The aim of this paper is to present and to explain the level of protection of minority rights in the Republic of Croatia. As Croatia inherited from the former Socialist Federative Republic of Yugoslavia the system of the protection of rights of the minorities immediately after gaining independence, it provided a model of the realisation of minority rights. That model guaranteed minorities the right for education in their own language, the right to the official use of their language and alphabet, the right to publishing in their mother tongue, access to the media, protection of cultural treasures and their entire cultural heritage, various venues of preservation of ethnic, language and religious identity and the representation of minority interests.

Key words: Republic of Croatia, minorities, minority rights, democratic principles

1. Introduction

By its Constitution, the Republic of Croatia bounds itself to protection of the minorities from any discrimination. They have the right to identity and participation in public affairs. Members of ethnic and national communities or minorities whose share in the total population is higher than 8% have the right for participation, proportional with their share in the entire population, in the Croatian Parliament, the Government of the Republic of Croatia and in the bodies of supreme judicial authorities.

Members of national minorities exercise their political rights, like all citizens or nationals in the Republic of Croatia through regular institutions on the basis of the provisions of the Constitution, Constitutional Law, Law on Election of Representatives to the Croatian Parliament, Law on Election of Members of Representation Bodies of Units of Self-government and Administration and Law on Political Parties.¹

The Republic of Croatia signed a number of international, bilateral and multilateral, contracts and agreements related to the protection of human and minority rights such as the European Convention on Human Rights, the European Charter of Local Self-government, Charter on Regional and Minority Languages, the Framework Convention for the Protection of National Minorities, the Treaty on the Protection of the Italian Minority in the Republic of Croatia and the Croatian Minority in the Republic of Italy, and many others.

At the end of this introduction it would be important to mention that according to the 1991 census in Croatia there were 12,032 Albanians, 214 Austrians, 43,469 Muslims, 458 Bulgarians, 9,724 Montenegrins, 13,068 Czechs, 22,355 Hungarians, 6,280 Macedonians, 2,635 Germans, 679 Poles, 6,695 Roma, 810 Romanians, 706 Russians, 5,606 Slovaks, 581,663 Serbs, 21,303 Italians, 320 Turks, 2,494 Ukrainians, 22 Vlachs, 600 Jews and 3,012 other ethnic and national minorities.²

For the sake of comparison, according to the last census in 2001 in Croatia there were 15,082 Albanians, 247 Austrians, 43,469 Muslims, 458 Bulgarians, 9,724 Montenegrins, 13,068 Czechs, 22,355 Hungarians, 6,280 Macedonians, 2,635 Germans, 679 Poles, 6,695 Roma, 810 Romanians, 706 Russians, 5,606 Slovaks, 581,663 Serbs, 21,303 Italians, 320 Turks, 2,494 Ukrainians, 22 Vlachs, 600 Jews and 3,012 other ethnic and national minorities.²

¹ Dario Kuntić is a political scientist working in the Ministry of European Integration of the Republic of Croatia and holds an M.A. in Democratization and Human Rights from the University of Bologna, Italy

² The Republic of Croatia declared the 2001 Census a fraud.

Original paper
UDC 323.15(497.5)
Received in May 2003

Dario Kuntić*
From those two censuses it can be seen that the number of the Serbs has drastically changed for almost 400,000 people. This is the result of the war and exodus of the Serbs that occurred in 1995 when Croatian Army liberated territories occupied by the rebel-Serbs.

It is not easy to define a minority. Experts are trying to give the right answer considering all political, cultural, historical and sociological terms but a definition that could be generally acceptable does not exist. Minority can be defined as any group inside a society connected by at least one mutual characteristic, which can be marked as particularity of that group. It can also be defined according to: demographic characteristics, beliefs or thinking, physical look, religion, social or cultural and ethnic or national origin. The used in this article refers to minority groups who due to political, historical or any other reason found themselves on the territory of a specific state where they are in minority in relation to majority population.

One of the most complete definitions, but still not appropriate for all situations, is the definition of the Vice-Commission for the Prevention of Discrimination of the Minorities of the UN, which considers minority as: “a group that is small in number in relation to the population of a state and that is in a non-dominant position, whose members, citizens of that state, have from ethnic, religious or linguistic point of view, characteristics which are in disparity with other population and express in a particular way sense of solidarity with the aim to protect their culture, tradition, religion and language.

The protection of the minorities stands for rights by which the members of minorities are protected from non-equality and discrimination. It also a set of measures undertaken by the state to ensure the quality living conditions for a minority community.

2. Two Kinds of Minorities

Minorities can be protected by mechanisms like territorial, personal and cultural autonomy. Territorial autonomy can be given to a minority if it is concentrated within a territory where the number of its members is bigger than the number of other nationals. If minorities are dispersed in a wider area, their protection can be organized through personal autonomy or proportional participation in the bodies of authority. The third way is cultural autonomy which can be the only solution for the protection of minorities if they are not numerous and are dispersed in a wider area. Without protection, minorities are condemned to assimilation or extermination.

A state that respects democratic principles or is founded on them must aspire after protection of its minorities. The minority rights have to be equalised with the rights of other citizens who are majority by a system of legal norms that help minority members to express, keep and develop their identity. Realisation of their freedoms and rights is an important measure and a test of democratization of modern society. As a conclusion it should be said that minorities must be respected and protected because their protection is an important factor of peace, stability, democracy and justice.

The history of Europe is marked by a large number of conflicts and wars during centuries. It is not necessary to go to the time of the Roman Empire or Middle Ages, it is enough to look at the past hundred years. Wars led with the aim of territorial conquest forever changed the geopolitical picture of Europe. People were moving from country to country without their free will. Some of the reasons were fear for their life, forced deportations, like those in the World War II, etc. The disintegration of big empires like the Ottoman or the Austro-Hungarian caused the situation in which peoples found themselves in newly created countries, like, for example, Czechs in Austria or Hungarians in Croatia.

Croatian minorities emerged, on the one hand, due to the attack of Turks from the East who conquered the eastern part of Croatia, and because Croatia was a part of the Austro-Hungarian Empire on the other. The minorities in Dalmatia and Istria appeared because they were under Venice and later Italy in a certain period of their history. When the Ottoman Empire conquered eastern parts of the Balkans many people escaped from their homes and found shelter in free parts of Croatia where they remained. Most of them were Serbs who settled near the borders with the Ottoman Empire while the others who came in small number were Macedonians and Montenegrins. However, they were not treated as minority until the disintegration of Yugoslavia in 1991. The collapse of the Austro-Hungarian Empire at the end of the World War I, caused the emergence of minorities in a different way. All people who, due to various reasons, came to Croatia after the disintegration from other parts of the Austro-Hungarian Empire, found themselves, in a new country. They could stay or go to their mother countries which meant that they would have to leave their homes and
land. Some of them left and those who stayed became minorities. In the first place these were Hungarians, then Czechs, Slovaks and others. As was mentioned earlier, Dalmatia and Istria were in certain periods under Venice and what is most important under Italy. After the World War I, in 1919 in Saint-Germain, France, the agreement was signed with the member states of the Antanta according to which the entire Istria was given to Italy as a reward for being part of the Antanta that won in the war. The Rapal Treaty of 1920 between the Kingdom of Serbs, Croats and Slovenes and Italy, the Kingdom SHS gave the town of Zadar as well as the islands of Cres, Lošinj and Lastovo to Italy. In the World War II, the Independent State of Croatia gave almost the entire Croatian coast to Italy whose ally it was at that time. During the war the Italians came to live mostly in that part of Croatia. When the war ended a number of Italians stayed in Croatia, as did a small number of Germans. The history of the minorities in Croatia ends with the disintegration of Yugoslavia when its ex-constitutive peoples: Serbs, Montenegrins, Macedonians, Muslims and Slovenes became minorities.

Taking all this into consideration, it can be said that there are two kinds of national minorities in Croatia. One are “old” national minorities that existed in the former common state where they created good conditions and infrastructure for accomplishing their rights. Then there are “new” national minorities who gained this status with the independence of the Croatian State but, because of the situation following the disintegration of the former state, the time for constitution and organisation was very difficult.

By the disintegration of the Socialist Federative Republic of Yugoslavia (SFRY) in 1991, Croatia became independent. With the independence of Croatia the members of the constitutive peoples of the former SFRY gained the status of minorities. Consequently, Croatia needed a constitutional law on the protection of minorities, which was one of the main demands for the recognition of the Republic of Croatia by the EU and other states. Croatia enacted its first Constitution on 22 December 1990 when it was still a member of the SFRY. However, the regulations regarding human rights and freedoms and the rights of national minorities did not suffice, so on 4 December 1991 Croatia passed the Constitutional Law on Human Rights and Freedoms and the Rights of Ethnic and National Minorities, which was modified and amended in 1992, as a precondition for its international recognition, and following the examples of some other states of the so called new democracy (Lithuania, Estonia and Hungary). From 1991 on, Montenegrins, Macedonians, Serbs, Muslims and Slovenes, together with Hungarians, Italians, Czechs, Ruthenians and Ukrainians together with other minorities who lived in Croatia, became national minorities. The Republic of Croatia defined the rights of “new minorities” taking the experience concerning the rights of “old minorities” as its starting point; the issue of the definition of the Croatian Serbs’ status and their freedoms and rights escalated into an open conflict between the Republic of Croatia and a segment of the Croatian Serbs.

In 1991 the situation was far from good because the war started, and Croatia had many problems with Serbs. A large part of Serbs were against the independence of the Republic of Croatia and they wanted to have “the State in the State” which was totally opposite to the Croatian Constitution and thus “out of question”. Serbian political extremists manipulated some of them but a great number shared the idea that they had the “natural right” to those parts of Croatia. According to that claim they occupied a large part of Croatian territory rebel-Serbs were, mostly assisted and armed by the Yugoslav Army that, at the very beginning of the conflict, arrived as troops that would “settle the situation”. It is well known how they did it.

The war was very cruel and marked by a large number of victims and refugees who were forced to leave their homes and escape to unoccupied parts of Croatia. The rebel-Serbs did not accept the legality and legitimacy of the Croatian law. They started ethnic cleansing whose victims, apart from Croats, were also the members of other minority communities in the Republic of Croatia.

3. The Role of the Constitution

That phantom state existed until the summer of 1995 when Croatian military and police forces liberated the biggest parts of the occupied territory. A large number of Serbs left those parts of the Croatian territory in spite of the words of the President Franjo Tudjman: “I’m inviting all citizens of Serbian nationality, who were not active in the rebellion against Croatia, to stay in their houses without any fear for their life and their property and wait for the Croatian authority, with the guarantee that all human rights will be given to them. They will also have elections for local self-government according to the Croatian Constitution and the Constitutional Law with the presence of international monitors”. Full reintegration of occupied territories occurred in 1998 when Croatia peacefully reintegrated the area of the Croatian Danube region. But even
Then Croatia had a problem with the southern part of its territory, Prevlaka, which was under the UN protection. In September 2002, the UN Secretary General, Kofi Annan, suggested to the Security Council to end the mandate of the military observers on 15 December 2002.

The Security Council sent the appeal to Croatia that human rights of local Serbs had to be respected. It was also said in the appeal that they had to be able to stay or return to those areas, if they wanted. At the same time, the time limit for the return had to be lifted and their property had to be given back to them.

This appeal was sent due to the exodus of Serbs from the liberated parts of the Croatian territory and because the Croatian Parliament sanctioned some decisions of the Constitutional Law on the Communities with particular self-government status.

After their departure, the Croatian Parliament issued the Constitutional Law on Temporary Non-application of some decisions of the Constitutional Law on Human Rights and Freedoms and on the Rights of Ethnic and National Communities or Minorities in the Republic of Croatia. This Law included the decisions that gave some special rights to the Serbian minority according to their share in the total number of the population of Croatia (over 8%) and decisions on the special status of the areas where they formed majority. The non-application of these decisions should have lasted until the first census to be held in spring 1996. But at the same time, on the territory of Slavonia, Baranja and the Western Srijem (areas in the eastern Croatia) Croatian refugees were not allowed to return although the peace agreement was signed with the rebel-Serbs (in November 1995) which guaranteed peaceful reintegration of the occupied areas in the Republic of Croatia.

The Republic of Croatia granted, by its Constitution, human rights to all citizens and minorities from the very beginning of its independence. Croatia created the space for the establishment of interethnic and international relations. In the Resolution on the Protection of the Constitutional Democratic Order and on National Rights in Croatia, which was adopted in the Croatian Parliament in August 1990, Croatia expressed its will to “guarantee all human, political and national rights to all citizens living in Croatia equal to the rights and freedoms of all peoples and minorities in the European Community and in other democratic countries of Europe and North America”. Croatia also confirms that by its Constitution of December 1990, it guarantees to all members of the peoples and minorities living in the Republic of Croatia freedom to express their nationality, freedom to use of their language and script, and cultural autonomy.

The Constitution of the Republic of Croatia declares that the Republic of Croatia is established as the national state of the Croatian people and the state of the members of autochthonous national minorities: Serbs, Czechs, Slovaks, Italians, Hungarians, Jews, Germans, Austrians, Ukrainians, Ruthenians and others, who are its citizens. This constitutional definition encompasses all citizens of the Republic of Croatia and gives to all of them equal rights.

The protection of the rights of members of national minorities in the Republic of Croatia is among the best in Europe. According to the Croatian Constitutional Law on Human Rights and Freedoms and the Rights of Ethnic and National Communities or Minorities, the Republic of Croatia protects the equality of national minorities: Albanians, Austrians, Muslims, Bulgarians, Montenegrins, Czechs, Hungarians, Macedonians, Germans, Polaks, Romas, Romanians, Russians, Ruthenians, Slovaks, Serbs, Italians, Ukrainians, Vlahs, Jews and other ethnic and national communities or minorities and stimulates their universal development. The Constitution of the Republic of Croatia together with the Constitutional Law on Human Rights and Freedoms and Rights of Ethnic and National Communities or Minorities, Framework Convention for the Protection of National Minorities and European Charter for Regional and Minority Languages ensures rights against any kind of discrimination, rights to existence, identity and participation in public affairs. It guarantees free use of their language, rights to their symbols, culture, access to media, publishing of books and press in their language and script. In the political field minorities have been granted rights for proportional participation in the Croatian Parliament and Croatian Government if their share in the total population is, at least, 8%. By the Croatian Constitution: “Each person and citizen in the Republic of Croatia has all the rights and freedoms, regardless of their race, skin, colour, gender, language, religion, political or other affiliations, national or social origin, property, birth, education, social status or other characteristics.” According to these rights: “The citizens are guaranteed the right to free association enabling them to protect their well-being or advocate social, economic, political, national, cultural or other beliefs and goals. Thus citizens may freely set up political parties, trade unions and other associations, join or leave them. The right to free association is restricted solely by the prohibition of any violent
threat to the democratic constitutional order and the independence, unity and territorial integrity of the Republic of Croatia”. The Constitution of the Republic of Croatia and the Constitutional Law on Human Rights and Rights of Ethnic and National Communities or Minorities are in conformity with standards comprised in international agreements concerning human and minority rights as United Nations Charter and other UN documents, the General Declaration of Human Rights, the Final Enactments of the Conference (Organisation) on Security and Cooperation in Europe, the International Covenant on Civil and Political Rights, documents of European Council pertaining to human and minority rights and documents of the Organisation on European Safety and Cooperation.

The Office for Ethnic and National Communities or Minorities of the Government of the Republic of Croatia was established in 1990 with the aim to enforce the provisions of the Constitutional Law and to promote the implementation related to the minority rights. The competences of the Office are: monitoring the implementation of international conventions regarding the protection of national, religious and cultural rights of minorities; proposing the implementation of certain practice-tested models of the realisation of ethnic rights; proposing measures for the realisation of ethnic rights; gathering information and data on the realisation of ethnic rights in Croatia and elsewhere in the world.

Members of national minorities exercise their political rights, like all citizens or nationals through regular institutions on the basis of the provisions of: the Constitution, Constitutional Law, Law on Election of Representatives to the Croatian Parliament, and Law on Political Parties. As regards elections, the multiparty system allows to minorities to express their political will through their parties that have equal participation as the parties of the majority population. There are 12 minority political parties in Croatia whose members are members of ethnic communities. Members of minority groups could be also found in the parties that are not minority parties but parties with left, central or right orientation. At the elections held on 3 January 2000, five representatives of autochthonous minorities were elected to the Parliament of the Republic of Croatia: representatives of Hungarian, Italian and Serbian minority, one representative of Czech and Slovak minority and one of German, Austrian, Jewish, Ruthenian and Ukrainian minority. These representatives do not represent only the interests of their minorities but also the interests of all minorities in the Republic of Croatia as well.

The Constitutional Law on Human Rights and Freedoms and the Rights of National Minorities regulates education in minority languages in the Republic of Croatia. This Law is applied in kindergartens and schools in the areas where minority members create majority. In schools with classes in minority languages, teachers are members of a national minority and they are trained in Croatia and partly in their mother country. Members of national minorities have the right to establish private schools and kindergartens.

In schools attended by national minorities’ children, besides the regular curricula there are supplementary curricula. They contain topics on fundamental features of the mother tongue, history, geography, art and music. Which of the mentioned curricula is to be actually used in a school attended by the members of a national community, depends on their choice, and the decision of the local (municipal) government about which of these programmes is the most pertinent under the circumstances. The choice of the programmes and the type of teaching is defined by municipality and school status.

Schools for Serbian minority were organized during summer and winter period. They usually last between 10 and 15 days. There, the minority members learn about their history and culture in their mother tongue. In 1996 the preconditions were created for the beginning of classes in the school year 1997/98.

### 4. Special Challenge

The Croatian Danube region is a special challenge because the largest part of Serbs in Croatia live there. According to the expectation of Serbian leaders the schools for Serbs should be open in the school year 2002/03. The official proposition signed by Community Council of Serbian Communities includes a demand for the establishment of 20 schools in Serbian language and Cyrillic script. Out of 9 schools in Vukovar Serbs want two elementary and two high schools for the education of 1900 scholars of Serbian nationality. But the official standpoint of the Government of Vukovar is that this is not the time for that kind of schools. Petar Milinarić, the Vice-Mayor of Vukovar said: “We recognize the minority rights but it is too early for Serbian schools in Vukovar”. The explanation was that the wounds were still fresh, which could be true on the one hand due to the war and everything that happened in Vukovar. However, minority rights are not endangered because most schools in Vukovar have class departments in Serbian language.

As regards the Italian minority, there are 18 pre-school institutions in Italian language, 19 elemen-
The papers publishing house «Edit» in Rijeka that publishes newspapers and books. Serbian Cultural Society named «Prosveta» publishes magazine Prosveta, children's magazine Bijela pčela, a local paper Gomirsko novine and others. The Slovak minority is organized in the society named Matica Slovačka which publishes the magazine Pramen. Other minorities also have their newspapers, bulletins and other publications, which help them to maintain their culture and language.

Minorities are also represented on the radio and television. TV programmes present their life, work and cultural heritage through news, documentaries and music programs. On the Croatian Radio, Zgreb Radio broadcasts news and music programmes for minorities. They have their own broadcast called “From the life of our national minorities” where cultural and educational activities of Croatian minorities are presented. Croatian Radio and local radio stations broadcast one-hour programmes for Italian, German, Austrian, Czech, Slovakian, Hungarian, Russianian, Ruthenian, and Jewish minority.

Central libraries are established for the members of Italian, Czech, Hungarian, Slovenian, Serbian, Ukrainian, Ruthenian and Albanian minorities. These libraries, established within major libraries, can be found in the cities with the largest number of minority members. Their purpose is to provide books in mother tongue and script for minority members. All the libraries increase the number of their books by donations from governments, associations, other libraries, from mother countries and Croatia and from the funds that the Office for Ethnic and National Communities and Minorities sets for this purpose. Libraries for minority members exist also in elementary schools, high schools and clubs.

The minorities who organise various cultural activities are German, Austrian, Italian, Serbian, Jewish, Czech, Slovakian, Muslim, Albanian, Montenegrin, Macedonian, Ruthenian, Ukrainian and Romanian. These minorities are organized in cultural societies that receive financial support from the State Budget and from the budgets of local self-governments. It should be mentioned that every year national minorities organise big presentations of their culture in the capital of Croatia, Zagreb. There, Croatian minorities introduce their culture, gastronomy and their way of life to the Croats and other minorities.

The Office for Ethnic and National Communities or Minorities allocates the required funds to national minorities. It monitors the realisation of different programmes related to national minorities like: publishing, culture amateurism, cultural events and news media and the work of 34 non-governmental
5. Conclusion

The Republic of Croatia guarantees, supports and promotes relations of national minorities with their mother states for the purpose of promoting their national, cultural and language development. With this aim in mind, the Republic of Croatia signed the Agreement on the Protection of Hungarian Minority in the Republic of Croatia and the Croatian Minority in the Republic of Hungary; the Agreement on Cooperation in Culture, Education and Science between the Republic of Croatia and the Republic of Hungary; the Declaration on the Principles of the Cooperation between the Republic of Hungary and Ukraine, whose cosignatory was the Republic of Croatia; the Memorandum on the Understanding between the Republic of Croatia, the Republic of Italy and the Republic of Slovenia on the Protection of Italian Minority in Croatia; in 1996, it signed the Agreement on the Normalisation of the Relations between the Republic of Croatia and the Federal Republic of Yugoslavia as well as the Treaty on the Protection of the Italian Minority in the Republic of Croatia and the Croatian Minority in the Republic of Italy. With the parent states with which international agreements or treaties have not been signed yet, the Republic of Croatia signs contracts on concrete programmes such as the building of the school in Jospovac which is jointly financed by the Republic of Slovakia and the Republic of Croatia for members of the Slovakian national minority.

At the end of this review it can be concluded that the Republic of Croatia applies highest norms related to the implementation of the protection of minority rights. Ethnic groups and minorities have all rights to the implementation of their culture, political rights and rights to develop their ethnic identity. They can freely maintain relations with their mother countries and have their own associations for the purpose of protection from assimilation. The Republic of Croatia will continue to help its minorities in the future because only their good mutual relations will ensure peace and stability in the country and in the region. In the very near future (maybe as early as this autumn) Croatia will pass a new law on the protection of the minorities which will bring even higher protection of the rights of Croatian minorities. The minority representatives and their political parties have some demands that will be considered in the Croatian Parliament. With this new law on minorities the Republic of Croatia should be on the top of the European democracy.

NOTES

2 Klemens, Ludwig: Leksikon etnolških manjina u Europi
3 www.dzs.hr
4 Leksikon migracijskih etničkih nazivlja.
5 Ibid.
6 Ibid.
8 In Croatia there are also Jews, Ukrainians, Roma and others who came to this area with the migration of peoples during centuries. For example, Jews come to Croatia (then Roman Provincia Dalmatia) in the time of the Roman Empire.
9 Etničnost i stabilnost Europe u 21. stoljeću.
11 SFRY recognized only Hungarians, Italians, Czechs, Slovaks, Ruthenians and Ukrainians as minorities.
13 "Jutarnji list", 10 August 2002.
14 Prevlaka is on border with Montenegro.
15 Census was not held until Spring 2001.
16 Domini, M., “Prava i slobode etničkih i nacionalnih zajednica/ manjina”.
17 Ibid.
20 "Narodne novine (Official Gazette)" no. 135/1997.
21 Domini, M., "Manjine i izbori", VGD Jahrbuch 2000, pg. 249
24 Vukovar is city that was totally destroyed by Serbian rebels and the Yugoslav Army 1991. It was occupied until peaceful integration of Croatian Danube 1998.
25 In its domain is the approval of all syllabuses.