



**International covenant
on civil and
political rights**

Distr.
GENERAL

CCPR/C/HRV/Q/2
7 May 2009

Original: ENGLISH

HUMAN RIGHTS COMMITTEE
Nine-fifth session
New York, 16 March-3 April 2009

**LIST OF ISSUES TO BE TAKEN UP IN CONNECTION WITH
THE CONSIDERATION OF THE SECOND PERIODIC REPORT OF CROATIA
(CCPR/C/HRV/2)**

**Constitutional and legal framework within which the Covenant is implemented
(art. 2)**

1. Please provide examples of cases, if any, in which the provisions of the Covenant have been directly invoked before the courts (core document, HRI/CORE/1/Add.32/Rev.1, para. 56). Taking account of the information given with regard to human rights training for the judiciary in the State party (State party's report, CCPR/C/HRV/2, paras. 40-41), previous concluding observations of the Human Rights Committee (CCPR/CO/71/HRV), para. 7, please provide examples of cases in which the Covenant has been directly applied by courts.

2. In the light of the non-discrimination provisions of the Covenant, please clarify how the State party can justify the exclusions of the enjoyment of rights for non-citizens, particularly taking into account article 14 of the Constitution, which prohibits discrimination against all persons within the State party's jurisdiction (previous concluding observations, para. 8; comments by the Government of Croatia on the Committee's concluding observations (CCPR/CO/71/HRV/Add.1), point 8, p. 2).

**Discrimination, equality between men and women, and domestic violence
(arts. 2, 3, 26, 27)**

3. Please describe the effectiveness of the laws, plans and programmes adopted by the State party with a view to combat and prevent discrimination (State party's report, paras. 28 and 436). In addition, has a comprehensive law prohibiting discrimination in the private sector, which includes provisions for effective remedies, been adopted (previous concluding observations, para. 19; State party's report, para. 28)?

4. Please provide detailed information on the 2006 National Policy for the Promotion of Gender Equality and its implementation (State party's report, paras. 45 and 57). What have been the results of the special measures and action plans for the promotion and establishment of gender equality put in place in the public sector (para. 56)? Please also provide information on the results of the steps taken to promote the representation of women in senior positions in Government and in the private sector (paras. 58-64)? In addition, what actions are taken within the State party's education system to challenge traditional stereotypes? (para. 66)?

5. Please provide more detailed information on how the State party ensures that acts of domestic violence are effectively investigated and that perpetrators are prosecuted and punished (State party's report, paras. 499-503). Please also provide examples of the types of sanctions imposed on perpetrators and any compensation provided to the victims.

6. What specific measures have been taken to prevent discrimination against members of the Serbian minority in the State party (previous concluding observations, para. 20; comments by the Government of Croatia on the concluding observations, point 22, p. 18)? Please comment on reports that the State party's laws and policies concerning housing and property rights are discriminatory against returnees of Serbian ethnicity. In particular, please indicate the steps taken to address the claims regarding "occupancy rights," destroyed property, and property occupied but not yet restituted to the previous owners (previous concluding observations, para. 15; comments by Croatia on the concluding observations, point 15, pp. 8-13).

7. Please provide information on the implementation and the effectiveness of the measures taken by the State party to eliminate discrimination against the Roma community, such as the National Programme for the Roma (State party's report, paras. 643-656). Please include information on access to education for Roma children, and whether segregation of Roma pupils occurs in practice.

8. Please comment on allegations according to which the number of physical and verbal attacks on members of minorities is increasing, and provide detailed information on the measures taken by the police and the judicial authorities to investigate, prosecute, and sanction such crimes and to prevent them. Please include examples of cases, if any, in which the courts have applied the amendment to the penal code on hate crimes. Has the State party taken measures taken to promote reconciliation and mutual trust between the different ethnic groups? Please indicate the distinct measures taken to address the particular situation of the Roma and Serbian minorities.

State of emergency (art. 4)

9. Please indicate whether the State party has taken any steps to bring its constitutional provisions regarding public emergencies in line with the Covenant, including with regard to the unacceptability of derogations unless the conditions of article 4 have been met (State party's report, paras. 68-70; previous concluding observations, para. 9).

Measures to combat terrorism; respect for the rights guaranteed in the Covenant

10. Please provide detailed information on the legislation in force on counter-terrorism in particular with regard to its compatibility with respect for the rights guaranteed by the Covenant. Information should indicate, inter alia, whether legislation includes a definition of terrorism and any derogation from ordinary law stipulated in existing or proposed counter-terrorism legislation.

**Right to life and prohibition of torture and cruel, inhuman or degrading treatment
(arts. 2, 6, 7)**

11. Please provide detailed information on the practical application and interpretation of the Amnesty Law by the judiciary (previous concluding observations, para. 11; comments by Croatia on the concluding observations, point 11, pp. 4-5).

12. Please provide more detailed and updated statistics regarding the domestic investigation of war crimes, including, inter alia, information on discontinued cases and the nature of the charges (previous concluding observations, para. 10; State party's report, para. 81; comments by Croatia on the concluding observations, point 11, pp. 3-4). How has the State party ensured that allegations of war crimes have been investigated with a view to prosecution, irrespective of the ethnic identity of those suspected? Please comment on reports according to which the prosecution of war crimes continues to be dealt with in a discriminatory manner. Please also comment on the allegations that many trials have taken place *in absentia*. Please provide up to date statistics on the number of cases processed by the county courts' special war crimes chambers.

13. Please comment on the State party's level of cooperation with the International Criminal Tribunal for the former Yugoslavia (ICTY) including with regard to "Operation Storm".

14. Please provide information on the steps taken to ensure that the outstanding cases of missing persons are resolved in as expeditious a manner as possible.

Elimination of slavery and servitude (art. 8)

15. Please provide statistics and information on the number of convictions and the types of sanctions imposed under the criminal law prohibition of trafficking in human beings (State party's report, paras. 122-142). What measures have been taken to enhance victims' access to effective remedies, shelter, rehabilitation, legal assistance, interpreters, social security and medical services (para. 141)? Has the State party evaluated the effectiveness of measures taken to raise awareness on trafficking in persons (paras. 129 and 138-139)?

Liberty and security of the person and treatment of prisoners (arts. 9 and 10)

16. Please provide statistics and information regarding the number of persons in pre-trial detention, the length of time during which they are held, and compensation granted for unlawful detention (previous concluding observations, para. 13). In addition, please indicate whether persons

in detention are provided with prompt and effective access to legal and medical assistance, as required by the State party's laws.

17. What progress has been made with regard to improving the physical conditions of detention in police stations and prisons? Please indicate what actions are taken to reduce prison overcrowding?

Freedom of movement and protection from expulsion (arts. 12 and 13)

18. Please provide statistics and information on the situation of displaced persons who wish to return to the State party, and those who have already returned, including the steps taken to ensure sustainable and safe returns, such as measures aimed at the social and economic reintegration of returnees and restitution of property (comments by Croatia on the concluding observations, point 22, p. 18).

19. Please indicate how many internally displaced persons continue to reside in temporary collective centres and provide information on the mechanisms in place to ensure that those wishing to return to their home locations are enabled to do so.

20. Please provide comprehensive information on the amendments to the Foreigners Act, including the date of their adoption (State party's report, para. 188).

Right to a fair trial and right to be recognized as a person before the law (arts. 14 and 16)

21. Please provide updated and detailed information on the reform of the justice system (State party's report, paras. 295-316; previous concluding observations, para. 16). In particular, how does the programme for clearing old cases established by the Supreme Court function in practice (State party's report, para. 314).

22. Please provide information on the steps taken to ensure that access to citizenship is granted on a non-discriminatory basis, including for the benefit of members of all minority groups.

Freedom of expression (art. 19)

23. Please respond to reports which the Committee has seen alleging that small numbers of physical attacks, death threats and other instances of intimidation against journalists, particularly those involved in research on war crimes, are being investigated and prosecuted.

Right to take part in the conduct of public affairs and rights of persons belonging to minorities (arts. 25, 26, 27)

24. Please indicate whether the application of the laws regarding the right to participate in the conduct of public affairs of members of "national" minorities has resulted in an adequate and equitable representation of minorities in positions in the Government, judiciary, and public service (State party's report, paras. 594, 596, 600-611, 637, 640-641; previous concluding observations, para.

22). Please explain why Roma are not mentioned in the constitutional list of “national” minorities. (State party's report, para. 620). Please indicate which minority groups are protected under the 2002 Constitutional Act on the Rights of National Minorities in the Republic of Croatia (State party's report, para. 622).

25. Please provide information on the practical enjoyment of the rights enshrined in article 27 of the Covenant by members of ethnic, religious, and linguistic minorities, including statistics on the actual use of minority languages in public bodies and more detailed information on instruction in minority languages in practice (State party's report, paras. 623-631, and 644-657; previous concluding observations, para. 22, comments by Croatia on the concluding observations, point 22, pp. 17-18)

Dissemination of information relating to the Covenant and the Optional Protocol (art. 2)

26. Please provide information on the steps taken to disseminate information on the Covenant and the Optional Protocols, the submission of the second periodic report of the State party, its examination by the Committee and the Committee's previous concluding observations on the State party's initial report, in all principal languages spoken in the State party. Please also provide information on the involvement of representatives of ethnic and minority groups and of civil society, non-governmental organizations, and national human rights institutions in the preparatory process.
