



REPUBLIC OF CROATIA
OMBUDSMAN
P.P.R. – 10-01-89/15
Zagreb, 11th March 2015

Questionnaire of the Special Rapporteur on minority issues to National Human Rights Institutions

1. Does your National Institution undertake work specifically to the promotion and protection of the rights of Roma? What particular activities relating to Roma is your National Institution involved in? Does your Institution have any strategic or action plan to address Roma issues?

The Office of the Ombudsman has so far conducted numerous actions to promote as well as to strengthen the protection of rights of Roma. In 2010 we implemented a project in partnership with the UNHCR where direct legal aid was provided to the members of Roma communities in the process of obtaining their citizen's status. Visiting Roma settlements to inform people who live there that this kind of help will be provided to them was an integral part of the project and was also an opportunity to disseminate promotional materials about their rights, developed within this project.

We especially worked and are working on problems which Roma ethnic/national minority faces, within our mandate of the National Equality Body. As the central body for suppressing discrimination we work on fighting discrimination on a huge number of grounds, including also discrimination based on the ground of race, skin colour, ethnic and national origin. So far we implemented two national antidiscrimination campaigns: 1) Campaign "Stop discrimination!" in 2009 which was conducted to raise the general awareness on discrimination occurrences and also included raising the awareness about the occurrence of discrimination based on ethnic origin, 2) Campaign "Equally diverse" in 2012 which was focused on fighting discrimination in the area of work, where one of three developed and published posters was a poster promoting non discrimination of Roma in the area of work. Furthermore, we developed a promotional bilingual brochure for the purpose of raising the awareness among Roma on discrimination occurrences and encouraging them to report discrimination. In 2014 we initiated a telephone line for reporting discrimination cases and we also produced and distributed accompanying leaflets for promoting the line. These leaflets were specially designed to target groups whose members we wanted to inform on how to protect themselves when they experience discrimination. Roma were one of the target groups

and these leaflets were distributed among Roma NGOs dealing with human rights and anti-discrimination.

As a partner to an NGO which is our regional antidiscrimination contact point we have applied for a project which will be focused solely on Roma rights. The implementation of the project "The Importance of Being Roma", if selected for financing, will start in 2015.

We also have participated and currently participate in various national level events (conferences, round tables, etc.) which aim to promote and protect the rights of Roma.

Additionally, the Office of the Ombudswoman is engaged in the Platform for Roma Inclusion. The Council of Europe, the European Agency for Fundamental Rights, the UN and the OSCE representatives, as well as the representatives from national bodies from 12 countries, including an adviser to the Office of the Ombudswoman, discussed future methods and principles of cooperation inside the Platform and defined subjects which would be the focus of action and cooperation at Platform's first assembly in Strasbourg in January 2015.

Our institution does not have strategic or action plans for the solution of problems faced by Roma, since these documents are being drafted by the executive government. We, however make recommendation in our Annual reports suggesting actions that should be undertaken by the executive government to resolve the existing problems. We also engage in ad hoc working groups which develop national strategic plans or analyse them after their implementation - both in plans which are focused only on Roma and the broader ones which include suppressing discrimination based on ethnic origin.

Finally, being the National Equality Body in Croatia, we monitor the situation of Roma discrimination through communication with CSOs and Roma minority representatives and councils in order to familiarize better with actual circumstances of Roma people.

2. Does your National Institution have a unit that deals with minority rights with sufficient dedicated expertise on Roma issues, or a focal point for Roma issues? Does your National Institution include staff members from Roma communities? Please provide details.

The Office of the Ombudswoman does not have a separate department for minority rights; however, aside from advisors designated to work on racial and ethnic discrimination, including of Roma, there are specific advisors at the Department for Anti-Discrimination who work on national minority rights, including of Roma. Additionally, the Council for Human Rights works as a separate advisory body to the Office of the Ombudswoman and includes the representatives of national minorities, academic community, civil society and the media.

The Office of the Ombudswoman does not currently include Roma staff members.

3. Does your National Institution monitor violations of the human rights of Roma and provide advice to the Government on compliance with national, regional and international human rights instruments. If so, please give concrete examples.

The Office of the Ombudswoman monitors the violations of Roma rights. For example, the Office recommended including the improvement of normative framework of Roma national minority members' status regulation as one of the special aims during development of the National Strategy for Roma Inclusion, acknowledging their specific social and economic circumstances.

4. Do your staff receive training on how to counter racism and intolerance, discrimination, social exclusion and/or marginalization of Roma? Please share all relevant details and documentation.

Staff members who work on fighting racial and ethnic discrimination, including of Roma, often participate in trainings which are devoted to raising the capacities for fighting racism and racial discrimination and ethnic discrimination, including discrimination of Roma (training organized by the EQUINET and ERA, training organized through TAIEX). Besides these trainings, the Office of the Ombudsman organized trainings for its staff members on discrimination more broadly, but also tackling the issue of racial and ethnic discrimination and discrimination of Roma (trainings on discrimination complaints handling, mediation, joint legal action and the role of the intervener within the IPA funded project "Establishing a comprehensive system for anti-discrimination protection, seminar with the support of TAIEX programme).

5. Does your National Institution consider complaints and petitions concerning individual situations and, if so, does it assist Roma in gaining access to effective redress for human rights violation? Please provide details and examples.

The Office of the Ombudswoman considers complaints referring to illegal or improper work of legal and public services within general ombudsman mandate and has the mandate to act on discrimination complaints by any legal or natural person as the National Equality Body. We recommend or advise the way the offence or violation of rights can be removed if we determine the offence or violation of rights has been done following the examination proceeding.

Furthermore, according to Anti-Discrimination Act, the Ombudswoman has a possibility to become involved in a court proceeding. The right to participate in a civil court procedure was used in more cases. For instance the Ombudswoman intervened in a civil procedure case due to claims for determining discrimination and compensation in relation to two Roma schoolgirls. We also initiated a procedure in front of the misdemeanour court because of the message of inappropriate content against members of Roma minority hoisted at the bus station in Zagreb.

6. In what ways are the views and opinions of the Roma communities taken into account in your work, and how are Roma able to participate in relevant aspects of your work, including through public consultations or seminars?

The Office of the Ombudswoman monitors research results on Roma position and stance of others towards Roma minority.

Regularly, when drafting the Annual report on discrimination occurrences (which as of 2013 is an integral part of the comprehensive report on the state of human rights drafted by the Office of the Ombudswoman) we are requesting information from civil society organizations about discrimination occurrences and on human rights infringements. The Annual report of the Ombudswoman is the most important document which we draft, which includes description of the state of play in particular fields and recommendation for the improvement, a document submitted to and adopted by the Croatian Parliament. This is a great opportunity for the civil society organizations to inform us about the problems which groups they are representing face, and an opportunity that through our report the Parliament and the general public as well, become aware of them. Besides sending questionnaires in written for acquiring information from CSOs we also publish this call on our web page thus enabling all CSOs who want to make contribution to our report to do that. Among the organizations to which we send written letters there are also Roma NGOs.

Additionally, Roma minority representatives from national, regional or local level representative bodies and Roma NGOs' representatives are also participating in trainings and conferences organized by the Office of the Ombudsman.

Finally, employees of the Office regularly participate as educators in workshops and seminars, for example a seminar for young Roma on Anti-Discrimination Act organized by the Office for Human Rights and Rights of National Minorities.

7. Does your National Institution apply a gender perspective throughout its activities? In the affirmative, how does it ensure the effective participation of Roma women to its work? Please give concrete examples.

The Office of the Ombudswoman is not directly working on issues related to discrimination based on sex and/or gender since besides the Ombudswoman there are also other specialized Ombud institutions in Croatia and among them is the Gender Equality Ombudswoman. However, when implementing promotional and awareness raising activities we always take into account gender perspective (e.g. promotional posters from the 2012 antidiscrimination campaign promoting employing workers regardless of their personal characteristics had a photograph of a Roma woman, and promotional leaflets for the anti-discrimination phone line that are directly turning to the victims of discrimination have parts of text directly speaking to Roma women).

8. Has your National Institution conducted surveys or collected disaggregated data relating to national or ethnic, religious or linguistic minorities, or otherwise produced reports concerning the Roma population? If so, please attach relevant documents.

We did not write special reports which refer to Roma minority exclusively, but we pay special attention to and devote a part of our Annual report to present separately the position of national minorities which includes Roma and also have a section on ethnic discrimination which also has a special subchapter on discrimination of Roma.

Regarding conducting special surveys focused only on the Roma, we have not so far conducted special surveys at all and neither in relation to Roma discrimination and/or rights. The survey which we conducted in 2009 was the first survey in Croatia on the perception of Croatian citizens about the occurrences of discrimination and it was focused on all discrimination grounds and on the general level of awareness. This survey was repeated in 2012 with the same set of questions so that we could see whether the attitudes and the perception had been changed. However, we included few questions which were not a part of 2009 survey and among them there were two questions for determining the “social distance” towards the Roma. The answers to these questions pointed to a great level of social distance towards Roma since 40% of respondents did not agree with the statement that they would hire an Roma employee if they had been in a position of the employer and 25% of the respondents think that Roma employees working in the “service sector” would have a dissuasive effect on the clients.


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