

**STATEMENT BY THE DELEGATION OF THE REPUBLIC OF CROATIA
DELIVERED AT THE OSCE CONFERENCE ON RACISM, XENOPHOBIA
AND DISCRIMINATION
Vienna, 4 - 5 September 2003**

Mr. Chairman, Distinguished Delegates, Representatives of International Organisations and Civil Society,
Ladies and Gentlemen,

We would like to inform you on the recent legislative activities of the Republic of Croatia within the scope of combating racism, xenophobia and discrimination. In the course of June and July 2003, the Croatian Parliament passed several laws dealing with matters of discrimination in order to enable effective suppression of this social evil.

The most important laws to be mentioned in this context are:

- the Law on Gender Equality;
- the Law on the Couples of the Same Sex;
- the Family Law;
- the Law on Foreigners;
- Article 151a as an amendment to the Criminal Code of the Republic of Croatia.

The **Law on Gender Equality** defines "discrimination" on the basis of sex as any normative or actual, direct or indirect distinction, exclusion or limitation based on sex which hinders or negates equal enjoyment of human rights by men and women in political, economic, social, cultural, and any other field of life. In addition, the Law on Gender Equality introduces the concept of special measures aimed at enabling equal participation of men and women in public life and at eliminating the existing inequalities. It is particularly important to note that this Law prescribes the establishment of the Office for Gender Equality as a Governmental Office to be in charge of co-ordinating all gender equality activities, including the implementation of the Law itself. Moreover, the Law on Gender Equality provides for the establishment of the Ombudsperson for Gender Equality as an independent national entity to be dealing with the implementation of this Law and other gender equality regulations and to be thereof reporting to the Croatian Parliament.

The **Law on the Couples of the Same Sex** defines the "couple of the same sex" as a community of two persons of the same sex living together while not being married, or in a common-law marriage, whereby such community shall not last for less than three years and which shall be based on the principle of equality of the partners, mutual respect and emotional bondage between the partners. Partners shall be older than 18 years of age, have full legal capacity and shall not be close relatives. The Law

regulates the rights and obligations of the partners to support each other, to create joint property with an equal share of each partner in such property, and the possibility to regulate their financial relationships contractually. Last, but surely not least, the Law on the Couples of the Same Sex forbids all forms of discrimination, direct or indirect, based on the existence of homosexual orientation.

The **Family Law** regulates entering into marriage, conditions for entering into marriage, personal rights and duties of the spouses, termination of marriage, relationship between children and their parents, rights and duties within the relationship between children and parents, adoption, fostering, financial support between children and parents, spouses, common-law spouses, and the court procedures in cases of divorce and other marriage-and common-marriage-related disputes. It is worth mentioning that through all of its provisions the Family Law promotes the principle of equality between the partners and protects the interests of all family members on an equal footing.

The **Law on Foreigners**, to be implemented as of 1 January 2004, will replace the currently valid Law on the Movement and Stay of Foreigners. The most important feature of this Law is that it has been created in accordance with European standards in this field guaranteeing foreign citizens more rights in the field of settlement, employment, g business activities and other fields, which in many cases means the same treatment of foreigners and Croatian nationals.

Article 151a of the Criminal Code of the Republic of Croatia stipulates that whoever produces, sells, imports or exports through a computer system or in any other manner makes available to the public or possesses in large quantities promotion material aimed at celebrating fascist, nazi or other totalitarian states, organisations or ideologies advocating, promoting or fostering hatred, discrimination or violence towards any individual or a group on the basis of race, colour of the skin, sex, sexual orientation, national or ethnic background, religion, belief, political or other opinion shall be fined or sentenced to prison for a term of up to one year. This article is a result of the Croatian obligation taken up after the signing of the Additional Protocol to the Convention on Cybercrime concerning the Criminalisation of Acts of a Racist or Xenophobic Nature Committed through Computer Systems, but has been extended so as to include other forms of this crime.

The very important **Law on Asylum** is in parliamentary procedure and is expected to be adopted in the course of this year.

As for the protection of the rights of the Roma population, it should be noted that a **National Plan for the Roma Protection** has been drafted.

At the end of our statement, we would like to remind you that the Croatian Parliament adopted the **Constitutional Law on the Rights of National Minorities** in April 2003 introducing a new form of possibility for the national minorities to realise their rights through the Councils of National Minorities (CNMs) at local, regional and state levels.

On 18 May 2003, 220 CNMs and 40 individual minority representative were elected within 116 and 19 regional self-government units (which represents approximately half of the total number of CNMs and individual minority representatives that Croatia's national minorities were entitled to under relevant provisions of this Constitutional Law). The elections for the remainder of the CNMs will be held at the same time as the parliamentary elections which are scheduled for November 2003.

Mr. Chairman, Distinguished Delegates, Representatives of International Organisations and Civil Society,
Ladies and Gentlemen,
Thank you for your attention.