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# Croatia

***Constitution (as amended on 28 March 2001), Article 39***

Any call for or incitement to war, or resort to violence, national, racial, or religious hatred, or any form of intolerance is prohibited and punishable.

***Criminal Code (as amended on 1 October 2004), Article 174***

3) Anyone who publicly speaks and expresses ideas of supremacy of one race over another, of one ethnic or religious group over another, of one gender over another, of one nation over another or one skin colour over another, with the aim of inciting racial, religious, gender, national, ethnic hatred or hatred based on the skin colour, or with the aim of belittling, shall be punished by a term of imprisonment of between 3 months and 3 years.

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# Case Law

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**REPUBLIKA HRVATSKA**  
**VRHOVNI SUD REPUBLIKE HRVATSKE**  
**Z A G R E B**

Broj: I Kž 519/06-4

**U I M E R E P U B L I K E H R V A T S K E**  
**P R E S U D A**

Vrhovni sud Republike Hrvatske u Zagrebu u vijeću sastavljenom od sudaca Vrhovnog suda Damira Kosa, kao predsjednika vijeća, te Lidiye Grubić Radaković, Ranka Marijana, Marijana Svedrovića i Zlate Lipnjak-Bosanac kao članova vijeća i sudske savjetnice Ivone Horvatić kao zapisničara, u kaznenom predmetu protiv optuženika J. Š. zbog kaznenog djela iz čl. 91 t.6 KZ, odlučujući o žalbama optuženika J. Š. i državnog odvjetnika podnesenima protiv presude Županijskog suda u Osijeku od 10. ožujka 2006 godine, br. K-77/05, u sjednici održanoj 11. srpnja 2006 godine, u nazočnosti zamjenika Glavnog državnog odvjetnika Republike Hrvatske Mladena Pantlika,

pre s u d i o j e:

I Prihvaća se žalba državnog odvjetnika kao osnovana te se preinačuje prvostupanjska presuda u odluci o kazni na način da se optuženik J. Š. zbog kaznenog djela iz čl. 91 t. 6 KZ zbog kojeg je prvostupanjskom presudom proglašen krivim osuđuje na kaznu zatvora u trajanju od dvanaest godina, u koju kaznu mu se po čl. 63 KZ uračunava vrijeme koje provodi u pritvoru od 27. rujna 2005 godine pa nadalje.

II Odbija se žalba optuženika J. Š. kao neosnovana, te se u nepreinačenom dijelu potvrđuje presuda suda prvog stupnja.

Obrazloženje

Presudom Županijskog suda u Osijeku od 10. ožujka 2006 godine br. K-77/05 proglašen je krivim optuženik J. Š. zbog kaznenog djela iz čl. 91 st. 1 t. 6 KZ, te je osuđen na kaznu zatvora u trajanju od osam godina. Po čl. 63 KZ u izrečenu kaznu uračunava se vrijeme koje optuženik provodi u pritvoru od 27. rujna 2005 godine pa nadalje.

Protiv ove presude podnijeli su žalbe optuženik J. Š. putem branitelja Zajednički odvjetnički ured M. D., Z. D., A. K.- K. i D. K. iz O. i državni odvjetnik.

Optuženik se žali zbog pogrešno utvrđenog činjeničnog stanja, povrede Kaznenog zakona i odluke o kazni, s prijedlogom da sud drugog stupnja preinači prvostupanjsku presudu na način da optuženika proglasi krivim zbog kaznenog djela iz čl. 92 KZ i sukladno tome osudi na blažu kaznu zatvora, a podredno da prvostupanjsku presudu ukine i predmet vrati sudu prvog stupnja na ponovno suđenje.

Državni odvjetnik se žali zbog odluke o kazni, s prijedlogom da sud drugog stupnja preinači prvostupanjsku presudu na način da optuženika osudi na kaznu zatvora u duljem trajanju.

Odgovori na žalbe nisu podneseni.

U pisanom očitovanju, kojeg je usmeno ponovio sjednici prisutan zamjenik Glavnog državnog odvjetnika Republike Hrvatske Mladen Pantlik, predloženo je da se žalba optuženika odbije kao neosnovana, a žalba državnog odvjetnika prihvati u skladu sa žalbenim prijedlogom.

Žalba optuženika nije osnovana, dok je žalba državnog odvjetnika osnovana.

Nasuprot tvrdnjama optuženika u žalbi, sud prvog stupnja na temelju cjelovite analize provedenih dokaza, pravilno je i potpuno utvrdio činjenično stanje, te izveo valjane zaključke koje prihvaća sud drugog stupnja. Opravdano sud prvog stupnja nije prihvatio obranu optuženika, koju on ponavlja u žalbi, da je kritične zgode zbog ponašanja oštećenika bio doveden bez svoje krivnje u stanje jake razdraženosti zbog čega ga je usmrtio.

To iz razloga, što ne samo da iskazi zaštićenog svjedoka i svjedokinje K. M., upućuju na sasvim suprotan razvoj događaja, već i materijalni dokazi u vidu zapisnika o očevidu i foto dokumentacija potkrjepljuju njihove iskaze, a osporavaju tvrdnje optuženika. Naime, iz zapisnika o očevidu proizlazi da je mrtvo tijelo M. R. nađeno sedam metara udaljeno od kolnika, a sedam mesinganih čahura metka nađeno je grupirano na travnatoj površini na udaljenosti od dva metra od pločnika, dok je kraj tijela nađena ručna torba s jabukama, keksima i kutijom cigareta, što je vidljivo i na fotografijama. Prema tome, već i ovi materijalni dokazi opovrgavaju navode u obrani optuženika o mjestu na kojem je on zaustavio automobil i gdje je zatim došlo do navodnog verbalnog napada oštećenika, nakon čega je on po vlastitoj tvrdnji doveden u stanje razdraženosti, zbog koje je uzeo pušku i pucao na oštećenika. Naprotiv, upravo lokacija pronađenog mrtvog tijela oštećenika potkrjepljuje iskaz zaštićenog svjedoka, koji iskazuje da je oštećenik stajao ispred na udaljenosti od ulaznih vrata pošte za oko šest metara, kada je „vojnici zaustavio vozilo i uputio se prema civilu“, a što opet potvrđuje svjedokinja po čuvenju K. M. koja svoja saznanja o događaju crpi iz kazivanja sada svog pokojnog supruga kao očevica događaja. Prema tome, osnovano je prvostupanjski sud prihvatio vjerodostojnim iskaz zaštićenog svjedoka o cjelokupnom razvoju događaja, uključujući dolazak optuženika s automatskom puškom do oštećenika, prepirke koja je uslijedila, zatim pitanja koje je

optuženik uputio oštećeniku i njegovog odgovora i naposljetku pucanja optuženika u oštećenika, jer taj iskaz potvrđuju navedeni dokazi.

Valja istaknuti da ne samo slijedom navedenih dokaza, već i iz same obrane optuženika, ne proizlazi da bi se u njegovom ponašanju stekli uvjeti iz čl. 92 KZ, kako on to tvrdi u žalbi. Optuženik koji u obrani ne osporava da je pucao i usmrtio oštećenika, opisujući svoju verziju dinamike događaja, navodi da je on bio taj koji je zaustavio vozilo i izašao najprije kako bi upozorio oštećenika na nepropisno kretanje cestom, a zatim iritiran njegovom reakcijom otišao do vozila i uzeo automatsku pušku. Ovakav opis ponašanja po samom optuženiku, sasvim je sigurno rezultat povišenog afektivnog stanja, no ono nije uslijedilo niti po verziji obrane, zbog iznenadnog i nepredviđenog napada, zlostavljanja ili teškog vrijeđanja od strane oštećenika, već aktivitetom samog optuženika, koji mu je prišao i započeo prepirku.

Naprotiv, sud prvog stupnja pravilno zaključuje na temelju provedenih dokaza i na njima utvrđenog činjeničnog stanja, da se u činu optuženika stječu sva bitna obilježja kaznenog djela iz čl. 91 t. 6 KZ. Nema naime dvojbe, da je optuženik vraćajući se s pogreba jednog od članova svoje obitelji, koji je poginuo kao pripadnik hrvatske vojske, pod dojmom ove smrti, kao i pogibije svog brata, zaustavio svoje vozilo ugledavši oštećenika kojeg je poznao kao pripadnika srpske narodnosti i započeo najprije verbalni duel s pitanjem da li mu je sin u četnicima, da bi zatim iz automatske puške koju je uzeo sa sobom ispalio u njega rafalno najmanje deset hitaca.

Osnovano stoga, sud prvog stupnja zaključuje, da je razlog postupanja optuženika njegova mržnja spram pripadnika druge narodnosti, pa da prema tome njegova izravna namjera da usmrti oštećenika, proizlazi isključivo iz činjenice što pouzdano zna da je oštećenik pripadnik tog naroda. Ubojstvo motivirano isključivo mržnjom prema pripadniku drugog naroda, nedvojbeno je ubojstvo iz posebno niskih pobuda, zbog čega je pravilno optuženik proglašen krivim zbog kaznenog djela iz čl. 91 t. 6 KZ.

Nije osnovana žalba optuženika niti zbog odluke o kaznenoj sankciji, koju on u žalbi prvenstveno veže na pravnu kvalifikaciju djela, a zatim i na olakotne okolnosti, za koje smatra da su podcijenjene.

Nasuprot tome, u pravu je državni odvjetnik kada u žalbi navodi da su kod odmjerenja visine kazne, precijenjene olakotne okolnosti, zbog čega smatra da izricanje kazne u visini zakonom zapriječenog minimuma, nije primjerena kaznenopravnoj odgovornosti optuženika niti društvenoj opasnosti ovakvih kaznenih djela.

Sud drugog stupnja uvažio je brojne olakotne okolnosti navedene u prvostupanjskoj presudi, posebno one vezane za okolnosti u kojima je djelo počinjeno i smanjenu ubrojivost optuženika. Međutim, stajališta je da se radi o izuzetno društveno opasnom ponašanju, posebno iz razloga što u je optuženik tempore criminis bio u odori hrvatske vojske, a žrtva kaznenog djela bila je osoba u sedmom desetljeću života, koja ni u kojem vidu nije bila u situaciji da svojim postupcima, isprovocira optuženika na takav čin, osim vlastitom pojavom, što su svakako posebno otegotne okolnosti.

Stoga je sud drugog stupnja stajališta, da je kazna zatvora u trajanju od dvanaest godina primjerena svim olakotnim i otegotnim okolnostima i težini djela, zbog čega je valjalo prihvatiti žalbu državnog odvjetnika te preinačiti prvostupanjsku presudu u odluci o kazni. sa stajalištem da je tako izrečenom kaznom, u ovom slučaju moguće ostvariti sve zakonom predviđene svrhe kaznenih sankcija.

Kako sud drugog stupnja, ispitujući prvostupanjsku presudu po službenoj dužnosti u skladu s odredbom čl. 379 st. 1 t. 1 i 2 ZKP, nije našao da bi bila ostvarena bitna povreda odredaba kaznenog postupka, a niti povreda kaznenog zakona na štetu optuženika, to je po čl. 384 ZKP presuđeno kao u izreci.

U Zagrebu, **11. srpnja 2006.** godine

Zapisničar:

Ivona Horvatić, v.r.

Predsjednik vijeća:

Damir Kos, v.r.

## Croatia

Supreme Court and Constitutional Court: <http://www.vsrh.hr/EasyWeb.asp?pcpid=579>

The screenshot shows the homepage of the Vrhovni sud Republike Hrvatske (Supreme Court of the Republic of Croatia) in Croatian. The page features a dark blue header with the court's name in both Croatian and English, and a language selector for 'Hrvatski' and 'English'. A navigation menu includes links for 'O Vrhovnom sudu', 'Sudbena vlast', 'Sudska praksa i propisi', 'Novosti', 'Stručni radovi i izlaganja', 'Knjižnica', 'Linkovi (veze)', and 'Mapa weba'. The main content area is divided into several sections: 'O Vrhovnom sudu' with a list of links; 'Sudbena vlast' with a photo of the court building; 'Novosti' with a 'Seminar' section listing dates and topics; 'Knjižnica' with a list of publications; and 'Linkovi (veze)' with various institutional links. The footer contains contact information for the court in Zagreb.

The screenshot shows the same website in English. The header and navigation menu are translated. The 'Seminar' section lists dates and topics: '25.1.2011. Zagreb - "Provedba Zakona o općem sudnom postupku u praksi - iskustva jednogodišnje primjene" ...wibe', '12.1.2011. Zagreb - "Novo ovršno pravo - Novi ovršni zakon, ..." wibe', and '11.1.2011. Zagreb - "Novo ovršno pravo - provedba u praksi" ...wibe'. The 'Knjižnica' section lists '3.1.2011. Otvoreni postupak: javne nabave usluge ...wibe' and '3.1.2011. Otvoreni postupak: javne nabave roba ...wibe'. The footer provides the court's address: 'Trg Nikole Šubića Zrinskoga 3, 10000 Zagreb' and contact details.

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# Public Policies

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## Suzbijanje diskriminacije


[ulaz](#)


Pučki pravobranitelj  
O Uredu pučkog pravobranitelja  
Etički kodeks državnih službenika  
Novosti  
Propisi  
Strateški plan  
Plan prijama u državnu službu  
Natječaji/Interni oglasi  
Katalog informacija  
Web Linkovi

Gdje se nalazi Ured pučkog pravobranitelja?

Primanje stranaka u Uredu pučkog pravobranitelja

Tko se može obratiti pučkom pravobranitelju?

Kada i kako se javiti pučkom pravobranitelju?

Pučki pravobranitelj  
Izvešće o radu 2009.  
Zagreb, ožujak 2010.



### Posjet Vukovarsko-srijemskoj županiji

Utorak, 21. prosinca 2010.

U okviru projekta Jačanje kapaciteta institucije pučkog pravobranitelja kao središnjeg tijela za suzbijanje diskriminacije, kojeg realiziramo uz potporu UN-ove Agencije za razvoj, predstavnici pučkog pravobranitelja posjetili su Vukovarsko-srijemsku županiju 14. i 15. prosinca 2010. Zahvaljujući gostoprimstvu župana Bože Galića i logističkoj podršci njegovih suradnika predstavnicima pučkog pravobranitelja omogućen je neometan susret s brojnim sugovornicima kao i prijam građana u Palači Srijem u Vukovaru.

[Više...](#)

### Predstavljanje projekta „Socijalna uključenost: Potpora marginaliziranim zajednicama“

Četvrtak, 18. studenog 2010.

U organizaciji Ureda Visokog povjerenika Ujedinjenih naroda za izbjeglice, 16. studenog 2010. godine u Zagrebu održan je sastanak između pučkog pravobranitelja Jurice Malčića, predstavnika UNHCR-a u Republici Hrvatskoj Wilfrieda Buchhorna i Veleposlanika Finske u Republici Hrvatskoj Juha Ottmana.

[Više...](#)

### Priopćenje Pučkog pravobranitelja

Srijeda, 17. studenog 2010.

#### VERBALNE OSUDE I (IZNUĐENE) ISPRIKE NISU DOVOLJNE

Povodom homofobnih izjava predsjednika Hrvatskog nogometnog saveza Matka Markovića i izvršnog dopredsjednika NK „Dinamo“ Zdravka Mamića kao i opetovanih rasističkih ispada na nogometnim utakmicama upozoravam da verbalne osude i isprike nisu dovoljne.

[Više...](#)

#### Više članaka...

Pučki pravobranitelj sa suradnicima posjetio Knin  
Univerzalni periodični pregled stanja ljudskih prava  
Priopćenje

Posjeta izjavitelja Odbora za politička pitanja Parlamentarne skupštine Vijeća Europe  
„Urbano siromaštvo - Politike gradova u promoviranju socijalne uključenosti“.

<< Početak < « 1 2 3 4 5 6 7 8 9 10 » > Kraj >>

Stranica 1 od 28



Europski Ombudsman  
European Ombudsman



VODIČ UZ ZAKON  
O SUZBIJANJU DISKRIMINACIJE

### Anketa

Diskriminacija je u Republici Hrvatskoj:

- svakodnevna pojava  
 prisutna  
 manji problem  
 nikakav problem

### Česta pitanja

Pritužbe pučkom pravobranitelju  
Gdje se nalazi Ured pučkog pravobranitelja?  
Primanje stranaka u Uredu pučkog pravobranitelja  
Tko se može obratiti pučkom pravobranitelju?  
Izvešća Pučkog pravobranitelja

### Informacije o Uredu

Pučki pravobranitelj - Ombudsman  
Opatička 4  
10000 Zagreb

Tel: +385.1.48.51.855  
Fax: +385.1.62.02.014

022 740 32 51



**PERMANENT MISSION OF THE REPUBLIC OF CROATIA  
TO THE UNITED NATIONS OFFICE  
GENEVA**

<b>HUMAN RIGHTS REGISTRY H.C. OFF</b>	
<b>20 JUL 2007</b>	
ACTION	ADU
INFO	
<input type="checkbox"/>	ACKNO
<input type="checkbox"/>	ACT
<input type="checkbox"/>	NO
	INITIAL

No. 152/07

The Permanent Mission of the Republic of Croatia to the United Nations Office in Geneva presents its compliments to the Office of the United Nations High Commissioner for Human Rights and has the honour to submit the Note of the Ministry of Foreign Affairs and European Integration of the Republic of Croatia pursuant to the Note on Combating Defamation of Religion in reference to the resolution of the General Assembly of the UN 61/164 dated 19 March 2006.

The Permanent Mission of the Republic of Croatia avails itself of this opportunity to renew to the Office of the United Nations High Commissioner for Human Rights the assurances of its highest consideration.



Geneva, 20 July 2007

**OFFICE OF THE UNITED NATIONS  
HIGH COMMISSIONER FOR HUMAN RIGHTS  
GENEVA**

022 740 32 51



**REPUBLIC OF CROATIA  
MINISTRY OF FOREIGN AFFAIRS AND EUROPEAN  
INTEGRATION**

Trg N.Š. Zrinskog 7. 10 000 Zagreb Tel: 4569993 Fax: 4597416

E-mail: ljudska.pravos@mjvepi.hr

**No. 3536/07**

The Ministry of Foreign Affairs and European Integration of the Republic of Croatia presents its compliments to the Office of the United Nations High Commissioner for Human Rights and pursuant to the Note on Combating Defamation of Religion, in reference to General Assembly resolution 61/164, dated 19<sup>th</sup> of March 2006, has the honour to transmit the required information, as follows:

**OVERVIEW**

In the Republic of Croatia, any religious community that has signed a particular agreement with the Government of the Republic of Croatia that is within the legal framework of the educational system may conduct religious education. Religious education is organized in preschools, primary and secondary schools. Programmes for the realization of direct education are introduced by religious communities, and they are approved by the Ministry of Science, Education and Sports of RC, taking into account all pedagogic and didactic norms.

Religious education in educational institutions may be organized within the framework of the regular holding of classes if there are at least 7 students in a particular religious education group. This is also a legal prerequisite for all other courses. Religious education has a status of an elective subject in the mainstream educational system. In primary school, parents take a survey on whether their child will participate in religious education for a particular religion.

All religious communities that don't have an adequate number of children for the formation of one educational group, and as a result of this cannot enter into schedule of regular classes, may hold religious education lessons within their respective religious community, and the grade that is received is entered into the student's report card at the end of the school year by an accredited representative of a particular religious community, in accordance with valid grading regulations.

Plans and programmes for religious education of particular religious communities are proposed by specific communities, and they are approved by the Ministry of Science, Education and Sports of RC. By reading each programme, it is clear that each one stresses tolerance towards other religions and religious communities, while greatly highlighting the ecumenical dimension in the framework of respective lesson plans and programmes. Religious plans and programmes discuss other religions to a great extent

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as well, in some lesson units in greater detail, while in others these facts are discussed on a more general basis.

Religious communities publish textbooks for carrying out religious education in primary and secondary schools, which are approved by the Ministry of Science, Education and Sports of RC, as is the case with textbooks in all other subjects.

All approved textbooks introduce children to religious facts and traditions in a realistic and accessible manner, and children in no way receive information which could be interpreted in the wrong way. In religious education textbooks that are used in our educational system, a good framework has been established for tolerance and appreciation of other religions. There is no negative speech (defamation) or any other content that would in any way hint of this. Lesson contents that are introduced completely respect the highlighted differences.

The Education and Teacher Training Agency is responsible for the professional development of teachers, expert collaborators and instructors in secondary schools, including religious educators, while advisors and senior advisors of the Agency carry out an advisory role in specific school situations with teachers, expert collaborators and instructors in secondary schools, including religious educators. In the Catalogue of Expert Conferences of the Education and Teacher Training Agency, the conferences for Catholic, Orthodox, Islamic and religious education based on the Protestant tradition are treated on an equal basis. The themes and contents of expert conferences deal with expert and religious competencies, and focus on the professional improvement of religious education instructors for direct interaction with schoolchildren, for educational purposes. Within the framework of the Preparations for the Implementation of Religious Education into the Croatian National Educational Standard, religious educators from different religions jointly participated in professional conferences, which also dealt with the organization of work and tutoring.

Direct conversation between religious educators of different religions has shown that reliable knowledge about other religions is being transferred to the greatest extent possible, and that textbook content is professionally drafted and correct.

As part of organizing expert conferences, the Education and Teacher Training Agency hosts a row of expert conferences at the national level with themes on religious tolerance and against xenophobia. Such expert conferences directly assist in creating a climate of tolerance among religions.

By observing religious education in the past two years, one can see that religious educators are the ones who, to the greatest extent possible, play a role in the development of tolerance and ecumenism among children of different religious backgrounds, by cooperating with religious educators of other faiths in humanitarian projects. This can be seen particularly in the fields where different religious communities cohabitate.

The Education and Teacher Training Agency will continue to ensure that tolerance of different faiths in religious education classes in Croatian schools is continued and advanced further, and that the present practice of "understanding and respecting others in order to better understand and respect oneself" takes an even stronger hold in society

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only then does a believer, regardless of his or her religious orientation, act for the benefit of the community. In this respect, religions are capable of providing an immense positive contribution, which is the case in Croatia, along with a complete appreciation of other faiths.

#### THE NATIONAL HUMAN RIGHTS EDUCATION PROGRAMME (NHREP)

The National Human Rights Education Programme (NHREP) is the foundation for multicultural education in the Republic of Croatia. The Republic of Croatia has a comprehensive model of the National Human Rights Education Programme which encompasses 6 sub-programmes (preschool, lower primary, upper primary, secondary, tertiary, adult education and media).

The Programme was developed in the second half of the 1990s under the auspices of the National Human Rights Education Committee established by the Government of Croatia in 1995.

In 1999 the Education for Human Rights and Democratic Citizenship was integrated into the Framework Plan and Programme for Primary Schools developed by the responsible Ministry. The NHREP explicitly states that human rights and democratic citizenship education are an integral part of the school curriculum which may be implemented across the curriculum, as an optional school subject or as an extra-curricular project activity and as a whole school approach.

According to the area of educational activity, the programme content is composed of six inter-connected and intertwined entities:

a) *Self-confidence, identity and heritage* - contents inciting the pupil to examine himself, his needs and his family origin and to become aware of the dimension of his social identity, including cultural, national, native and other belonging;

b) *Cultural pluralism and inter-cultural understanding* - content encouraging the pupils to learn about other cultures, visualizing of cultural differences and causes of these differences and awareness building regarding stereotypes and prejudice in their bearing with others and those who are different from themselves, in accordance with some existing programmes of inter-cultural education in the world;

c) *Democracy and civic society* - contents that focus on learning the fundamental principles of democracy and civil society, such as the role of the citizen, relations between the individual and the authorities, mechanisms of decision making and implementation of decisions in a community, protection of privacy, promotion of equality in society and the like, according to the existing programmes of civic education in the world, especially the US models and the model of the Council of Europe;

d) *Peace and peaceful settlement of conflicts* - contents for the promotion of knowledge and development of skills of peaceful settlement of problems, tensions and conflicts in the group, in accordance with the contents of the homonymous educational programmes, especially some Irish models and the model of UNESCO;

e) *Promotion and protection of universal human rights and freedoms* - contents explicitly dealing with the human rights categories and aiming at learning international

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and national standards and strategies of their promotion and protection, in accordance "with several eminent existing programmes of human rights education":

f) *Interdependence of the natural and human world and sustainable development* - the share of contents for individual units changes with the age group. In pre-school and lower elementary school, contents promoting the awareness building about one's own personality, the learning of the differences among people and understanding the view that non-violent settlement of problems is a necessity, are more represented. In upper elementary school, greater attention is attributed to contents pertaining to the organization of democracy and civil society, which is supplemented in secondary school by a systematic and in-depth examination of philosophical, legal and political aspects of protection and promotion of human rights and freedoms.

In 2005 the University Curricula was developed within the NHREP. Consequently, at the University of Zagreb and its "Centre for Human Rights and Democratic Citizenship" a post graduate programme on HRE/EDC is offered since 2006. Among other things, it offers modules such as: "Intercultural Competencies and Managing Conflicts", "Human Rights and Globalization: Peoples of the Third and Fourth World", "Cultural Differences and Collective Rights".

#### THE CONSTITUTION OF THE REPUBLIC OF CROATIA

The Constitution of the Republic of Croatia prescribes the protection of human rights and fundamental freedoms and economic, social and cultural rights which are important for implementing the education policy. Article 14 of the Constitution states: "Citizens of the Republic of Croatia shall enjoy all rights and freedoms regardless of race, color, sex, language, religion, political or other opinion, national or social origin, property, birth, education, social status or other characteristics. All shall be equal before the law. Article 15 guarantees equal rights to all minorities in the Republic of Croatia: "Members of all nations and minorities shall have equal rights in the Republic of Croatia. Members of all nations and minorities shall be guaranteed freedom to express their national identity, freedom to use their language and script, and cultural autonomy." Article 65 establishes basic principles for the field of education: "Primary schooling shall be compulsory and free. Everyone shall have access, under the same conditions, to secondary and higher education in accordance with the abilities."

Croatia has signed and ratified a large number of international and European legal instruments significant for promoting the education of democratic citizens. The legal instruments include the European Framework Convention on the Protection of National Minorities and the International Convention on the Elimination of All Forms of Racial Discrimination.

#### THE CONSTITUTIONAL ACT ON THE RIGHTS OF NATIONAL MINORITIES

The Constitutional Act on the Rights of National Minorities was passed in December 2002 and it guarantees to national and ethnic communities or minorities rights and freedoms in the most important fields of life, among which are non-discrimination and equality, and freedom of choice in education. Article 11 of the Constitutional Act

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prescribes the rights of members of national minorities to education in the language and script which they use. Education of members of national minorities is conducted in preschool institutions, primary and secondary schools and other schooling institutions where the tuition is in the language and script which they use. The tuition plan and program of education in the language and script of the national minority contain, besides the general part, the part where the content is related to the specific qualities of the national minority. The rights of members of national minorities to education in their own language and script is guaranteed primarily by the Constitution of the Republic of Croatia, the Constitutional Act on the Rights of National Minorities and the Act on Education in Languages and Scripts of National Minorities.

In the Constitutional Act on the Rights of National Minorities, the Republic of Croatia guarantees national minorities the implementation of special rights and freedoms, especially:

- using their own language and script in private, public and official usage;
- education in the language and script which they use;
- usage of their trademarks and symbols;
- cultural autonomy by maintaining, developing and expressing their culture and by preserving and protecting their cultural goods and tradition;
- the right to preserve their religion, founding of religious communities with other members of the same denomination;
- access to means of public communication and practice of public communication in language and script which they use;
- self-organization and teaming up in order to accomplish mutual goals;
- representation in representative bodies at a state and local level and in administrative and judicial bodies;
- participation of members of traditional minorities in public life and governing local businesses through councils and representatives of national minorities;
- the right to protection against any practice which imperils or can imperil their existence, the implementation of rights and freedoms.

#### THE ACT ON THE EDUCATION IN LANGUAGES AND SCRIPTS OF NATIONAL MINORITIES

The Act on the Education in Languages and Scripts of National Minorities guarantees national minorities the right to education acquired by earlier regulations and on the basis of international agreements signed by the Republic of Croatia. Education in the language and script of a national minority is held in preschool facilities, primary and secondary schools, or other school facilities. The Act on the Education in Languages and Scripts of National Minorities guarantees tuition in the language and script of a national minority, forming schools – institutions which shall operate in the language and script of a national minority, employment of workers who are members of a national minority for the tuition of the minority in question, printing and translation of books in the language and script of a national minority, implementation of special programs for preserving linguistic and cultural identity.

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National minorities in the Republic of Croatia choose for themselves the form of education in their own language and script, i.e., they either opt for complete tuition in their own language and script with the obligation of learning the Croatian language, or for learning the language and culture, i.e., nurturing language and culture, in the form of additional tuition which consists of five national classes (language of the national minority, history, geography, music and art). The chosen models are in the compulsory system of education. This Act enables members of other nationalities to attend schools in the language of a national minority, i.e., the Act does not stipulate that the pupil included in this kind of tuition must be a member of the national minority. The languages of national minorities in which tuition is held in the Republic of Croatia are: Italian, Serbian, Hungarian, Czech, Ruthenian, Ukrainian, Slovak, German, Macedonian and Albanian. The Hebrew language is included in kindergartens and primary schools in the organization of the Jewish Municipality as an optional language. Members of the Jewish nationality have never requested schooling in the Hebrew language. Other minorities, recognized by the Constitution of the Republic of Croatia, have never requested any model of education in their own language, with the exception of the Romany population, which has the status of a national minority in the Republic of Croatia.

In accordance with this Act, members of national minorities are educated from kindergarten to university level in institutions where schooling is organized only in the language and script of the national minority, or in institutions with schooling in the Croatian language and script with the education of a minority being organized in specialized departments or shifts. The right and obligation of both pupils and workers, who are members of a national minority, is learning and being proficient in the Croatian language and script, according to the established teaching plan and program and in accordance with the constitutional provision of respecting the Croatian language as the official language of the Republic of Croatia.

#### ENSURING EQUAL ACCESS TO EDUCATION

Access to pre-primary institutions is enabled to all children with a tuition fee. Children from financially underprivileged families are entitled to subsidies and may be exonerated from paying the tuition fee. Certain geographical areas are lacking with adequate number of places available and consequently new preschool educational facilities are being built. The Constitution of the Republic of Croatia guarantees free and compulsory access to primary education to all the citizens in the Republic of Croatia (Articles 65 and 66). Access to secondary education is enabled to all the citizens under the same conditions according to personal competences and results achieved in primary education.

Tertiary education allows access based on the results of secondary school achievements as well as entrance exam results (regardless of nationality, gender, race, religion, political opinion birth, social status, etc.). State scholarships are being awarded to the following groups: best achievements students; students of underrepresented professions; students to be employed in the areas under special welfare of the state; students whose parents were killed in the Homeland War; students coming from social care homes or from temporary foster families. Students with foreign citizenship have the right to be enrolled at universities under the same conditions as the students with



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Croatian citizenship, but according to the decision of the relevant Ministry or University they may be required to pay the tuition fee.

### **Access to Education of Vulnerable Groups**

Children with special educational needs have the right to special care and education, including priority enrollment to a preschool institution. The Act on Children with Special Education Needs regulates their rights to education which allows education in ordinary or special schools based on the decision of an expert team (the procedure required for the enrollment of any child in primary education). These children also have priority of enrollment into secondary schools according to their abilities, aiming towards social inclusion whenever possible. There are measures to help socially underprivileged groups with free textbooks, for example, and subsidies for transport to schools, support to families, subsidies or scholarships for pupils' or students' dormitories, and meals.

The Ministry of Science, Education and Sports' Decision on Elements and Criteria for Secondary School Enrollment (2006) stipulates that certain social groups should gain additional credit for enrollment, such as Roma children, who have the right to secondary school enrollment even if their primary school certificates show 10 % lower achievement than the achievement required for enrollment to a certain school; returnees from abroad; children of war veterans and war invalids; children with substantial health problems; children coming from poor families; children with special educational needs. Classes are organized in certain mainstream hospitals as well as in specialized institutions, and there are home tutorials for children with health problems.

Foreign citizens, refugees, asylum seekers and migrants have the right to free primary education according to existing positive legislation as well as the right to access to secondary and tertiary education under the same conditions as Croatian citizens.

In order to reduce the number of adult illiterates the Ministry of Science, Education and Sports, together with the Government, is carrying out a Decade of Literacy Project, 2003 - 2012: "For Croatian Literacy: Road to a Desirable Future", which aims at enabling all citizens above the age of 15 to complete free primary eight years of education. So far, more than 2,000 adults have completed their primary education under this programme. Special attention is paid to lifelong learning programmes, which are aimed at reducing unemployment and creating a knowledge-based society.

As the result of the Homeland War, as well as the existing positive legislation which enables education in minority languages and script, in the Croatian Danube Region (Eastern Slavonia) there are examples of Croatian and Serb children attending classes in separate shifts. In order to overcome this situation, the Ministry of Science, Education and Sports has introduced a number of measures, such as awareness raising among parents, teachers and children for living together, and introducing the same history textbooks for all pupils in the region, regardless of their nationality (as opposed to the separate editions for the two national groups allowed under the UNTAES agreement, especially for the period of the Homeland War). In order to enhance multiculturalism in the Croatian Danube Region, the Ministry, together with the OSCE Office in Croatia, has recently been implementing the project "Children Together" with

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different joint activities for primary school children (age 7 -15), aimed at raising awareness on the necessity of living together.

Tertiary education institutions educate teachers who will be implementing education in the languages and script of national minorities. Scholarships are offered to Roma students for pre-service education. Education in the languages and script of national minorities is financed out of the state or local budget.

### **Religious Education**

Religious Education is offered to all pupils regardless of their religion, according to the Religious Education Act (1991) as well as the Act on the Legal Position of Religious Communities (2002).

Parents of children up to age 15 have the right to decide whether they want their child to attend Religious Education Classes (optional subject) or not, as well as to choose the type of religious education they want their children to be exposed to (e.g. Catholic, Orthodox, Muslim, Jewish). In secondary schools Religion classes may be alternated with the subject "Ethics" (in which different world religions are taught). Children in secondary school express their opinion together with their parents on whether they want to attend Religion classes. The minimum number of 7 pupils is required in order to establish a Religion class. There are separate agreements between the Ministry of Science, Education and Sports and different religious communities (e.g. Catholic, Orthodox, Muslim) which regulate Religious Education. Religious communities in Croatia have the right to establish religious tertiary institutions as well as the ones which are non-religious, according to the Act on Scientific Activity and Higher Education (2003).

## **➤ EDUCATION ABOUT THE HOLOCAUST**

### **Legal Framework**

Declaration of the Stockholm International Forum on the Holocaust, January 2000; Declaration by the Standing Conference of the European Ministers of Education, Krakow, October 2000; Committee of Ministers Recommendation Rec (2001)15 on History Teaching in 21<sup>st</sup> Century Europe; Declaration of the European Ministers of Education, Strasbourg, October 18, 2001; Decision by the Ministry of Education and Sports of the Republic of Croatia to establish the Day of Remembrance on the Holocaust and for the Prevention of Crimes Against Humanity, adopted on October 30, 2003.

### **Programme Framework**

The programme framework for Holocaust Education is provided by the National Programme of Human Rights Education adopted in Croatia in 1999. The Ministry's Decision to establish the Day of Remembrance suggests the Holocaust is to be taught cross curricula, e.g. within the History, Literature, Arts, Religion, Human Rights

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Education, Ethics, and Philosophy (significantly, it is important to note that education about the Holocaust has been taking place in Croatian schools since 1945).

The National In-service Teacher Training Seminar is organised annually around the 27<sup>th</sup> of January on Holocaust Remembrance Day, which has further enhanced education about the Holocaust. In cooperation with the Task Force for International Cooperation on Holocaust Education, Research and Remembrance (Croatia gained full membership in 2005), several scholarships are being offered at the US Holocaust Museum in Washington, D.C., and Yad Vashem, Israel.

The list of additional recently developed teaching materials includes: "Guidelines for Teaching About the Holocaust", developed in 2003 by the Institute for Education; "Guidelines for Teaching About the Holocaust", developed by the Task Force for International Cooperation on Holocaust Education, Remembrance and Research, which was translated into Croatian by the Ministry of Science, Education and Sports (Why teach about the Holocaust? What to teach about the Holocaust? How to teach about the Holocaust?); guidelines for study trips to Holocaust-related authentic sites and non-authentic sites (museums, memorials and centers); flyers for teachers on Holocaust education, developed by the Institute for Education; CD-ROM "Day of Remembrance on Holocaust and for Prevention of Crimes Against Humanity", also developed by the Institute for Education; printed testimonies of the Righteous, to be used in schools as provided by the Israeli Embassy and the Jewish Community in Zagreb on the occasion of the Award Ceremony Righteous Among the Nations in 2004 and 2005; CD ROM: "Suggestions for Organizing Days of Remembrance", produced by the OSCE and Yad Vashem, have been adapted for use in Croatian schools.

#### PROMOTING DIALOGUE BETWEEN DIFFERENT FAITH GROUPS (INTER-RELIGIOUS DIALOGUE)

The Government of the Republic of Croatia takes steps to promote all activities which promote dialogue between different faith groups. The Government has signed agreements with the minority faith groups on the issues of common interest – with the Serbian Orthodox Church in the Republic of Croatia, the Islamic religious community in Croatia, the Evangelic Church in Croatia, the Reformed Christian Church in Croatia, the Evangelical Pentecostal Church in Croatia, which additionally represents the Christ Pentecostal Church in Croatia and the Adventist Church in the Republic of Croatia, which represents the Reformed movement of the Seventh-day Adventists; the Baptist Union Churches in Croatia, which represent the Churches of Christ; the Bulgarian Orthodox Church in Croatia, the Croatian Old Catholic Church, and the Macedonian Orthodox Church in Croatia.

In 2003 the Government drafted and offered for signature to the Jewish community the Agreement on religious education issues in preschool, primary and secondary education as well as on property and other common issues. The Agreement was not signed also due to the fact that the Jewish Community split into the Coordination of the Jewish Communities in Croatia and Bet Israel. Presently a new Agreement is in preparation.

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## ➤ RELIGIOUS EDUCATION ACCORDING TO SCHOOL TEXTBOOK STANDARDS

The School Textbook Standards, introduced in December 2006, set the regulations and requirements for textbooks that are used for educational purposes in the Republic of Croatia. The document states that "textbooks respect differences that exist among students" and that they "objectively and reliably depict cultures, religions and civilizations, as well as ethnic and religious groups." Further, textbooks must "maintain the richness of diversity of Croatian culture", "promote the right to diversity" and "promote learning and respect of values of national minorities in the Republic of Croatia, as well as other peoples and cultures in Europe and the world." Textbooks written in the language of a national minority group are exempt from the usage of the standard Croatian language. All textbooks are to be harmonized according to these requirements, regardless of the subject. Finally, a section of the School Textbook Standards pertains to special conditions in the construction of textbooks for national minorities, and it states the following: "Textbooks of national minorities which promote national and cultural values of these minority groups also include contents that are necessary for the understanding of Croatian national and cultural values."

The Ministry for Foreign Affairs and European Integration of the Republic of Croatia avails itself of this opportunity to renew to the United Nations High Commissioner for Human Rights the assurances of its highest consideration.

Zagreb, 11 July 2007