

**Response of the Croatian Authorities regarding the Letter from the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance**

1. The only criterion for granting Croatian citizenship is the fulfilment of legal requirements stipulated by the Croatian Citizenship Act (Official Gazette of the Republic of Croatia 53/91, 70/91, 28/92, 113/93, 130/11 and 110/15), according to the legal basis of the submitted application, where racial, national, ethnic or other affiliations are irrelevant.

2. In the proceedings for the acquisition of Croatian citizenship by means of naturalisation of persons who declared themselves as belonging to the Roma national minority, the difficulties of living and social conditions are taken into account. Such persons are provided with the necessary legal assistance within the framework of relevant legal provisions, while prioritized and legitimate implementation of the administrative proceedings for the acquisition of Croatian citizenship is ensured. Records are kept of the applications for the acquisition of Croatian citizenship submitted by the members of the Roma national minority and their statutes are monitored.

Furthermore, taking into account the more difficult living conditions of persons who belong to the category of returnees to the Republic of Croatia, their applications for the acquisition of Croatian citizenship are dealt with as a matter of priority, subject to the fulfilment of other legal requirements for the acquisition of Croatian citizenship. The relevant legal provision is described in the following reply.

3. The Act on Amendments to the Croatian Citizenship Act (Official Gazette 130/11), which entered into force on 1 January 2012, enabled the acquisition of Croatian citizenship under more favourable terms for the persons who had permanent residence in the Republic of Croatia on 8 October 1991. Under Article 19 of the Act, persons who had permanent residence on the said date in the Republic of Croatia and who had been granted permanent stay are deemed to have fulfilled the necessary legal requirements within the framework of proceedings for the acquisition of Croatian citizenship. By applying the abovementioned legal provision, the said category of persons to which the members of the Serbian national minority in Croatia mostly belong to, the acquisition of Croatian citizenship is enabled under more favourable terms in relation to the duration of stay. The problem of possible statelessness mostly relates to the persons of undetermined citizenship, members of the Roma national minority, who acquired citizenship of one of the republics of the former SFRY under the regulations in force at the time, but have failed to formally register this fact themselves in the said country or the administrative obstacles of foreign authorities prevented them in doing so. This Ministry provides legal assistance to such persons during the proceedings. The Ministry shall familiarise the parties of the proceedings with the requirements and modalities of the acquisition of Croatian citizenship. If their legal status has not been regulated in their country of birth, they shall be referred to the competent foreign authorities for the purpose of exercising their rights.

4. In accordance with the Croatian Citizenship Act, under the principle of legal continuity of citizenship, a Croatian citizen shall be deemed any person who had acquired that status under the regulations which were effective until the date of entry into force of the said Act on 8 January 1991. Persons who do not fall under the abovementioned category can acquire Croatian citizenship by means of naturalisation, subject to the fulfilment of the stipulated legal requirements. As stated in the previous reply, the persons who had permanent residence in the Republic of Croatia on the said date and who had been granted permanent stay are deemed to have fulfilled the necessary legal requirements in the proceedings for the acquisition of Croatian nationality.

Persons who had permanent residence in the Republic of Croatia on 8 October 1991 and who were deemed as Yugoslav citizens in accordance with the regulations in force at the time, and who did not have Croatian citizenship of the then-republic, acquired the status of an alien with permanent

stay in the Republic of Croatia. This category of aliens no longer has the status of permanent stay if they failed to regulate their status by 30 June 2005.

By adopting the current Aliens Act (Official Gazette 130/11, 74/13 and 69/17) further steps were made in facilitating the granting of the returnees and refugees' status. Such returnees may be granted with temporary stay on humanitarian grounds if they are included in the reconstruction, return or housing schemes, while refugees may be granted with temporary stay on humanitarian grounds if they had been holding the refugee status for at least 10 years before the application was submitted. Their application must be supported by a valid travel document and a certificate from a competent national authority that the person is a beneficiary of the reconstruction, return or housing schemes or that the person resided in the refugee status.

Permanent stay may be granted to returnees without previously granted temporary stay, provided that they had permanent residence in the Republic of Croatia on 8 October 1991, that they are the beneficiaries of the reconstruction, return or housing schemes and that they returned with the intention of permanently settling in the Republic of Croatia.

Permanent stay may be granted to refugees provided that prior to the submission of the application they had been granted with temporary stay for 3 years in continuation and that they had been granted refugee status for at least 10 years.

The abovementioned aliens are not subject to fulfil the requirements stipulated for other aliens, therefore, their application should be submitted only with the copy of a travel document and a certificate from a competent national authority that they are the beneficiaries of the reconstruction, return or housing schemes or that the person resided in the refugee status.

5. The Croatian Citizenship Act provides for the acquisition of Croatian citizenship under equal conditions, regardless of the nationality of the applicant and subject to the fulfilment of stipulated legal requirements.

6. The Republic of Croatia prevented statelessness that could arise from the succession of states by means of the Croatian Citizenship Act. In accordance with the Act, and under the principle of legal continuity of citizenship, a Croatian citizen shall be deemed any person who acquired that status under the regulations which were effective until the date of entry into force of the Act, i.e. 8 October 1991. Irrespective of their nationality, the persons who acquired Croatian citizenship under the previous regulations have obtained Croatian documents and are enjoying the full rights of citizens living in the Republic of Croatia. The problem of possible statelessness, namely of undetermined citizenship, occurs in some cases of the acquisition of Croatian citizenship by naturalisation of members of Roma national minority, as already detailed in answer number 2.

7. The Aliens Act (Official Gazette 130/11, 74/13 and 69/17) lays down the provisions relating to the third country nationals and the provisions relating to the nationals of the Member States of the European Economic Area as well as members of their families, which is compatible with Council Directive 2004/38/EC of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States. The Act does not include any other provision that would pose restrictions on migration in respect of the alien's citizenship.

8. We would hereby like to inform you that during the compilation of the draft proposal of the Aliens Act or its amendments, the text is submitted to other public authorities for opinion, as well as to the Office of the Ombudsman and the Children's Ombudsman. Also, all legislative acts and bylaws have to undergo public consultation proceedings by publishing the text online, making it possible for the members of the public and nongovernmental organisations to make comments and suggestions.

9. Regarding the anti-discrimination legal framework, the Republic of Croatia has developed a systematic anti-discrimination legal frame that derives from the constitutional level. The Constitution of the Republic of Croatia (National Gazette, No. 56/90, 135/97, 8/98, 113/00, 124/00, 28/01, 41/01, 55/01, 76/10, 85/10, 05/14) in Article 14. prohibits discrimination based on race, skin colour, sex, language, faith, political or other belief, national or social origin, property, birth, education, social status or other characteristics. The Anti-Discrimination Act (National Gazette, No. 85/08, 112/12), in force since 1 January 2009, introduces an elaborated anti-discrimination protection for a large scope of discrimination grounds (race or ethnicity or skin colour, sex, language, religion, political or other beliefs, national or social origins, economical status, trade union membership, education, social status, marital or family status, age, health condition, disability, genetic heritage, gender identity, expression or sexual orientation) and on a very wide field. Furthermore, the Anti-Discrimination Act includes the definition of severe forms of discrimination (discrimination on basis of family or other relations, as well as the discrimination based on wrong perception). According to Article 8, the Act applies to the conduct of all state bodies, bodies of local and regional self-government units, legal persons vested with public authority, and to the conduct of all legal and natural persons, especially in the following areas:

- work and working conditions; access to self-employment and occupation, including selection criteria, recruiting and promotion conditions; access to all types of vocational guidance, vocational training, professional improvement and retraining;
- education, science and sports;
- social security, including social welfare, pension and health insurance and unemployment insurance;
- health protection;
- judiciary and administration;
- housing;
- public informing and the media;
- access to goods and services and their providing;
- membership and activities in trade unions, civil society organisations, political parties or any other organisations;
- access to participation in the cultural and artistic creation.

10. Article 4, Paragraph 1, of the Constitutional Act on the Rights of National Minorities in the Republic of Croatia (National Gazette, No. 155/02, 47/10, 80/10, 93/11) guarantees that every national of the Republic of Croatia has: the right to freely declare to be a member of a national minority in the Republic of Croatia; to exercise either on his/her own or together with other members of this national minority or together with members of other national minorities, the rights and freedoms as determined by this Constitutional Act and other minority rights and freedoms determined by special acts. According to Paragraph 2 of the same article, the members of national minorities, in the same way as other citizens of the Republic of Croatia, exercise: rights and freedoms determined by the Constitution of the Republic of Croatia, and rights and freedoms determined by this Constitutional Act and special acts.

Paragraph 4 stipulates that any kind of discrimination on the basis of belonging to a national minority shall be prohibited. Equality before the law and equal legal protection shall be guaranteed to members of national minorities. As regards one of the most vulnerable groups, marginalized members of the Roma national minority and so-called "status issues", they have been paid special attention since the systemic measures to improve the integration of Roma national minority were introduced through the National Roma Program in 2003. The attention has continued both in the subsequent national policy document, National Roma Integration Strategy 2013-2020 and throughout its implementation.

We can note that, among many measures targeting the issue of citizenship or lack of personal documents, the Ministry of Interior, in cooperation with local representatives of the Ministry of Demography, Family, Youth and Social Policy, county administration and local Roma

communities has continued to employ mobile teams to facilitate the issuance of documentation to Roma. The legal assistance is provided also by civil society and with support of UN agencies (such as UNHCR), and there were welcome legislative changes, such as those of the Foreigners Act."