challenges across numerous areas still exist, the progress made in Roma inclusion cannot be disputed. It has in particular been documented in the area of education and employment.

The chapter on Refuges/returnees refers to one of those important issues that still exist in our society as a consequence of the Homeland war. I would again like to reiterate that Croatia is fully dedicated to solving all problems regarding the right to adequate housing and the other rights of these people and is cooperating actively within the framework of the Regional Housing Program.

The chapter on Migrants/asylum seekers also deserves our full attention. We accepted all four issued recommendations. The current efforts of the Government and the people of Croatia demonstrate sincere compassion in this enormous migration movement.

Croatia accepts all recommendations regarding War crimes and missing persons. As it was clearly shown in interactive dialogue with the Working group on involuntary and enforced disappearance last week in this hall, regional cooperation remains the inevitable requirement in resolving the remaining issues related to missing persons. It is progressing and it should be

speed up as the families of the missing persons are waiting all too long to discover the faith of their loved ones. In this vain we started the initiative for the preparation of a regional list of missing persons.

(PART II -- FINAL REMARKS)

Mr. President,

Croatia would like to express its sincere gratitude today, to all speakers, including the civil society organizations that have raised some important issues. Croatia will continue the consultations with civil society organizations in an open and constructive manner to review, in the spirit of good will, all valuable remarks raised during this session.

On the national level, we still have various issues to work on with the civil society community in Croatia and we will therefore soon initiate broad consultations for an effective follow-up of the recommendations.

It was also important for us to listen to the critical voice of the Office of the Ombudsperson in Croatia which is an "*independent guardian of the human rights of Croatians citizens*". Therefore, we welcome further development of the institution with the opening of its regional offices. This change enhanced the capacity of the Office and ensured accessibility for the citizens who live outside the capital. We are also of the view, that our cooperation can be further improved and we will include the Ombudsperson suggestions in our follow-up.

And last but not least, we extend our gratitude to all states that intervened in today's interactive dialogue.

A few comments on the remarks raised...

Mr. President,

We are confident that this final outcome will further contribute to Croatia's efforts in enhancing the enjoyment of human rights of all our citizens.

The comprehensive implementation of all the issued UPR recommendations will lead us to a more effective and advanced place in the promotion and protection of human rights in our country.

Let me again assure you of the continued support of Croatia to the work of the Human Rights Council and the UPR mechanism. Thank you.