

EXAMPLES OF VIOLATIONS OF SOME ARTICLES OF INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS IN THE REPUBLIC OF CROATIA

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INTRODUCTION

This report is actually the comments on the “Initial Report of the Republic of Croatia on the Implementation of International Covenant on Economic, Social and Cultural Rights”. It is based on:

- a) International Covenant on Economic, Social and Cultural Rights ;(C)
- b) Initial Report of Republic of Croatia on the Covenant; (IR)
- c) Work and experience of the Civic Committee for Human Rights (CCHR) from Croatia
- d) Exchange of information with other human rights organizations.
- e) Articles published in the independent newspapers

From the Initial Report of the Republic of Croatia it is not clear which period it covers. I assume it is from 1991 to 2000 but these comments are limited to the period 1997 – 2000. The Report is very comprehensive (90 + 50 pages), with statistical data, which prove that Croatian Constitution and Croatian laws are in keeping with articles of the Covenant. But the Initial Report does not mention examples of the serious violations of the articles of the Covenant that happened. CCHR, on the other hand, has been working on concrete violations of human rights for the last ten years and, consequently, our comments are concentrated, in the form of examples, upon concrete cases in which, in our opinion, articles of the Covenant have been seriously violated. Our estimations are based upon information, which we have had; so this overview of the violations of human rights during the indicated period is certainly not complete.

COMMENTS

Article 1

(C): (People) freely determine their political status and freely pursue their economic, social and cultural development. (..) In no case may a people be deprived of its own means of subsistence.

Article 2

(C)(..) rights enunciated in the present Covenant will be exercised without discrimination of any kind .

(IR) "everyone in the Republic of Croatia shall enjoy all rights and liberties irrespective of his or her race, colour, gender, language, religion, political or other persuasion, national or social origin, property, birth, education, social position or other characteristics". In line with this provision, all the rights guaranteed by Croatian legislation and contained in the Covenant are guaranteed to all persons, without any discrimination.

(CCHR): Example 1: In 1992 ten employees of the Post office in Split were dismissed from employment on the ethnic pretext; they were fired because they were Serbs. Seven years later the court brought the decision that they should have been returned to their jobs. The Post office in Split lodged a complaint. They didn't get any indemnity and they were not returned to their jobs (so far).

Ex. 2.: From 1990 to 1993 at least one third of all judges and public prosecutors in Croatia were dismissed from employment. The criterion was their ethnicity or political aptness. For example in the Higher infraction court in Zagreb all judges (8 of them) who were of Serbian ethnicity were fired (but also a lady who was cleaning in the court – and who was of Serbian ethnicity too). The new government didn't correct that well-known injustice and didn't even try to apologize to the judges who were fired because of ideological and chauvinistic prejudice. There are now some ideas to call those judges back to work (temporally) because there are more than one million unsolved cases (on 4.3 million inhabitants) in the courts (the main reason for that has been the mentioned policy of ethnic and political cleansing of courts).

Ex. 3: According to law on education in languages of minorities (Art. 10) (from the year 1997) officials of the school should ask children in first grade of elementary school to declare their ethnicity or nationality. Those who declare themselves as Croats can't go to the school where education is not in Croatian (for example in Italian in Istria). The law was accepted in spite of the critics of the Council of Europe.

Article 3

(C): (...) to ensure the equal right of men and women to the enjoyment of all (...) rights ..

(IR): The Republic of Croatia is a party to the Convention on the Elimination of all Forms of Discrimination against Women ..

(CCHR): Ex. 4: Minister of Education (in 1998) B. Pugelnik sent an instruction to the School of oratory for pupils instructing them that they shouldn't admit more girls than boys because «it wouldn't be in accord with reasonable expectation of proportion of women who would participate in public life in the future.»

Article 6

(C): Covenant recognize the right to work and (State) will take the appropriate steps to safeguard this right.

(IR): The Constitution of the Republic of Croatia forbids forced and compulsory work. Article 54 of the Constitution says that everyone has the right to work and to freedom of work.

Article 7

(C): Equal opportunity for everyone ..

(IR): (...) to realize the ideas of private ownership and freedom of enterprise, on the one hand, and social justice, equal opportunities and humaneness, on the other, which is in line with the constitutional definitions of the Republic of Croatia as a social welfare State ..

(CCHR): Ex. 5: The council of parents in the elementary school «Secerana» in Baranja demanded (in 1998) that for five teachers who were by ethnicity Serbs would be forbidden to teach to schoolchildren who were Croats because «they can't educate them in the Croatian spirit and in accordance with Croatian customs». Five teachers, of math, physics, biology, music and gymnastics, in spite of reluctance of the head-master, were fired.

Article 8

(C): Covenant ensures the right of everyone to form trade union of his choice ..

(IR): Article 59 of the Constitution of the Republic of Croatia says that for the protection of their economic and social interests, all employees and employers have the right to set up unions and employers' associations and join them or leave them freely.

(CCHR): Ex. 6: One leader of the independent trade unions (Milan Krivokuća) was killed (in 1992) and five others (in the period from 1992 to 1999) were severely beaten Police didn't find the perpetrators and didn't bother to give any explanation.

Article 9

(C): Covenant recognizes the right of everyone to social security, ..

(IR): Constitution of the Republic of Croatia says that the right of employed persons and members of their families to social security and social insurance is ordered by the Law and the collective agreement.

(CCHR): Ex. 7: The vice-president of the government (in 1998) Mrs. Lj. Mintas-Hodak answered at the complains of pensioners (that the government has lowered their pensions in spite that they were already very low) that the government was not debtor to the pensioners but the workers who didn't pay in their contributions. At the same time the other vice-president, Mr. B. Skegro, publicly declared «they (the government) have money but won't give it to pensioners. If we give to them the other will ask too»

Article 13

(C) (..) Education shall be directed to the full development of the human personality (..) and shall strengthen the respect for human rights and fundamental freedoms. (..) education shall enable all persons to participate effectively in a free society, promote understanding, tolerance and friendship among all nations and all racial, ethnic or religious groups ..

(IR) Members of minorities have the constitutional right to express their ethnic affiliation, the right to use their own language and script, and cultural autonomy (Constitution, art. 15), while the Constitutional Law on Human Rights and the Rights of Ethnic and National Communities or Minorities guarantees a considerable number of specific minority rights, such as the right to education in a minority language, the question of the public and private use of minority languages and scripts, ..

(CCHR): Ex. 8: One of the best known and most respected Croatian institution Matica Hrvatska (Head-quarters of Croatia) organized in Split a lecture “Vukovar, Anno Domini 1998” for school children from elementary schools. Lecturers, among others told children that “Serbs can't stand clean walls and for that reason they write on every wall four “S” “(sign from the old Serbian coat of arms) .. “There are more and more gypsies with blond hair. Probably they got hair-varnish with humanitarian aid” .. “The greatest obstacle for coexistence (of Serbs and Croats) in Eastern Slavonia are Serbian children because they hate Croats”

Ex. 9: In the reader for the third class of elementary school (Ivan Horvat: My homeland) the history is falsified for ideological reasons. For example: While Huns and Slavs had plundered, Croats, who came after them, with their diligent work returned the old splendor of the town”

Ex. 10: The best pupils of 15th secondary school in Zagreb got as a present the book “Croatian portraits”, author Ivan Strizic. The book is extolling the fascism and ustashi movement.

Ex. 11: The history textbook “History of Croatia and the World 2”, author Ivan Vujcic, has among others, the following statement: “The Soros foundation has spent millions of dollars for spreading discontent in the country with the intention to, through elections, pull down the democratically elected Croatian political top”

Article 15

(C): Covenant recognize the right of everyone to take part in cultural life.

(IR): Article 86 of the Constitution guarantees freedom of scientific and scholarly, cultural, artistic, intellectual and other kinds of creativity, and the moral and material rights that derive from this.

(CCHR): Ex. 12: In a school in Velika Gorica, suburb of Zagreb, 400 books were burned (in 1992) out of ideological reasons. Most books were from Serbian authors but books of the great Croatian poet, Vladimir Nazor, were burned too. The same year the big monument of that poet was pulled down in Zagreb (perpetrators were not found and monument wasn't repaired for years). The poet's sin was that he joined partisans in antifascist struggle during the Second W.W.

Ex. 13: In the elementary school "G. Vitez" in Zabno 5000 of relatively new books from school library were destroyed. Non apt were Remarque, Andric, Gorki, Mato Lovrak, Branko Copic, Dubravka Ugresic, Vladimir Nazor.

Ex. 14: In 1992, in Slatina, 2000 books (Serbian and politically suspect authors) were thrown at the garbage.

Ex. 15: In 1995, head master of the school in Velika Gorica, demanded from the school librarian to publicly burn the books from school library in the school courtyard.

Ex. 16: In 1997, Isabel Skokandic, librarian in the town of Korcula, threw into the garbage container a great number of books from the public library. The criterion was that the books had been written by writers and poets from Serbia and Bosnia and/or were written in Cyrillic. In January 1999 by the same criterion she burned up what remains. For her work she was appointed by the town assembly as chief librarian.

CONCLUSION

Working in the organization for protection of human rights we have experienced the significant improvement in the attitude of the State towards economic, social and cultural rights from the beginning of 2000.

Of course the courts are still very slow, the number of unemployed has increased, refugees and returnees face difficult problems and there have been still violations of individual human rights. But the situation with economic, social and cultural rights has shifted from the area where violations had been done out of ideological prejudice to the area of economic difficulties. At local level there will be still a lot of discrimination but we hope that such examples as we quoted in the Comments are mostly matter of the past.

There is still a lot to be done, something to be improved and, sometimes, something to be stopped or changed. (I just came from the meeting of Parliament Committee for Human Rights where some of us tried to stop governmental proposal of the law according to which the catechism would be compulsory in the kindergarten.)

But not only our experience but also international reports about human rights in Croatia for last year, from State Department to Freedom House, have been, after long time, positive and encouraging.