



Civil society monitoring report on implementation of the national Roma integration strategies in Croatia

Focusing on structural and horizontal
preconditions
for successful implementation of the strategy

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**Civil society monitoring report
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national Roma integration strategy
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LIST OF ABBREVIATIONS

AP	Action plan for implementation of the National Roma Integration Strategy
CEO	Croatian Employment Office
CoE	Council of Europe
ECRI	European Commission against Racism and Intolerance
ECtHR	European Court for Human Rights
ERDF	European Regional Development Fund
ESF	European Social Fund
LGBT	lesbian, gay, bi-sexual, transgender
OHMR	Croatian Government's Office for Human Rights and Rights of National Minorities
MP	Member of Parliament
MSE	Ministry of Science and Education
NEET	(young people) not in work or education or further training
NGO	Non-Governmental Organisation
NLPA	national-level public authorities
NRCP	National Roma Contact Point (Croatian Government's Office for Human Rights and Rights of National Minorities)
NRIS	National Roma Integration Strategy
WW2	Second World War

EXECUTIVE SUMMARY

There is 16,975 Roma in Croatia, representing 0.40 per cent of the overall population, however, according to the recent data collection project developed in support of an efficient implementation of the NRIS, it is said that around 25,000 to up to 30,000 Roma live in Croatia.

Croatia recognises Roma among 22 national minorities, whose political, social and cultural development is supported by law and specific policies. Nevertheless, Roma are considered to be the most vulnerable ethnic group; therefore, since 2003 the government has developed specialised measures aimed at supporting Roma's social inclusion, including affirmative action. The measures are described in the National Roma Inclusion Strategy and its Action Plan for Implementation, which are also the two main basic documents for the Roma inclusion.

Governance and overall policy framework

Based on a Constitutional Act on the Rights of National Minorities, Roma are represented at the local and regional governments. The political influence is seen but it is not used as well as could be and there is a place for improvement through empowerment and capacity building of Roma. With an increased educational level, it is expected that Roma will have more capacities for using existing opportunities and contribute to improvement of the situation of Roma in Croatia and by this improvement of the whole Croatian society.

Political will is showed by all relevant ministries and national level public authorities who are taking the lead in implementing affirmative measures for the inclusion of Roma, and planning and monitoring of these measures are jointly done by Roma and relevant non-Roma stakeholders through the Committee for Monitoring of NRIS Implementation. The Government's Office for Human Rights and Rights of National Minorities, which acts as the National Roma Contact Point, ensures evaluation of the NRIS and recommendations for further implementation.

Roma actively participate in the country's political life but at the same time, the Roma civil society is still relatively weak. Strong connection between Roma representatives and the politics brings some benefits for the Roma inclusion policy, but on the other hand, the low level of formalisation and transparency of this connection are sometimes seen as problematic.

Anti-discrimination

Roma community is the most vulnerable to discrimination among all communities in the country and there is a lack of effective anti-discrimination actions or campaigns that would target the unequal treatment against Roma. Every fifth Roma in Croatia has experienced discrimination (mostly in education and in access to employment). But access to justice and remedy is still limited, mostly because of underreporting of cases of discrimination due to victims' low trust in institutions. However, there have been few judgements that recognised the phenomenon, including a judgement of the European Court of Human Rights in a case of segregation in education.

Despite some actions by the government, following judgements of courts in cases concerning educational segregation (including one case decided by the European Court of Human Rights), Roma pupils remain underrepresented in the mainstream preschool education and institutional segregation at the pre-primary and primary levels persists. Some 40 per cent of Roma pupils are educated in such environment, but the NRIS has set up a goal to fully eliminate this phenomenon by 2020.

More than half of Roma live in segregated settlements. Elimination of the residential segregation is one of the NRIS's goals, but in reality, the government have not

implemented any measure to achieve it. Instead, there are investments into improvement of living conditions in segregated settlements, which are presented as investments into Roma inclusion, while they will only conserve the *status quo* and social marginalisation.

Roma continue to be targets of racially motivated crime, but such cases continue to be unreported. This is due to a lack of trust, due also to misbehaviour of police officers toward Roma.

Addressing antigypsyism

The concept and term of “antigypsyism” has not been used by Croatian civil society, public authorities or other policy actors, despite widespread racism, prejudice and negative stereotypes against Roma. These negative phenomena have been rarely addressed so far and most of existing initiatives target rather Roma than the racism of the mainstream society.

An escalating hate speech mainly targets Roma together with Serbs, LGBT persons and refugees. Physical attacks against these groups occur to a lesser extent, but Roma continue to be the targets of racially motivated violence. Existing provisions in the criminal law on racist motivation as an aggravating circumstance are rarely applied due to lack of knowledge and expertise among the judiciary in recognising hate crime.

On the positive side, the authorities have improved protection against hate crime through amendments to the Criminal Code, which introduced a new provision criminalising violent conduct in public places and creation or leading of groups promoting racism. In addition to criminal liability, the Croatian law provides for punishment of hate speech as a misdemeanour under civil liability.

Civil society indicates that media outlets play an increasing role in the dissemination of hate speech. In print media, coverage is reportedly often negative and based on stereotypes against minorities, targeting mostly Serbs and Roma too, but comments under the articles on Internet portals are crowded with hate speech. No institution or organization systematically monitors antigypsyism in media.

INTRODUCTION

The basic document for the Roma inclusion and to improve the situation of Roma national minority in Croatia is the National Roma Inclusion Strategy 2013-2020 (NRIS). The Action Plan for implementing NRIS which was valid from 2013 to 2015 expired and a draft of the new plan has been developed and currently is waiting to be made available for public discussions. Thus, Croatia does not have currently any "active" action plan for implementation of the NRIS.

The NRIS has been evaluated and recommendations from the evaluation have been accepted by the government. The base-line data for an efficient implementation of NRIS is collected, and an on-line platform for reporting on the implementation of NRIS to Roma national contact point is developed.

The current report was developed following a series of discussions and desk research activities. Consultations were done with Roma and pro-Roma civil society and other relevant institutions. The opportunity to participate was given to a broader circle of stakeholders who were asked to grade the relevance of diverse topic/issues, and the report has focused on those that the stakeholders had identified as the most relevant. The desk research included study of relevant documents. Additionally, a series of informal short meetings was organised with relevant individuals from the local, regional and national government and with the NGO sector. Formal interviews were conducted with representatives of several public institutions (Ministry of Social Welfare and Youth, National Roma Contact Point, Ministry of Education, Croatian Employment Office, Ombudsperson Office, Councils of Roma National Minority), representatives of Roma and pro-Roma civil associations and with nine members of the Roma community. Also, a second round of desk research was done after recommendations received from interviewed stakeholders. To discuss the preliminary findings of the report, focus groups were organised with 39 members of Roma community (separate groups were organised with young Roma and with Roma woman).

GOVERNANCE AND OVERALL POLICY FRAMEWORK

Representing the interests of Roma in the parliament

As of 2007, there are 151 members elected in the Croatian Parliament. Among those, one member is elected to represent the voice of 12 national minority groups,¹ including Roma. The first Roma member elected in the Croatian Parliament was Nazif Memedi, who was elected in 2007 for a period of four years, followed by Veljko Kajtazi who was elected in 2011, 2015 and 2016.

According to the election results data from the recent years, it is noticed an increased interest among Roma people in the political sphere, as more Roma run for political positions, as well as that more Roma people vote for their national minority representative. The reason for this may be that Roma are nowadays more politically aware and interested in addressing the status of Roma than ever before.

In the last few years, the government had a very tight majority in the Parliament and this situation was noticed by many political parties and individuals. Currently, there is an on-going discourse about decreasing the overall number of members in the Parliament, in which case the minority groups will be affected mainly, as the number of the national minority representatives would also be lowered. It is considered irregular that those members of the Parliament who are elected based on the right for minorities to have the opportunity to influence and decide about the majority population in the Parliament. One of the stated arguments to support the discourse is that the minority representatives in the Parliament were elected with fewer votes compared to the mainstream candidates. The Ombudsperson's opinion on the current discourse is that it represents a step back for the rights of the minority groups in Croatia.² According to the law, every citizen, who is also a minority in Croatia, can vote either for their minority candidate or for the mainstream candidates from different parties. This is often not enough addressed in the political discussions and media. Cutting the rights of the minority representatives in the Parliament would most likely decrease the influence of the representatives, which would lead to a lower political participation and representation of the national minorities in Croatia.

If this change will occur, the mainstream political parties will have to ensure an equal representation for all national minorities, including for Roma. Currently, mostly the minority member in the Parliament advocates for the rights of Roma. Very rarely are cases when politicians from the mainstream parties advocate for improving the situation of Roma. However, many politicians do show their support by attending different public events, such as the commemoration of the Holocaust.

So far, many of the minority representatives in the Parliament advocated for change for their minorities in Croatia. Many of the actions advocated for and indeed developed, were initiated by the members of Parliament. One of the most recent changes, which impact positively the civil society, is that the umbrella of Roma associations in Croatia is financed with 200,000 EUR per year, by the government. Among other changes, can be noted:

- As of 25 May 2012, the Croatian Parliament unanimously supported the initiative of the Roma MP to recognize and celebrate 5 November as International Day of Roma Language.
- Every year, a group of political representatives take part in the ceremony of Commemoration of Roma victims during the WW2 in Uštica, where the concentration camp Jasenovac existed.
- One of the deputy prime ministers also presides the Committee for Monitoring the Implementation of NRIS.
- The central ceremony for World Roma Day is attended by representatives of President of Croatia, government, Parliament, Ambassadors and many other stakeholders from political elite.

Many of these changes would not happen or would not be in the attention of the politicians without having the minority representatives in the Parliament.

Roma, as well as other national minorities, are equal to any citizen of the society, in terms of having the same right for political participation as any other member of the society. In some cases, they even have extended rights. In some areas where the number of Roma or share of Roma in the mainstream society meets the requirements from Constitution Act on National Minorities, they have the right for reasonable representation at the local and regional government. They can also form, in special minority elections, Councils of Roma National Minority or be elected as Representatives of Roma National Minority at the local or regional levels.

Based on the information gathered during the interviews with Roma, for the purpose of this report, as well as based on the professional experience of the author as an observer during elections, it can be stated that the Roma community is often manipulated and bribed for their votes. There are several ways in which Roma and non-Roma politicians buy votes from Roma people. Moreover, this is a visible practice across the country and the situation is linked to the level of poverty and the low level of education among Roma.³

Mainstreaming Roma inclusion across ministries and other national level public authorities

The promotion of Roma inclusion in Croatia started in 2003 when the Government adopted the first strategic document - National Program for the Roma,⁴ and in 2004, when Croatia joined the political initiative Decade of Roma Inclusion 2005-2015. Later on, in 2012, the government adopted the National Roma Integration Strategy 2013-2020 (NRIS).⁵ The NRIS represents the basic document for the inclusion of Roma and based on it the government developed the Action Plans (AP) for the period 2013-2015.⁶ Upon the adoption of the strategy, a Committee for Monitoring of NRIS Implementation 2013-2020 was formed. The Committee's members were Roma and non-Roma, who were also representatives of relevant ministries and national public authorities, and it was led by the Deputy Prime Minister at the time, and a Member of the Parliament representing national minorities, as Vice-President. The Committee was established with the purpose to engage and consult directly with other ministerial and sub-ministerial bodies in the country.

Ministries and national-level public authorities (NLPA) are assigned to take a leading role in the implementation of measures for Roma inclusion. They are mandated to report about the progress and results to the Coordination body of the Committee for Monitoring of NRIS implementation, which is the Croatian Government's Office for Human Rights and Rights of National Minorities (OHMR). Ministries and NLPA are members of the Committee for Monitoring of NRIS Implementation and as such they attend regularly the meetings organized by the Committee. Such meetings facilitate inter-sectorial cooperation as well as provide a space for discussing the challenges they encounter in their work. Another

³ See: <http://novilist.hr/Vijesti/Hrvatska/Jugas-i-Kajtazi-upozoravaju-na-kupovanje-glasova-manjinaca> or: <https://www.vecernji.hr/izbori2016p/kajtazi-optuzuje-bandica-za-kupnju-glasova-vasa-kandidatkinja-putuje-kroz-romska-naselja-i-podobnim-romima-isplacuje-novac-1111299>

⁴ See: [http://novebojeznanja.hr/UserDocsImages/Dokumenti%20i%20publikacije/Dokumenti%20i%20publikacije%20Referirani%20u%20SOZT-u%20\(popis%201\)/057%20Nacionalni%20program%20za%20Rome%202003.pdf](http://novebojeznanja.hr/UserDocsImages/Dokumenti%20i%20publikacije/Dokumenti%20i%20publikacije%20Referirani%20u%20SOZT-u%20(popis%201)/057%20Nacionalni%20program%20za%20Rome%202003.pdf)

⁵ NRIS available at: <https://pravamanjina.gov.hr/UserDocsImages/arhiva/Nacionalna%20strategija%20za%20ukljucivanje%20Roma%20za%20razdoblje%20od%202013.%20-%202020.pdf>

⁶ AP available at: <https://pravamanjina.gov.hr/UserDocsImages/arhiva/15012016/Akcijski%20plan%20za%20provedbu%20NSU%20za%20razdoblje%202013-2015.pdf>

major benefit for such meetings is that a lot of useful information is collected directly from Roma members and other colleagues who spend time among Roma communities.⁷

The OHMR, under which the National Roma Contact Point (NRCP) is located, requested an external evaluation of the NRIS and its AP. The external evaluation was done by Eben Friedman and Maja Horvat. The findings and the recommendations of the external evaluation were planned to be the basis for developing a new Action Plan for the implementation of the NRIS 2016-2018. The external evaluation, published in 2015, recommended that partial revisions of NRIS should be considered in the strategy areas "Physical Planning, Housing, and Environmental Protection" and "Inclusion of the Romani National Minority in the Cultural and Social Life".⁸ Some of the main findings show that the AP 2013-2015 was unsatisfactory and some of the main recommendations were to use a new approach when developing the new Action Plan and to develop defined indicators with starting values so that the impact of actions could be measured in the long-run.

Generally, it can be said that evaluating strategic documents is not a common practice in Croatia, but the external evaluation of NRIS was recognised as a political will for improving the situation of Roma in Croatia. Even so, with the Parliamentary elections in 2015, the Committee for Monitoring of NRIS implementation was dismantled. The political situation during that period was unstable, given that the newly elected government has fallen, and that new elections were run in early 2016. During this period and due to a lower level of attention from the politicians for the inclusion of Roma, the NRIS was not revised. Thus, the Committee for Monitoring of NRIS implementation in 2016 was not established, and the Action Plan for the implementation of NRIS following 2015 was not developed either. Still, without a new and valid Action Plan for the implementing of the NRIS, all ministries and NLPAs continued to implement measures focused on addressing the inclusion of Roma based on the NRIS, as a valid and central document for Roma integration. All stakeholders delivered regularly reports to the NRCP.

In the last three years, some positive changes were observed following the implementation of NRIS, but more results are to be seen in the period ahead. Some of the recommendations included in the external evaluation of NRIS and its AP were taken into consideration and practical steps were taken in addressing them, such as:

- A large-scale project was developed and implemented focused on collecting base-line data for an efficient implementation of NRIS; in the long-run, this will allow measurement of the Action Plan, as pre-defined indicators will be used.⁹
- OHMR developed an online and public platform to report on the implementation of measures for Roma integration.¹⁰ The platform is not yet active, and it is expected that reporting on implementation of measures for year 2018 will be done by all stakeholders through the online platform.
- The development of the new Action Plan for the implementation of the NRIS was initiated in 2015 and is planned to be publicly discussed by the end of 2018. The new Action Plan will cover the entire period of NRIS till the end of 2020.¹¹

In 2016, without the Committee for Monitoring of NRIS implementation, the budget which is managed by the Committee and which is used to finance the Roma community was not

⁷ In-person interview with representatives of Ministries Science and Education, Croatian employment office, Ministry for Demography, Family, Youth and Social Policy.

⁸ *Evaluation report. Evaluation of Croatian NRIS*. April 2015. p. 65. Available at: <https://pravamanjina.gov.hr/UserDocsImages/dokumenti/Evaluation%20of%20Croatian%20NRIS%20-%20Report%20EN.pdf>

⁹ Interview with representative of the OHMR.

¹⁰ <https://pravamanjina.gov.hr/vijesti/odrzana-druga-edukacija-za-koristenje-on-line-alata-za-pracenje-provedbe-nacionalne-strategije-za-ukljucivanje-roma/811>

¹¹ Interview with representative of the OHMR.

used on the activities initially planned, and money were allocated on different Roma integration activities within the OHMR. A similar situation happened with another budget from which art and cultural activities are financed and which is also managed by the same office.

It is seen by many in the social inclusion area, that the field of education represents the biggest success in the integration of Roma and implementation of measures from NRIS so far. However, many more efforts still need to be invested and many more challenges have to be overcome, but so far the Ministry of Science and Education (MSE) is recognised as the ministry that contributed the most to the integration of Roma. The MSE is the first to have started to collect ethnically segregated data, and that changed the measures based on consultations and suggestions.

Mainstreaming Roma inclusion across local authorities

Every local and regional government has to develop an action plan for Roma inclusion as long as there is a significant number of Roma defined in the Constitutional Act on National Minority's Rights:¹² at least 200 Roma needs to live in the area of the local government, 500 Roma in the area of the regional government or if Roma represent at least 1.5 per cent in whole population of the particular self-government to have right to select Council of Roma national minority in the particular local or regional area. However, many of these authorities failed to develop the action plans or they were developed very late. The local action plans were necessary after recognising that the implementation of the NRIS and of the affirmative measures often runs in to obstacle at the local level. However, the local action plan should be developed in line with the National NRIS AP which expired in 2015 and the new one is still not published and confirmed by the government. For a good implementation of the action plan, financial means must be allocated accordingly, especially at the local level as this is often missed. Without financial support and clear direction for every measure, the action plan is interpreted to only present a list of wishes with no serious political will behind it.

In Croatia, local governments are divided in municipalities and towns, while the regional government is recognised as a County. Municipalities are often very small and they lack financial and human capacities to develop and implement the action plan for Roma inclusion. Implementing the action plan for Roma inclusion at the local level seemed to be effective and efficient back in 2013, however, this has changed due to the existent financial limitations and the stand of a large majority in the civil society and the government – this not being a plan worth developing. Such small authorities simply do not have financial means to implement activities. Towns are also belonging to local governments which have similar problems as municipalities. Larger towns as the Town of Rijeka, Town of Slavonski Brod and Town of Čakovec have financial and human resources to develop and implement action plan for Roma inclusion. However, in practice, the leadership on Roma agenda is more often taken by counties (regional government) than by towns (local governments). Counties are the ones that are taking leadership at the regional level for Roma integration. There are seven counties with significant number of Roma population and out of those only one, Istarska County, did not develop the action plan for Roma inclusion.

Examples of good practices in terms of mainstreamed initiatives and policies, can be found both, at the local and regional governments, and those are founded activities from their own budgets:

- Town of Zagreb, which has the status of a county, provides directly scholarships for Roma pupils and students in secondary and tertiary education. The scholarship

¹² Constitutional law on the rights of national minorities, chapter III, article 24 – conditions electing councils and representatives of national minority on local and regional level. Available at: <https://www.zakon.hr/z/295/Ustavni-zakon-o-pravima-nacionalnih-manjina>

amount is slightly higher compared to the amount provided at the national level, and this is because of the action plan developed in Zagreb and its budget.

- Medimurje County is covering transportation from Roma settlement to institutions which are providing services of preschool education. They are also allocating money for needs of Roma students such as laptops or other equipment needed for education.
- Town of Kutina is covering additional expense of transportation of Roma children in different primary schools to avoid segregation in primary school which is nearest to Roma settlement.

In many smaller communities Roma can use affirmative measures which they are granted based on the national legislation. Governments of small localities do not provide any additional measures which could lead to an improved situation of Roma in their locality. Some governments in small local communities apply to different projects or to different donors in order to finance activities which are addressing Roma needs in their locality. *"All the money which we get for Roma community we will give to Roma community"* is usually mentioned by the majors of these localities. It is also worth adding that even when local and regional governments are mentioned as participants or stakeholders in the implementation of some measures from the AP for the implementation of NRIS, there is no financial means allocated to support their work.

Many smaller local authorities are financing Roma civil society through some small projects which are allocated for the civil society and cover some expenses for the Council of Roma national minorities.

Roma are elected as representatives in the mainstream councils of municipalities, towns and counties. In 2017, there were eleven Roma who were elected in these councils. Nine of them were in municipality councils, one in city council and one in county council. Three of them are elected as independent candidates while others were candidates on the lists of the mainstream political parties.¹³ Political participation of Roma is increasing its focus on Roma polices and mainstreaming Roma polices on local level. Roma national minority has 29 councils of Roma national minority and nine Roma representatives on local and regional level. The main responsibility of the councils is to advise the local government on the Roma national minority.

Promoting empowerment and participation of Roma

As stated previously, the Croatian law allows an equal representation of all the national minorities within the political sphere, and thus, generally, the participation among Roma is higher than ever. However, it is still to be understood its contribution in practice at the local and regional levels.

Those Roma who are elected in the mainstream councils often do not have political experience to advocate for Roma. There are some cases where Roma hold very high positions in the local government, but still powerless. Some Roma who are part of the mainstream local/regional councils even reported their concerns to the Ombudsperson's office.¹⁴ Some of the reported complaints were that they did not get the office in the self-government venue, that they were not consulted, that they do not have the equipment to do their job. Generally, Roma people in Croatia have a low level of education which echoes among the members of council of Roma national minority. Many of the members may have only elementary education and in certain situations are not fully aware of their own rights. Overall, only 4 per cent of the members of the council of the national minorities have a

¹³ Data provided by the NRCP (the NRCP received the data from the Ministry of Administration and State Election Commission).

¹⁴ Information provided by representative of Ombudsperson's office.

low level of education, while this percentage among members of councils of Roma national minority reaches 47 per cent.¹⁵

In many local and regional authorities, the Roma members are not invited in the mainstream council meetings.¹⁶ The OHMR organised few trainings for the members of the minority council but the impact is still to be seen.

When policies for Roma integration are developed, Roma are invited. However, the reality is that those participating are usually the same people, members of the Councils of Roma national minority and a few members of the civil society. Roma participation is based on consultation with Roma. When the new AP for implementation of NRIS started to be developed Roma were consulted, but when an open call was launched to recruit someone to lead the process of the AP development, nobody from Roma community applied for the job.

Many mainstream associations focused on arts, culture, youth, human rights and other are open for Roma participation and they are seeking reliable partner from Roma side. Croatian youth network, Youth initiative for human rights, association *Arterarij* are just some of the mainstream associations which seek members among Roma community and they could not find someone. Some of them had some members of Roma community but they were not active. Roma associations are not developed and often are depending on one or two Roma.

The biggest obstacle to quality participation is again, the very low level of education among the Roma community. Even the NRIS has a goal for social and cultural participation of Roma community, Roma cannot achieve quality participation. There are only a few positive examples of participation. Some Roma and Roma associations manage to profile themselves in the society and they are often contacted by different stakeholders in their scope of work. However, this number of Roma individuals and Roma associations is still not big enough so that those Roma associations and individuals can meet all demands from mainstream society and fill all the places meant for Roma.

Few examples to illustrate Roma's civic and social participation in mainstream society:

- A Roma is part of the Committee for Human Rights which is the advice body to the Ombudsperson's office;
- Roma cultural-art society Darda is active and they perform at major cultural gathering in Croatia and abroad;
- On the local level, Roma usually participate in parental councils in the schools,
- in religions institutions or in football clubs.

On the other hand, based on the information gathered by the authors of this report, Roma do not have representation or do not participate in:¹⁷

- the national umbrella youth association Croatian Youth Network: a Roma association Luna used to be member, but this NGO, as most of Roma associations, was based only on one person who was participating in many other social activities; yet, the Roma are the ethnic group with the biggest share of young people in Croatia but as they are not represented in the national youth umbrella association, their special needs are not advocate by the umbrella.

¹⁵ *Potporna vijećima nacionalnih manjina – IZBOR IZ REZULTATA ISTRAŽIVANJA*, Nenad Karajić – not available online.

¹⁶ Information provided by members of Councils of Roma national minority.

¹⁷ Information gathered from consultations with Roma association and 65 individuals from Roma community.

- Mainstream movements for women rights, despite Roma woman are often suffering from consequences of double discrimination and despite one of the most active Roma associations is Roma woman association "Better future" run by Ramiza Memedi (wife from former Roma MP).
- Lack of participation in other sports activity except football is seen.
- Roma children especially in segregated settlements are very rarely participating in art, cultural and sport clubs, foreign languages schools, IT and gaming clubs.

Roma participation and quality participation is deeply connected with empowering Roma community. Therefore, Roma community needs to be empowered for quality participation.

NRCP organises every year a seminar for young Roma to empower them to participate, mostly in the civil society activities. The first seminars were organised for young people who belonged to different national minorities with the goals to increase coordination between young people from different national minorities, to establish a platform for networking and to share good practices. In the recent years, the focus and the approach were changed, and the seminars were organised only for the Roma national minority members with the goal to empower them to participate. This approach turned out to be not as effective as the stakeholders hoped for. These are some of the challenges faced:

- Outreach in the Roma community has been a challenge and continues to be but most of the efforts are put into having enough numbers of Roma participants,
- There is a lack of support from institutions who could distribute information among young Roma,
- Roma leaders, who are often older people, do not seem to be interested in such seminars,
- Yearly, almost the same Roma individuals attend the seminars,
- Young Roma often need to be encouraged to apply for the seminar and associations in localities are not always ready to provide this kind of support,
- Many young Roma consider that they do not have the knowledge required to attend the seminars,
- Some young Roma are not interested in the topics of the seminar and some see this opportunity as an 'excursion' with no real interest in the seminar.

In order to overcome these obstacles, the OHMR with other stakeholders involved, such as Council of Europe's (CoE) youth department and a non-formal Roma youth initiative, is planning to bring this kind of seminars/workshops at the local level from 2019. In this way, the participants would be prepared to attend the workshop/seminars at the national level. The expectation is that many of the listed challenges would be addressed in this way as a more targeted approach would be applied in the outreach and recruitment activities.

Different Roma and pro-Roma associations organised seminars/workshops to empower Roma through projects, but the results were mostly the same. The youth department from the CoE also noticed the need to empower young Roma and also organised seminars with the goal to increase the participation of young Roma. The seminars were organized in cooperation with the Roma association in 2017 and in 2018 jointly organised by the CoE and NRCP.

The opinion of Roma MP, some Roma associations and some older Roma who attended this kind of seminars in the past is that there are enough seminars and workshops organised, and that unfortunately these do not generate positive impact and thus, results among Roma communities. On other hand, there are statements provided by many young Roma who have never attended any seminars as they did not know about them. It seems

that young Roma are interested and willing to participate in seminars, but in those with a topic of their interest.¹⁸

Guarantees for the effectiveness of programmes with the largest budgets

Croatian Government has Roma targeted initiatives which are financed from the state budget and there are also financed from European funds such as European Social Fund (ESF) and European Regional Development Fund (ERDF). Roma associations have the right to apply for all the calls but there is also Roma targeted calls for proposals. For example, a Roma association can apply their project proposals on calls in area of culture but at the same time, they can apply and on calls for Roma culture which are meant only for Roma associations.

The Municipality Darda, located in one of the poorest areas in the eastern part of Croatia, won a project financed by the ERDF¹⁹ with more than 9.3 million EUR. In the recent years, this is the largest financed project in Croatia addressing the situation of Roma. However, only a part of the financial means will directly be invested in the Roma community:²⁰ 87 houses (each including two independent dwellings) will be built for the Roma community for approximately 3.6 million EUR and a some 471,000 EUR for a Roma cultural centre. The remaining part of the funding will be invested in revitalisation of the municipality, from which all members of the local society will benefit. Some other planned investments are related to constructing a new part of kindergarten "Radost" and to establish provided services for elderly people. As well, a certain amount of the funding will be distributed through an open call to the NGO sector. In the Municipality of Darda there are several active Roma associations which expect to finance their programs and through this project.

At the beginning of the project, many discussions and debates took place especially regarding the investment in houses for the Roma community. Many Roma associations, Roma and pro-Roma activists saw this idea as a form of segregation. This was also an opportunity to ensure desegregation of the Roma settlement in the Municipality of Darda. However, the original idea to build houses for Roma in the Roma settlement was supported by Roma at the local level and houses will be built in this segregated location during the year 2019.

In 2016, the Ministry of Science and Education (MSE) spent almost 1.5 million EUR for measures for Roma and in approximately the same amount.²¹ It appears that in the last few years, the MSE has been changing the approaches in terms of finding the best way on how to narrow the gap in the educational outcome between Roma and the mainstream.²² In 2018, the measure for secondary scholarship for Roma had changed compared to the previous years. The Ministry is again providing scholarships to those Roma students who are repeating the class in the secondary education, given that for a period this support was stopped, and the amount provided is 3.000 HRK which is around 400 EUR per year. Continuous Roma students in secondary education are receiving 5.000 HRK which is around 666 EUR per year.

One of the most relevant projects implemented recently is the collection of basic data of Roma for an efficient implementation of NSRI. This project was done based on the need

¹⁸ Information provided by young Roma from Međimurka, Sisačko-moslavačka, Primorsko-goranska, Borsko Posavska County and Town of Zagreb.

¹⁹ Criteria: affected by the war in the former Yugoslavia, social deprived towns which were affected by war in Croatia are: Benkovac, Beli Manastir (Including municipality Darda), Vukovar, Knin, and Petrinja, and Roma national minority

²⁰ Slavonia TV. Available at: <https://www.youtube.com/watch?v=mThuNz0ptDY>

²¹ Official information provided by Ministry of Science and Education.

²² Information provided by interviewed representative of Ministry of Science and Education.

and the recommendations from the evaluation of NRIS and its Action Plan for implementing NRIS 2013-2015.

The Project is done by Ecorys Croatia and Centre for Peace Studies and it was financed by the OHMR and the European Union, in the framework of the project "Collecting and monitoring baseline data for an efficient implementation of the National Roma inclusion Strategy". The value of the project is 679.278 EUR.

Civil society's access to funding for Roma inclusion activities

The estimation is that there are around 200 Roma associations in Croatia.²³ Looking at the total number of Roma in Croatia, this is quite a large number. It is also estimated that only about 30 associations are active and working in accordance with the law.²⁴

Roma associations are funded through smaller local projects and from the local government, from where funding is allocated for basic work. However, funding for Roma civil society is limited due to lack of the capacity of Roma NGOs.

Council for national minorities is also financing projects for national minorities. In 2017, approximately 62,400 EUR was used for financing projects of seven Roma associations. The Umbrella Roma association Union Roma "*Kali Sara*" received for their projects more than 35,000 EUR and which represents more than 57 per cent of the overall amount distributed for Roma projects in 2017.

Roma associations can access EU funds as well, but because of the limited lack of capacity there are only a couple of them who are prepared, and thus eligible to apply, so more often Roma associations are partners on the EU projects. Even when Roma associations have a partnering role, it is very rarely that they are involved in developing and implementing the project and more often they are used as a source of information and added to project team as a necessary partner.

Empowering the Roma civil society is necessary, and it was done before, and some Roma associations managed to rise above others but still overall this is a too small number of associations in Croatia. Even when these kinds of associations manage to fundraise they are still depending on one person. This means that only one person has the knowledge to run the association, that there is not a transfer of the knowledge and that association is not representing attitude of their members but the attitude of one person.

The Umbrella association of national minorities is financed through the state budget. These associations are led formally or informally by the minority representative in the Croatian Parliament. Former umbrella association of Roma national minority in Croatia, Roma National Council received approximately 200.000 EUR per year for their work. At the time President of Roma National Council was Roma MP. Currently, Union Roma "*Kali Sara*" is the umbrella association of Roma in Croatia and in 2017, this association received some 374.533 EUR from state budget. Roma MP is the former president of this association.

Roma NGOs very rarely take leading positions in projects, but even when they achieve such a goal, due to lack of sustainability of the project, they stop the activities after the project ended. The main problem is that Roma do not have the capacity to apply for different sources of finance. Only a few of them manage to hold steady financing of the project but in such cases the projects are finance from local, regional or national budget on regular basis.

Roma associations who run projects to support Roma children in preschool or/and primary education manage to preserve such projects for up to two years, and afterwards they do

²³ Roma association mean that term "Roma" is in the name of association.

²⁴ Statement based on interviews with Roma and non-Roma stakeholders.

not find other sources to finance their activities. The same activities, but implemented by non-Roma/pro-Roma organisation manage to find financial means to continue implementing activities every year. They are often combining local and European financial sources. Roma civil society mostly relies on domestic than foreign source of financing.

Availability of reliable data on the situation of Roma

In order to be recognised as a member of a national minority in Croatia, every person is required to fulfil two demands. One is to have Croatian citizenship and second, is to be officially registered as a national minority. Thus, Roma in Croatia have to be officially declared as Roma in order to be recognized as a national minority. There are two official numbers of Roma in Croatia: one based on the list of voters officially registered as members of the national minority and the other based on the ethnic self-identification in the Census.

The list of voters is a list which includes every person who is 18 years old or older and who is declared as Roma. A person must have to proof that they are declared as Roma to use any affirmative measures; this proof is done by submitting the print form from voters list where it is clearly seen that that person is declared as Roma.

The census is also allowing every person to self-identify during the interview. The State Statistical Bureau publishes data on national minorities in Croatia. From this data it can be seen how many Roma people live in Croatia, per counties, gender, age, and etc.

Every ministry and any other public institution, collect ethnically disaggregated data which is collected on different ways. In some cases, where Roma are using mainstreamed measures, as it is the social welfare, the system allows Roma to self-identify. Others use a combined system. For example, MSE seeks proof that somebody is Roma if they plan to use affirmative measures for Roma national minority. But, when they gather information about the Roma in primary education, which are not using any affirmative measure they are combining different approaches. Some schools are using the self-identification approach, some schools decide that one is Roma if their home address is in a Roma settlement or their mother tongue is one of two languages which Roma national minority use in Croatia.

Policies and measures addressing specific needs and challenges of Roma women, children and youth

Roma women, children and youth are affected by the overall situation of Roma in Croatia. Poverty, social exclusion, unemployment, poor housing conditions are some of the main considerations that are affecting Roma community, especially the vulnerable groups within it, such as women, children and youth.

The greatest progress and benefit for Roma children has been observed in the area of education. The rapidly increased number of Roma children included in preschool and elementary education is an encouraging indicator. In the academic year 2002/2003, there was 200 Roma in secondary education and approximately 1,500 Roma in primary education.²⁵ In academic year 2017/2018 this number is rapidly increased and there was 805 Roma in secondary education and 5,134 Roma in primary education.²⁶

In other fields such as social care, health, housing, environment, adoption of the children, the issues faced by the Roma children are intended to be addressed through mainstreamed measures, which often do not address the situation of Roma children. Studies show that most of the Roma children who live in poverty have usually a more limited engagement in

²⁵ <https://pravamanjina.gov.hr/nacionalne-manjine/ostvarivanje-prava-romske-nacionalne-manjine/nacionalni-program-za-rome/odgoj-i-obrazovanje/391>

²⁶ Data provided by Ministry of Science and Education.

extracurricular activities compared to non-Roma pupils and generally, Roma children have less success than non-Roma children in education.²⁷

Yearly, among the total number of the first graders, about 10 per cent of Roma children repeat the class.²⁸ A similar situation is observed among the fifth and seventh grade in the elementary education. Roma children are overrepresented in special schools and individual programs.

Generally, Roma children are facing limited access to electricity, water and social services. Housing environment where Roma children are living is not child friendly. 63 per cent of Roma infants died at home in comparison with 5 per cent of non-Roma children.²⁹

The health area in NRIS is mostly based on health insurance and vaccination rate. The lifetime expectation among Roma community is significantly lower than in mainstream community. Only 1.4 per cent of Roma live more than 65 years in cooperation with mainstream community where this percentage is bigger than 16. Roma children and their needs are not addressed enough in NRIS.

The needs of young Roma could be addressed through Roma targeted policies and through mainstreamed youth polices. Even through it seems that they have a choice to address their needs, in practice none of these policies address their needs. Young Roma from Croatia also state that their voice is not recognized enough. They are often grouped in age interval from 16 to 30, and many of them are having families by early ages while others are not. This diversity among the group is leading that young Roma who are same age have completely different needs. NSRI is not answering on problems and diversity among Roma youth. Roma woman are in a little bit different situation. Their double or even triple situation is recognized and their uncomfortable position in comparison with Roma man are known and seen by stakeholders.

The gender data is available, and data is collected and reported. Roma woman are mentioned in NRIS and some special measures are foreseen.

Roma woman and youth should continuously be empowered but the challenging reality is that many of them do not participate in trainings and that is so because information does not always reach them. For example, the seminar for Roma women on political participation was paned for November 2018 in Croatia. The seminar should have been founded by the CoE and implemented by the local partner, Karolina Leaković from the Social Democratic Party. Seminar was cancelled due to the fact that Roma women who are political active did not want to participate in a seminar where one of the presenters is Roma from Croatia Parliament whose work they do not support. Barriers that Roma women face can be illustrated by following quotes gathered from women:

"I am invited to seminar but I do not know what that is."

"Where should I live my children during the meeting?"

"My husband does not want to stay with the children along and let me to go along."

"I am not interested in politics."

"I am afraid to be embraced and to travel without the money."³⁰

²⁷ *Social inclusion of Roma children. RECI+ report for Croatia.* Available at: https://www.unicef.hr/wp-content/uploads/2015/09/RECI_Croatia-report_CRO-final-WEB.pdf. *Roma everyday life in Croatia: obstacles and opportunities for change.* Available at: <https://www.unicef.hr/wp-content/uploads/2015/09/undp-hr-roma-everyday-2015.pdf>

²⁸ Official data provided by Ministry of Science and Education.

²⁹ *Social inclusion of Roma children. RECI+ report for Croatia.* P. 38. Available at: https://www.unicef.hr/wp-content/uploads/2015/09/RECI_Croatia-report_CRO-final-WEB.pdf

³⁰ Statements from Roma woman during focus group and other correspondence with them.

ANTI-DISCRIMINATION

Implementing the Racial Equality Directive

The 2017 Survey on Attitudes and Level of Awareness on Forms of Discrimination released by the Ombudsperson's Office found that one in five people in Croatia have been discriminated against in the last five years, most frequently in employment and healthcare; with 68 per cent taking no action, because they believed it would at best make no difference, but could worsen their position.³¹ The report found that while a large number of respondents rejected prejudicial attitudes, anti-Roma sentiments persist. According to the FRA EU-Midis II survey, twice as many Roma (50 per cent) in Croatia experienced discrimination in the past five years; with 37 per cent of Roma respondents encountering discrimination in domains of everyday life such as looking for work, at work, education (whether as pupil or parent), health, housing, and other public or private services.³²

When presenting the 2017 Croatian survey results, Ombudswoman Lora Vidović spoke of the need to "struggle against the underreporting of discrimination" to strengthen "citizen's trust in institutions, above all in the police and judiciary". According to the EU-Midis survey, only 18 per cent of Roma who experienced discrimination filed a complaint; as for rights awareness and where to go for help only 22 per cent of Roma surveyed knew of organizations that offer support or advice to people who have experience discrimination.

Roma feel constantly discriminated against, being monitored and followed in shops, stopped and searched by police, and refused entry to clubs and bars. Offensive anti-Roma graffiti and negative stereotypes of Roma as beggars, criminals and welfare abusers contribute to a hostile public environment. Cases of discrimination against Roma women go most often unreported.

One classic example of indirect discrimination from the 2017 report from Ombudswoman involves police stopping cars driven by Roma, then forwarding the information to the welfare authorities who promptly cut any social benefits the families were receiving. Families on benefit were forbidden to own cars or to use cars owned by companies or other persons. However, the law was unclear, as were provisions regarding those living in isolated areas more than two kilometres from public transport. The lack of clarity and different practices in different localities added to the confusion, and the police incidents prompted ministry level deliberations to clarify exemptions concerning spatial isolation and car ownership.

The latest ECRI report on Croatia noted a rise in racist and intolerant hate speech in public discourse, regional media and on the internet with Serbs, LGBT persons and Roma being the main targets.³³ The responses of the Croatian authorities were deemed to be inadequate, and ECRI noted that the provisions on racist motivation as an aggravating circumstance are also rarely applied due to lack of knowledge and expertise among the judiciary in recognizing hate crime.

The prevalence of discrimination in so many domains of daily life is reflected in the extreme marginalization of Roma in Croatia where 93 per cent of the Roma population was at risk of poverty in 2014 compared to an EU average of 17 per cent; the proportion of Roma in paid work was 21 per cent; for Roma aged 16 to 24 years, EU-MIDIS II shows that the

³¹ Equinet, *Croatia: Every fifth person discriminated against, stereotypes on Roma prevailing*. 17 September 2017. Available at: <https://www.tportal.hr/vijesti/clanak/ne-mozete-na-praksu-jer-ste-ciganke-20120418>

³² EU Fundamental Rights Agency, *Second European Union Minorities and Discrimination Survey (EU-MIDIS II) Roma – Selected findings*. November 2016. Available at: <http://fra.europa.eu/en/publication/2016/eumidis-ii-roma-selected-findings>

³³ *ECRI Report on Croatia (fifth monitoring cycle)*, Adopted on 21 March 2018. Available at: <https://rm.coe.int/fifth-report-on-croatia/16808b57be>

proportion of young Roma not in work or education or further training (NEET) was 77 per cent for Roma, compared to national average in Croatia of 19 per cent.

While EU law has been transposed into domestic legislation, when it comes to anti-discrimination legislation there are a few gaps that need filling. ECRI recommends that anti-discrimination legislation should be amended to place public authorities under a duty to promote equality in carrying out their functions, including awarding contracts, loans and grants. Public financing of organizations or political parties that promote racism should be terminated; and legislation should be amended to ensure that organizations that combat racism and discrimination can bring civil cases concerning an individual person.

One of few discrimination cases decided by a court concerned two students of secondary school, who were rejected by a local store owner in the town of Varaždin to participate in work-based training because they are Roma. The two girls were assisted by the Ombudsperson's office and Centre for Peace Studies, which covered also expenses for engaging lawsuit. In 2012, the Municipal Court in Varaždin ruled that the girls were victims of discrimination based on ethnicity.³⁴

The high incidence of discrimination, the low level of reporting and rights awareness among Roma would suggest that despite the best efforts of the Ombudswoman, which regularly organizes trainings for public authorities, schools, or media, the Race Equality Directive is not effective in protecting Roma against discrimination in Croatia.

Educational and residential segregation

The ECtHR judgment, *Oršoš et al. vs. Croatia* in 2010 rejected the segregation of Roma children due to limited language proficiency, especially given that the curriculum for the special Roma class did not address this deficiency nor had the Government taken any steps to put safeguards in place and to monitor the children's progress. Taking into account the specific situation of the Roma as a disadvantaged and vulnerable minority, the Court also considered that the parents of the children could not be held responsible for not requiring the transfer of the children to mixed classes especially since no waiver of the right not to be discriminated against can be accepted.³⁵

Since that judgment some progress was noted in the 2014 Roma Education Fund country assessment:³⁶

- Establishment of electronic database on school participation of Roma, however the collection of data is not enough comprehensive since there is no clear guideline about the precise procedure of ethnicity-based data collection;
- Increased enrollment in primary school: more young Roma finish compulsory school and secondary education when compared to their parents;
- Provision of scholarship for Roma students at primary and secondary level;
- Political commitment to end segregation of Roma children expressed in official documents;
- Introduction of obligatory preschool education.

However despite these interventions, underrepresentation of Roma children in mainstream preschool persists compared with mainstream pupils; ethnically segregated classes at preschool and primary school level are still a feature of the education system; there remains much to be done concerning teacher training in multiculturalism and diversity;

³⁴ Information provided by interviewed representatives of Centre for Peace Studies and Ombudsperson's office. Article about case also available at: <https://www.tportal.hr/vijesti/clanak/ne-mozete-na-praksu-jer-ste-ciganke-20120418>

³⁵ <http://www.refworld.org/pdfid/4ba208fc2.pdf>

³⁶ Roma Education Fund, *Advancing the Education of Roma in Croatia REF Country Assessment – 2014*. Available at: https://www.romaeducationfund.org/sites/default/files/publications/cro_country_assesment_2015.pdf

and completion rates of compulsory school for Roma remain much lower than mainstream pupils (according to FRA, the rate of early school leaving among Roma is 68 per cent).

While the current NRIS, established the ambitious goal of desegregating all Roma-only classes by 2020, the current estimate is that 40 per cent of Roma children are segregated in classes where all (8 per cent) or most (32 per cent) of the children are Roma.

In Croatia, 832 Roma children are attending segregated elementary education in 60 classes.³⁷ In this (2017/2018) academic year there is one less "Roma class" than the previous year, but this is not due to anti-segregation measures but rather because of the exodus of Croatian citizens emigrating to other countries.

In addition, ECRI noted that the Act on upbringing and education in primary and secondary schools includes an ambiguous provision which could be interpreted as an approval of a reduced curriculum: *"While attending preparatory education [provided as a support in learning Croatian language], a pupil may, to a reduced extent, attend regular classes in the school where they are enrolled; this relates to the classes where a poorer knowledge of Croatian language does not pose a major obstacle."*

While Roma-only classes are present particularly in areas of de facto residential segregation, ECRI in 2018 strongly its recommendation to the authorities to properly implement the desegregation measures with a view to ensuring inclusive education. Local governments justify school segregation on these grounds. One notable exception is the town of Kutina, where the local self-Government financed a bussing system from their budget to avoid segregation in primary education.³⁸

More than 50 per cent of Roma in Croatia live in segregated settlements. There are several types of Roma settlements: segregated settlement within the town, on the edge of the town, and in rural settlements outside of the town. One of the goals of NRIS is desegregation, but not a single measure was implemented to reduce residential segregation, the main focus of housing interventions was to improve living conditions inside the segregated settlements.

Rather than contemplate any comprehensive, sustainable provisions to end residential segregation, politicians offer settlement upgrades as a gift to the Roma. Despite the fact that an increasing number of young Roma families wish to leave the settlements, the politicians' verdict is that the majority wish to stay, so families are not offered the alternative of integrated housing solutions. Younger Roma who have gained employment have bought properties away from the settlements. Spatial segregation isolates Roma both socially and economically from mainstream society, and the socially deprived environment in many Roma settlements is hostile and far from child-friendly.

The Ombudswoman noted in her 2016 report the visits made to "isolated ghettoized Roma villages" and contrasted the experience of Roma who live in "mixed" villages who are better integrated into the whole life of the wider community. Among her many recommendations to overcome segregation, she called on local and national authorities to avoid building any new exclusively Roma villages. She cited the case in Delnice as a missed integration opportunity, where over the past few years, a Roma village was moved from one isolated location to another, maintaining the ethnic segregation and separation from other inhabitants.

Discriminatory behaviour by police, misconduct by prosecutors or courts

ECRI noted with particular concern that Roma continue to be the targets of racially motivated crime, with violent incidents in areas surrounding Roma settlements going

³⁷ Information provided by Ministry of Science and Education.

³⁸ More detail explanation under headline mainstreaming Roma polices on National and local level.

unreported due to the limited trust and mutual understanding between the community and the police, and interlocutors claimed that ethnic profiling practices are increasing.

Several complaints made by Roma to Ombudsperson's office about mistreatment including complaints by Roma who are police officers about the behaviour of their colleagues.³⁹ In focus groups younger Roma claimed that they are often stopped by police, especially if they are in non-Roma neighbourhoods because of their ethnicity which amounts to racial profiling which is forbidden. However, some Roma made a statement that they have good relationship with police especially the ones who are working in their settlement. The Ministry of Internal Affairs has some affirmative measures for including Roma in police academy, and the Ombudsperson's office organises seminars to tackle discrimination for employees of Ministry of Internal Affairs.

Access to clean water and sanitation

"Access to clean water should be one of the fundamental human rights".⁴⁰ There are some Roma settlements where there are inhabitants who do not have access to clean water, due to issues around legality of the dwellings or a lack of infrastructure. In the Delnice settlement Roma use nearby spring water. In the "Vrtni Put" settlement near Zagreb, the only source of clean water is a nearby hydrant. In this case and in the "Struge" settlement, the authorities provided a 'sanitary container' which is used by all the inhabitants of the settlements. These 'solutions' can only be viewed as temporary, and families should be provided with social housing that comes equipped with facilities for clean water and sanitation. The Ombudswoman noted the lack of basic facilities in many of the segregated and isolated villages and called for greater activity by local and regional authorities to create "the necessary physical planning conditions for the legalization of illegally built structures and the organization and equipping of the locations where Roma villages are situated."⁴¹

³⁹ Information provided by interviewed representative of Ombudsperson's office.

⁴⁰ Statement of interviewed representative of the Ombudsperson's office.

⁴¹ Annual report of the Ombudswoman of the Republic of Croatia, 31 March 2016. Available at: www.theioi.org/downloads/e5onj/Croatia_OM_Annual%20Report_2015_EN.pdf

ADDRESSING ANTIGYPSYISM

Institutional settings for fighting discrimination and racism against Roma

“Antigypsyism” and its translation to Croatian language – “*anticiganizam*” – has not become part of either Roma or pro-Roma activist vocabulary or of the vocabulary of other policy actors in Croatia. Some Roma heard about it, but they see antigypsyism and discrimination towards Roma as the same phenomena.⁴² Relevant institutions in Croatia generally have not heard about the term, while some encounter it during international meetings. Only the Ombudswoman knew what the term means. Both the Ombudswoman and the National Roma Contact Point (Croatian Government’s Office for Human Rights and Rights of National Minorities (OHMR)) pointed out during the interviews that institutions have to understand the concept first in order to be able to properly assess the situation, report on the cases of antigypsyism and fight the phenomenon. Recognition of antigypsyism is a precondition for any comprehensive measure to combat it. The first step would be to explain the concept to a broad range of stakeholders.

The most relevant institutions for fighting antigypsyism are Ombudsperson’s office,⁴³ OHMR⁴⁴ and civil society organisations. Even if they do not operate with the term antigypsyism, they explicitly recognise its manifestations, such as discrimination, hate-speech and hate-crime against Roma, which is clear already from the content of the websites of these institutions. European Commission against Racism and Intolerance (ECRI)⁴⁵ has few recommendations regarding Croatian situation this year, but not specifically related to Roma. For example, one of these is that the Ombudsperson should be granted the right to bring civil cases concerning an individual person too (not only groups of persons), and that the authorities amend the legislation so that the reports of the Ombudspersons (including specialised ombudspersons) are not voted on in the Parliament so the Ombudspersons enjoy full independency.⁴⁶ There is no specific structure established by the government to analyse and prevent antigypsyism in institutional behaviour and to develop long-term recommendations and strategies for fighting racism faced by Roma.

Public authorities rarely address antigypsyism. Most of the initiatives related to Roma target Roma and not racism of majority towards Roma. If they address manifestations of racism, they do not address specifically the manifestations experienced by Roma. This is sometimes only mentioned in the general anti-racist institutional discourse. The only exception is campaign *Dosta*⁴⁷, the Council of Europe’s (CoE) initiative that brought together the OHMR with the Roma organisations and Roma communities to fight stereotypes against Roma. It is not clear, however, what the result of the campaign was. Besides the CoE’s resources, there have been no other funds used to fight antigypsyism, besides few trainings targeting judges (organised by NGOs in collaboration with the Ombudswoman) on the topic of antidiscrimination legislation which also covered discrimination based on the ground of ethnic origin. An exception are also few trainings held for police officers to raise awareness of the police on the influence that stereotypes

⁴² Antigypsyism is a form of racism targeting Roma and other groups perceived as ‘gypsies’. There are different manifestations of this form of racism. Discrimination is only one of the manifestations of antigypsyism. Other manifestations are stereotypes, hate-speech, and hate-crime, and there are manifestations of structural and institutional racism, such as school segregation or police brutality (see a working definition here: <http://antigypsyism.eu/>).

⁴³ <http://ombudsman.hr/en/>

⁴⁴ <https://pravamanjina.gov.hr/>

⁴⁵ <https://www.coe.int/en/web/european-commission-against-racism-and-intolerance>

⁴⁶ See the ECRI country monitoring report for Croatia at: <https://www.coe.int/en/web/european-commission-against-racism-and-intolerance/croatia>.

⁴⁷ <http://www.dosta.org/hr/content/dosta-campaign-croatia>

and prejudices have on their conduct and to inform them about existing negative prejudices towards certain social groups, including Roma.

Roma are recognised as a national minority in Croatia and they are part of Constitution of Croatia.⁴⁸ As mentioned before, to be part of Roma national minority, two demands needs to be fulfilled – a person needs to have Croatian citizenship and he/she needs to declare as Roma. NRIS in its name has 'Roma', but actually all measures are formed for Roma national minority. This fact led to a drastic increase in a number of declared members of Roma national minority (while in 2001 there were 9,463 declared Roma people, in 2011 this number reached 16,975).⁴⁹ This is considered good for Roma national minority in general in Croatia. There is an understanding that more declared Roma people can bring more rights and power to Roma, for example as concerns political participation. In some cases, Roma are afraid to declare their ethnic identity and then they cannot use either of the measures for Roma inclusion. Those Roma are often afraid of discrimination. They are concerned if their ethnicity would be disclosed to others and if it would be visible in their ID card.

Countering hate crime and hate speech against Roma, and the antigypsyist rhetoric of politicians, public figures and media

According to the ECRI report, hate speech in public is escalating with Serbs, LGBT persons, Roma and refugees as the main targets. There is a growing rise of nationalism, expressions of racism and xenophobia that is mostly expressed in media, especially online.⁵⁰ This seems to show the continuation of the earlier trends, since the Ombudsperson's report from 2014 also argued that ethnic intolerance is growing and the main targets of racist hate speech are Serbs and Roma.⁵¹

Physical attacks against these groups occur to a lesser extent, but it is difficult to say how frequently. There is a common assumption that these cases are underreported by both Roma and the institutions such as schools or police. ECRI notes that Roma continue to be the targets of racially motivated violence. According to the report of the Ombudsperson from 2017, 25 cases of criminal offence were reported in 2017 as hate crime, including public incitement to violence and hatred. With the exception of the criminal offence of public incitement to violence and hatred, which was reported seven times, the most common were the criminal offence of threat (6) and malicious mischief (4). As in the previous years, the most crimes were motivated by national or ethnic descent of the victims (9), with four criminal offences committed against the Roma, three against Serbs, and two against Bosniaks, while persons of homosexual orientation were the targets of hate crime in five cases. Ethnic intolerance is most commonly identified as the motive for perpetrating hate crime, with sexual orientation coming second, the data show.⁵²

Both the Ombudsperson's and the ECRI report drew attention to the recent judgement of the European Court of Human Rights (ECtHR) *Škorjanec v Croatia*, which show that recognising and prosecuting hate crimes persists as a problem, and, as a consequence, the cases are inadequately or not at all processed. In the mentioned case, the authorities failed to properly apply the law to the specific factual situation, resulting in a lack of further investigation of a potential hate crime. The applicant, who is not of Roma origin, had been physically attacked together with her Roma partner. Immediately before and during the assault, the perpetrators had insulted them because of their Roma origin, and she had suffered minor physical injuries. The ECtHR ruled that Croatia had violated the applicant's

⁴⁸ <https://www.zakon.hr/z/94/Ustav-Republike-Hrvatske>

⁴⁹ <https://pravamanjina.gov.hr/nacionalne-manjine-u-republici-hrvatskoj/352>

⁵⁰ ECRI Report on Croatia (fifth monitoring cycle), Adopted on 21 March 2018. Available at: <https://rm.coe.int/fifth-report-on-croatia/16808b57be>

⁵¹ The Summary Report of the Ombudsman (2014), available at: <http://ombudsman.hr/hr/119-rad-ureda/517-izvjesce-pucke-pravobraniteljice-za-2014-godinu>

⁵² Annual Report of the Ombudswoman for 2017.

right to the prevention of torture, inhuman or degrading treatment or punishment since the national prosecuting bodies failed to efficiently investigate the hate crime she had been the victim of, because her partner was a Roma. Both the ECRI and the Ombudsperson noted that the provisions on racist motivation as an aggravating circumstance are also rarely applied due to lack of knowledge and expertise among the judiciary in recognising hate crime.

In addition, the Criminal Code lacks a reference to the public expression, with a racist aim, of an ideology which claims the superiority of, or which depreciates or denigrates, a group of persons on grounds of their race, colour, language, religion, nationality or national or ethnic origin.

On the positive side, the authorities have improved protection against hate crime through amendments to the Criminal Code, which introduced a new provision criminalising violent conduct in public places. The law now also punishes creation of or leading a group which promotes racism. Moreover, hate speech is covered by the criminal offence of incitement to violence and hatred (Article 325 of the Criminal Code). Art. 87 also defines hate crime and considers it as an aggravating circumstance unless the law explicitly prescribes a heavier punishment for specific offences (such as murder (Article 111/4), crimes involving bodily injury (Articles 117-119), coercion (Article 138/2), threats (Article 139/4), inciting riots (Article 324/2), public incitement to violence and hatred (Article 325)).⁵³ Article 147 and Article 149 of the Criminal Code respectively criminalise insult and defamation, whereas Article 139 penalises threats. In addition to criminal liability, the Croatian law provides for punishment of hate speech as a misdemeanour under civil liability that is subject to different legislation, such as the Anti-Discrimination Act, the Law on Public Order and Peace, the Law on Prevention of Violence at Sporting Events and the Law on Public Gatherings.⁵⁴

When it comes to antigypsyist narratives, the most problematic are media narratives, as mentioned. Party political discourse is lately not specifically targeting Roma.⁵⁵ Regarding the public, the biggest anti-Roma sentiment is noticed in Medimurje County. In 2012 local authorities wanted to avoid segregation, they decided that one part of Roma community needs to attend school which did not have Roma. At the beginning of the school year, non-Roma parents made a human wall, which prevented Roma 1st graders to enter the school. This case was on TV and local inhabitants said that they understand that children need to go to school, but they did not want Roma children to go to the school with their children.⁵⁶ Another case of antigypsyism happened when the neighbourhood of Sveta Klara was picked up as a place where social flats are going to be built. Domestic population protested against it. They argued that Roma have a different culture and habits and that they do not want to have problems. Local authorities had changed their plans under the pressure from local inhabitants.⁵⁷

The 2017 Survey on Attitudes and Level of Awareness on Forms of Discrimination⁵⁸ released by the Ombudsperson's Office found that while a large number of respondents rejected prejudicial attitudes, anti-Roma sentiments persist. Offensive anti-Roma graffiti

⁵³ The Croatian Criminal Code (2011, last amended in 2017).

⁵⁴ ECRI report on Croatia, page 14, available at: <https://rm.coe.int/fifth-report-on-croatia/16808b57be>

⁵⁵ Information provided by interviewed representatives of NRCP, Ombudsperson's office and Centre for Peace Studies.

⁵⁶ Videos with more information about the event available at: <https://www.youtube.com/watch?v=T2Zcngbc06M> and <https://vijesti.rtl.hr/video/vijesti/27744/segregacija-u-medijmurju-romska-djeca-ipak-sjela-u-klupe/>

⁵⁷ More information about the event can be found in an article at: <https://net.hr/danas/hrvatska/burne-reakcije-na-ideju-preseljenja-zagrebackih-roma-nezadovoljni-stanovnici-ali-i-romi-zasto-nas-ne-rasprse-po-gradu/#>.

⁵⁸ Equinet, *Croatia: Every fifth person discriminated against, stereotypes on Roma prevailing*, 17 September 2017, available at: <http://www.equineteurope.org/Croatia-Every-fifth-person-discriminated-against-stereotypes-on-Roma-prevailing>.

and negative stereotypes of Roma as beggars, criminals and welfare abusers contribute to a hostile public environment. Even though antigypsyism is a new term, manifestations of this phenomenon occur in the Croatian society for centuries. There were proverbs entering the common language, such as 'gypsies will steal you' (a treat to a bad-behaving child) or 'you are gypsying' (meaning you are being stingy, you do not want to contribute) etc. There is also an old comic book for children "Gypsy and Giants", published in 1944, which represents a Roma as a cheater.

Nowadays, media are showing Roma in negative context. For example, in 2018 many media reported about armed conflict Roma families in Town of Zagreb. In many headlines, Roma name was used which had a negative effect on Roma in Zagreb. Protests against Roma were organised and many people were commenting on the online articles.⁵⁹ Many of the comments were against Roma; for example "First it was Adolf Hitler and Ante Pavelic and now we are waiting for another guy"; "let them kill each other"; "Gypsy business"; "They are burden to this society" etc.⁶⁰ During 2018 there were several more headlines with Roma name in it, where Roma were presented in the negative context.⁶¹ This situation clearly leads to the increasing negative attitudes of majority society towards Roma. Civil society indicates that media outlets play an increasing role in the dissemination of hate speech. In print media, coverage is reportedly often negative and based on stereotypes against minorities, targeting mostly Serbs and Roma too, but comments under the articles on Internet portals are crowded with hate speech. This situation is very often seen on internet portal *e-međimurje*,⁶² which is now in focus of the Ombudsperson's Office and it is detected as portal representing Roma in negative light too often.

No institution or organisation systematically monitors antigypsyism in media. The ECRI report states that the Agency for Electronic Media Council has been also passive in monitoring and intervened rarely in response to violations of the Electronic Media Act, which prohibits promotion and spreading of hatred and discrimination.⁶³ It is interesting to note that the Act mentions explicitly anti-Semitism and not antigypsyism, regardless of the latter phenomenon being more widespread.⁶⁴

⁵⁹ One of the articles is available at: <https://www.jutarnji.hr/vijesti/crna-kronika/novi-vatreni-okrsaj-sukobljenih-romskih-obitelji-najmanje-jedan-muskarac-ranjen-u-pucnjavi-na-vukovarskoj/7859580/>.

⁶⁰ Comments available at: <https://www.jutarnji.hr/vijesti/crna-kronika/novi-vatreni-okrsaj-sukobljenih-romskih-obitelji-najmanje-jedan-muskarac-ranjen-u-pucnjavi-na-vukovarskoj/7859580/>.

⁶¹ <https://dnevnik.hr/vijesti/provjereno-socijalnu-pomoc-ulazu-u-kladionice-i-kockarnice---494788.html>
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⁶² <https://emedjimurje.rtl.hr/>

⁶³ ECRI Report on Croatia (fifth monitoring cycle), adopted on 21 March 2018, available at <https://rm.coe.int/fifth-report-on-croatia/16808b57be>

⁶⁴ Republic of Croatia, the Electronic Media Act, available at: https://www.emediji.hr/files/repozitorij/ELECTRONIC_MEDIA_ACT_12_December_2009.pdf

RECOMMENDATIONS

Governance and Overall Policy Framework

1. The Action Plan for the implementation of NRIS should be the main focus of the OHMR (NRCP). The Action Plan should be made available, for public discussions in the Croatian Parliament.
2. The OHMR (NRCP) should start reporting on the implementation of measures for Roma inclusion for 2018 through the online platform which is currently under development.
3. The OHMR (NRCP) should revise part of NRIS which was recommended in the external evaluation of NRIS.
4. Roma politicians and OHMR (NRCP) should develop and approve the new strategic document for Roma inclusion before the current NRIS expires.
5. The local and regional self-government with significant number of Roma need to develop documentation for Roma inclusion after 2020. They need to ensure financial support for Roma inclusion and committees for monitoring implementation of the affirmative measures.
6. The cooperation between the self-government at the local and regional levels with the OHMR (NRCP) need to be developed. The channels of information should be established between the two sides in order to ensure the implementation of measures at the local and regional levels and monitoring of the implementation of the same measures.
7. The local and regional government should find a channel to finance Roma associations and their project with the goal to empower Roma civil society and build a partnership with them.
8. Pro-Roma civil society needs to cooperate more closely with the Roma civil society to empower them.

Antidiscrimination

9. Discrimination against Roma should to be addressed in a targeted way and not through the mainstream campaigns against discrimination.
10. Inter-sector cooperation on a broad scale should be organised to find a solution for residential and educational segregation.
11. Social housing, as one of the possible solutions for segregation, should to be addressed at the national level and not only at the local and regional levels.
12. The Ministry of Education should find a mean to evaluate quality of education in segregated classes and schools.

Antigypsyism

13. The authorities should financially support initiatives to educate broader public and relevant institutions and services about antigypsyism as a concept and as a phenomenon; about how to fight against it and how to prevent all manifestations of antigypsyism. They should also support training activities for law enforcement officials and the judiciary on hate crime and the application of provisions regarding hate motivation. Initiatives targeting antigypsyism have to be financially supported by the government and created and implemented together with independent Roma civil society.

14. Antigypsyism has to be explicitly recognized by the Croatian authorities, especially in legislative and strategic documents, including those related to monitoring of hate-speech, such as Electronic Media Act. The amended documents should be followed by the institutional performance, which would be reflected in monitoring, recording and acting against manifestations of antigypsyism in all spheres of the society. Antigypsyism as a bias motivation in cases of violent incidents should be made an integral part of investigations.
15. National authorities, intergovernmental organizations and other donors and experts should support, financially and otherwise, creation of strong independent Roma watchdog organizations that would collect information, monitor and report on the manifestations of antigypsyism, especially monitoring hate-speech in media.

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