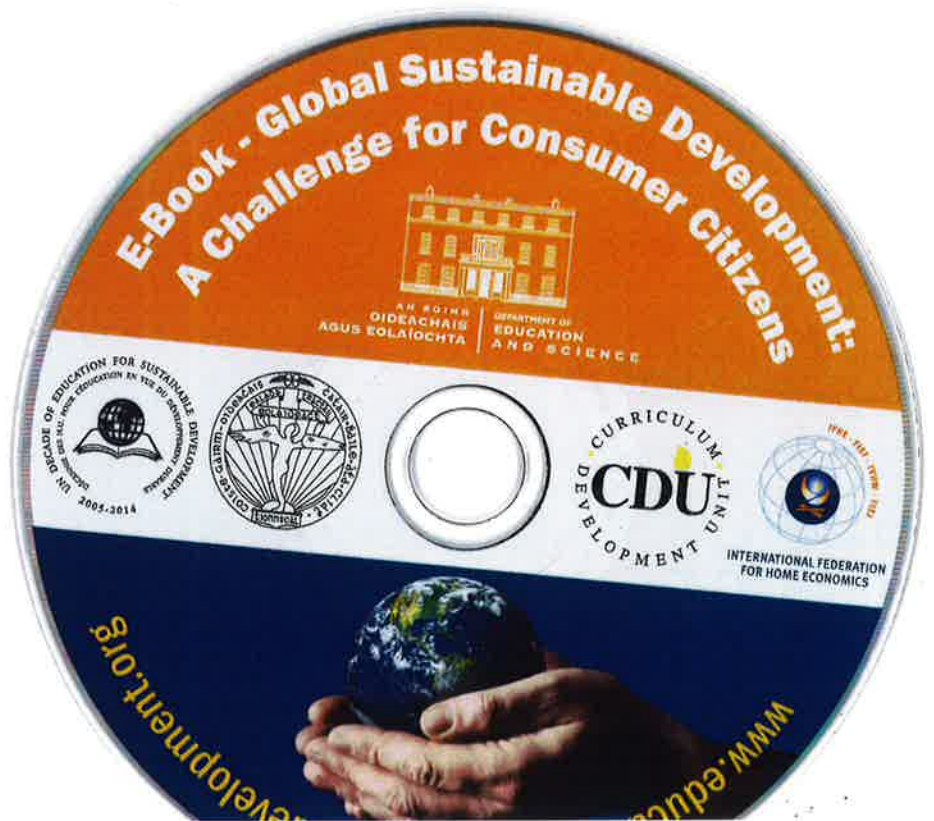


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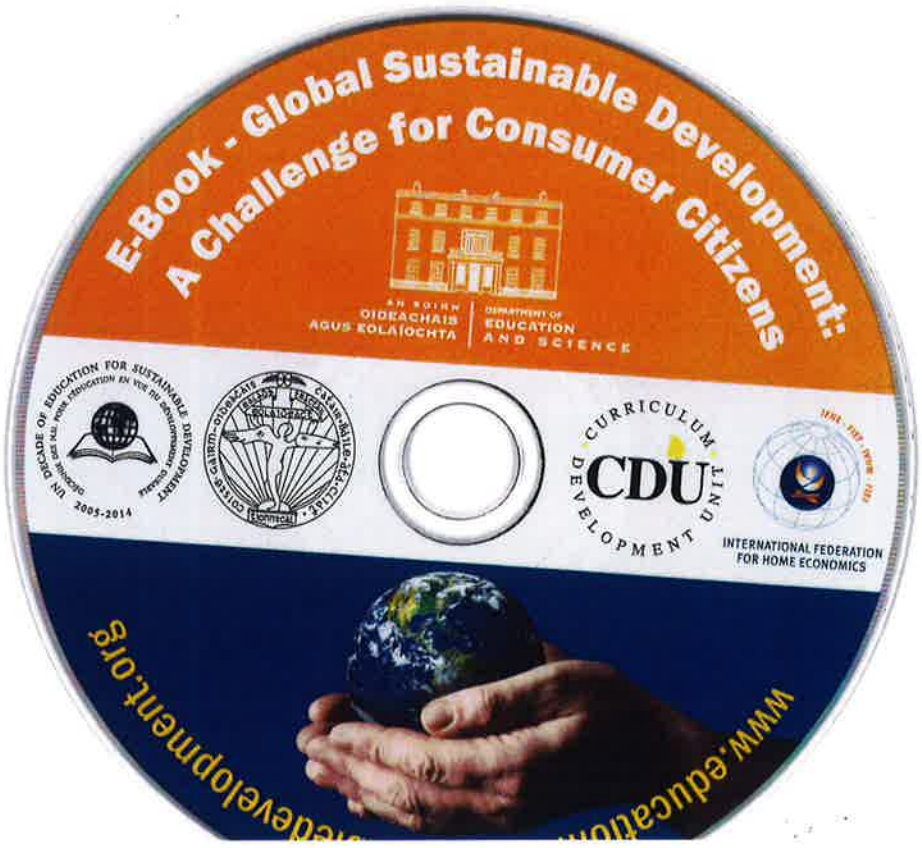
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Title

Vulnerable Peoples in the Light of Sustainable Development : the status of the Roma in the Republic of Croatia

Abstract

The goal of this paper is to provide a review on the marginalized position of the Romany national community as the poorest segment of the Croatian society, to argue the purpose and success of implementing provisions of the national legislation on human rights protection and the level of its harmonization with international provisions.

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Vulnerable Peoples in the Light of Sustainable Development : the status of the Roma in the Republic of Croatia

Nives Mazur-Kumric and Mira Lulic

The position of the Romany community in the Republic of Croatia greatly correlates to its usual perception and status in other European countries. The prevalent characteristic of this status is the marginalization of the Roma (of economic, cultural, political, social and spatial nature), based on poor education, non-inclusion in formal forms of work, the specific way of living, prejudices and discriminatory attitudes of the majority population. The additional disadvantage specific for the Republic of Croatia is the status of a transitional country, because economic and social problems in such countries significantly contribute to the complexity and difficult position of the Roma. The goal of this paper is to provide a review on the marginalized position of the Romany national community as the poorest segment of the Croatian society, to argue the purpose and success of implementing provisions of the national legislation on human rights protection and the level of its harmonization with international provisions.

Introductory Remarks

The Roma have been present on the territory of the Republic of Croatia since the 14th century. Despite being aware of their identity as a minority and their successive increase in number, the Roma in the Republic of Croatia have not been acknowledged the status of an autochthonous national minority by the Constitution. The awareness of the Romany disproportional social status to the majority, even in relation to other national minorities, had encouraged the Republic of Croatia to pass the Croatian National Programme for the Roma in 2003. It has been intended to provide systematic assistance to the Roma in improving living conditions through inclusion in social life and processes of making decisions in local communities and beyond. At the same time, it should keep the Roma from losing their identity, culture and tradition. Although it is not legally binding, this programme is an important step forward to improving the position of the Roma in the Republic of Croatia, and has successfully been incorporated in the government action plan “The Decade of Roma Inclusion 2005-2015”. Both acts are based on provisions of international acts on human and national minority rights signed by the Republic of Croatia. They are also

complementary to the goals of the United Nations Decade of Education for Sustainable Development (2005-2014, DESD) which emphasize the importance of the integration of the principles, values, and practices of sustainable development into all aspects of education and learning. Those educational efforts are meant to encourage changes in behaviour that will create a more sustainable future in terms of environmental integrity, economic viability, and a just society for present and future generations¹.

It is estimated that there are approximately 100 million people in minority groups throughout Europe², out of which at least 8 million Roma³. Although having been present in almost all European countries for centuries⁴, the culture and tradition of this minority group have not been sufficiently known and researched, whereas the ignorance and indifference of the non-Romany population have caused a variety of prejudices and stereotypes. The expression "Roma" subsumes various groups connected with common ethnicity. The most usual names for those groups are Roma, Gypsies, Sinti and Tsiganes⁵, whereas the expression "Roma" is an endonym and the others are exonyms⁶.

Protection of Minority Rights in the Republic of Croatia

The Croatian society is often denoted with the adjective "multicultural" and despite a large number of ethnic groups on the Croatian territory (22 of them), their share in the total population is considerably small. Croatian Government has taken a variety of legislative and operative measures to protect minorities respectively and in general, including the Roma. General provisions on the protection of minority rights are intended to provide equal rights to all the constitutive minorities in Croatia. However, they have been kept at a level of declaratory norms and have not been exercised in real life to a great extent, at least when it comes to the Roma. Several provisions on the protection of minority rights have been incorporated in the Constitution. Although the list of autochthonous national minorities in the

¹ *United Nations Decade of Education for Sustainable Development*, A/RES/59/237, 22 December 2004. See also <http://www.unesco.org/education/desd/>.

² Ludwig, K. (2001), *Leksikon etnickih manjina u Evropi*, Osijek-Zagreb-Split: Pan liber, p. 16.

³ Xanthaki, A., «Protection of a specific minority: the case of Roma/Gypsies» in Thornberry, P. *et al.* (2004), *Minority Rights in Europe*, Strasbourg: Council of Europe Publishing, p. 169.

⁴ The Romany population is mostly located in Romania, Bulgaria, particular countries of the former Yugoslavia, Hungary, Turkey, Czech Republic, Slovakia etc. See table 1 in Stambuk, M. (2000), «Romi u drustvenom prostoru Hrvatske», *Drustvena istrazivanja*, Vol. 46-47, No. 2-3, March-June, p. 199.

⁵ Thornberry, P. *et al.* (2004), *Minority Rights in Europe*, Strasbourg: Council of Europe Publishing, p. 190, note 1.

⁶ Stambuk, M. (2000), «Romi u drustvenom prostoru Hrvatske», *op.cit.*, p. 205, note 1.

Constitution is not exclusive (“and the others...”), the explicit exclusion of the Roma from the Croatian Constitution is considered to be a confirmation of factual exclusion of the Roma from the Croatian society. Although the Roma have never been recognized the status of an autochthonous national minority in the Constitution, it is quite clear that they meet all criteria for this status. Besides that, the Constitution guarantees the equality of “all the citizens of the Republic of Croatia“, which deprives many Romany people which have not met the criteria for obtaining Croatian citizenship of many rights that would otherwise belong to them⁷.

The 2002 Constitutional Law on the Rights of National Minorities thoroughly elaborates the basic ideas of the Constitution, but contains no references regarding the Roma⁸. Speaking of national legal instruments that deal with the minority rights, the following Acts are also worth mentioning: the Law on the Use of Language and Script of the National Minorities in the Republic of Croatia⁹, Law on Education in Languages and Letters of National Minorities¹⁰ and Law on Election of Representatives to the Croatian National Parliament¹¹.

The only *lex specialis* related to the protection of the rights of the Roma in the Croatian legislation is the National Programme for the Roma which was adopted by the Croatian Government in 2003, and which became a part of a Croatian initiative within the framework of the action plan “The Decade of Roma Inclusion 2005-2015”¹². This Programme has resulted from the awareness of the Croatian authorities of the necessity of decreasing the gap between the Romany and non-Romany population and eliminating all existing forms of discrimination against the Roma. The intention of the Program is to help the Roma in a systematic manner to improve living conditions and to become involved in the social life and the decision-making processes in the local and broader communities, while not loosing their own identity, culture and tradition¹³. Despite the detailed classification of particular issues of a strategic importance for the Roma, the Programme has been criticized due its inadequate preciseness in the implementation part and the lack of a monitoring plan

⁷ *Ibid.*

⁸ See *Official Gazette of the Republic of Croatia* No. 154/02.

⁹ *Official Gazette of the Republic of Croatia* No. 51/00, 56/00.

¹⁰ *Ibid.*

¹¹ *Official Gazette of the Republic of Croatia* No. 116/99, 69/03.

¹² The action plan “The Decade of Roma Inclusion 2005-2015” is an ambitious initiative started by the World Bank and the Institute for Open Society in order to encourage resolving difficulties of the Romany population in the area of education, health, employment and housing.

¹³ The National Programme for the Roma, the Government of the Republic of Croatia, Zagreb, October 2003, p. 3.

for the activities which would bind the competent Ministries to provide financial means from the state budget. Regardless of those remarks and the fact that the Programme has not been given the status of a legally binding regulation, it still represents a huge step forward in the protection of the rights of the Croatian Roma, because it is the first time that all the key issues relating to the status of the Roma have been singled out. Although the Programme was adopted nearly 5 years ago, it is hard to tell whether there have been any improvements of the position of the Roma in Croatia – the Committee for the Implementation of the Programme has met only once, and due to such inertia it is unlikely that any progress (social, cultural, economic, educational) promoted by the Programme will be made.

Considering the fact that Croatia was given the status of a candidate country for the accession to the EU in June 2005 (negotiations for the accession were formally opened in October 2005), the following step was the harmonization of the Croatian legislation with the *acquis communautaire* of the European Union. One of the prerequisites for the full membership, set by the so-called Copenhagen criteria of 1993, is the protection of national minority rights. The EU legislation in its various documents, programmes and funds, defines the Roma as one of the most endangered European minorities¹⁴.

Regarding the survey on the most significant provisions on the protection of minority rights it can be concluded that a legal framework for the protection of the Romany ethnic minority in Croatia does exist, but it is doubtful to what extent it is compatible with the real needs and particularities of the Roma and to what extent the Croatian authorities are willing to implement those provisions in the every day's life of the Romany population.

Problem of Establishing the Actual Number of the Roma

The censuses conducted on the Croatian territory in the last 40 years have indicated a successive increase in the number of the Roma. Accordingly, 1257 Roma were registered in 1971, the number first increased to 3858 in 1981¹⁵, and then to 6695 in 1991, while according to the 2001 census there were 9463 Roma in the Republic of Croatia¹⁶, which makes up 0.12% of the total population. However, those are the official data which are in a great disproportion with the actual situation

¹⁴ See Novak, J. (2004), «Romska zajednica i međunarodne institucije: tek relativan uspjeh zaštite ljudskih i manjinskih prava», *op.cit.*, pp. 407-410.

¹⁵ See Hrvatic, N. *et al.* (2000), «Povijesno-socijalna obilježja Roma u Hrvatskoj», *Društvena istraživanja*, Vol. 46-47, No. 2-3, March-June, p. 258.

¹⁶ *Statistical Yearbook* (2005), Republic of Croatia: Central Bureau of Statistics, p. 98.

because, according to estimates, there are between 30 000 and 40 000 Roma in the Republic of Croatia¹⁷. The most important reasons for such a great disproportion are denying their own national affiliation, the lack of feeling of affiliation to the Romany community and the fear of discrimination based on historical traumas. The issue of inexact/unreal data on the number of the Roma in the Republic of Croatia has an influence on practical problems which affect the Roma as an ethnic minority.

Characteristics of the Identity of the Romany Ethnic Minority

The basic ethnic characteristics of the Romany ethnic identity, their language and religious confession, disclose a colourful structure of the Romany ethnic minority. Almost all Roma speak one of the Romany languages, mostly *romani chiba* (42.4%) and *ljimba d'bjaš* (36.5%). When it comes to Croatian, it is spread to the same extent among the Romany population as Romany¹⁸, but one can speak about “superficial knowledge” of Croatian rather than “proficiency”. The level of Croatian is relatively low among the Roma, barely adequate to enable good communication with the environment. Romany families mostly speak Romany (78.9%) at home, then Albanian (11%), Croatian (6%) and Romanian (4%)¹⁹. On the other hand, religious confession is not so important to the Roma and they have mostly accepted the religion of the local majority population. The largest number of the Roma belongs to Moslem congregation (45.5%), then Catholic (31.1%) and Orthodox (16.9%)²⁰, whereas one single religion is prevalent within Romany communities.

Reasons for Discrimination against Roma in the Republic of Croatia

a) Lack of Education. When trying to find reasons for discrimination against the Roma, the lack of education often comes to surface first. The exclusion of Romany children from higher levels of education and sometimes from the basic education, which is mandatory in the Republic of Croatia²¹, does not ensure the equal rights to the Roma for success in life, because education is “one of the most important channels of social promotion of an individual”²². The level of education of the Roma

¹⁷ Nacionalni program za Rome (2003), Zagreb: Vlada Republike Hrvatske, p. 2.

¹⁸ See table 13 in Stambuk, M. (2000), «Romi u Hrvatskoj devedesetih», *Drustvena istrazivanja*, Vol. 46-47, No. 2-3, March-June, p. 301.

¹⁹ The National Program for the Roma, the Government of the Republic of Croatia, Zagreb, October 2003, p. 8.

²⁰ *Ibid.*

²¹ Article 65 of the Croatian Constitution determines primary education as «mandatory and free». Constitution of the Republic of Croatia, *Official Gazette of the Republic of Croatia* No. 56/90, 135/97, 8/98, 113/00, 124/00, 28/01, 41/01, 55/01.

²² Stambuk, M. (2000), «Romi u društvenom prostoru Hrvatske», *op. cit.*, p. 204

in Croatia is so low that it cannot be compared to any other national minority in Croatia. It is estimated that one third of Romany children have never been involved in any form of upbringing and education²³. The integration of the Roma should start with Romany children and their inclusion in educational processes, i. e. with the attitude that school and other educational institutions should be used as an intercultural medium in the function of future economic, social and other prosperity of the Romany population. The typifying of schools has also been proposed, which would enable classes to be partially or completely (depending on the number of pupils) taught in Romany²⁴, as well as the establishment of an Institute for Romology that would speed up scientific research of the Romany culture and tradition. Undoubtedly, there is a significant potential for intercultural dialogue in the Croatian society concerning the social, cultural and economic promotion of the Roma through their upbringing and education²⁵. The actions undertaken within the Croatian legislative framework and in practice have been in accordance with overall European trends of the Roma inclusion in educational process, with an emphasis on the Council of Europe's recent initiative which promulgated the year 2005 as the "European year of citizenship in education", drawing attention to the key function of the education in developing active citizenship and strengthening democratic culture. They also substantially rely on the goals of the United Nations Decade of Education for Sustainable Development (2005-2014), that expect states to provide an opportunity for refining and promoting the vision of and transition to sustainable development through all forms of education, public awareness and training, and give an enhanced profile to the important role of education and learning in sustainable development²⁶.

b) Non-competitiveness on the Labour Market. A poor educational structure of the Roma is explicitly reflected on the labour market where the Roma are completely uncompetitive. Prior to the modernization of society, the Roma were very competitive with their traditional crafts (e.g. manufacturing of baskets and other wooden objects for general use, blacksmithing and shoeing, music, etc). The industrialization and urbanization of society lowered the interest for their products and services. Unfortunately, the Roma could not keep up with the rhythm of those processes and they have become the poorest segment of the Croatian society. Economic

²³ The National Programme for the Roma, *op. cit.*, p. 31.

²⁴ See Hrvatic, N. (2000), «Odgoj i izobrazba Roma u Hrvatskoj», *Drustvena istrazivanja*, Vol. 46-47, No. 2-3, March-June, pp. 280-283.

²⁵ *Ibid.*, p. 267.

²⁶ See <http://www.unesco.org/education/desd/>.

marginalization has brought the Roma to the level of poverty which is much more serious than the level of other poor groups, and this extreme poverty has made the Roma dependable on social networks, public support and hidden economy²⁷. Fortunately, lately there have been some successful attempts to integrate the Roma into society through various forms of employment, and measures thereof are a part of the 2003 National Programme for the Roma and the action plan 'The Decade of Roma Inclusion 2005-2015'.

c) Unresolved Status Issues. Although the lack of education and employment are considered to be the primary problems of the Roma, a deeper analysis of their causes sheds light on the impossibility of obtaining Croatian citizenship, especially among the Romany population who came to Croatia during the 1990s. In most cases, the Roma are insufficiently informed about the procedure of its obtaining and formal prerequisites thereof that shall be fulfilled, e.g. a request for obtaining Croatian citizenship has often been rejected due to the lack of knowledge of Croatian. Furthermore, the Roma do not usually fulfil their legal obligation of residence registration, so they do not meet legal criteria for obtaining citizenship.

d) Other Causes and Examples of Discrimination. A low social status is often connected with the numerousness of Romany families whose number of children is far above the Croatian average. Romany families with more than 4 children are not exceptions, and there are families with 10 or more children²⁸. Due to a low level of tolerance, many physical attacks on the Roma have been reported in Croatia in the last couple of years. The investigations of competent bodies have denied the possibility of racial attacks, especially the possibility of systematic racially motivated violence, and the prevention and sanctions of those attacks have failed.

Concluding Remarks

Due to several levels of discrimination such as economic, spatial, cultural, and political discrimination affecting the Roma (mostly mutually inclusive), their level of separation from society is much higher than the level of any other ethnic group in Croatia, including minorities. Because of those characteristics, the Roma represent a special category of society. The fact that more attention has been paid to the Roma lately and that they can be seen more often in public opens certain perspectives. The organization of the status of the Roma – the poorest, most marginalized and separated

²⁷ See Stambuk, M. (2000), «Romi u Hrvatskoj devedesetih», *op. cit.*, p. 297.

²⁸ See Hrvatic, N. *et al.* (2000), «Povijesno-socijalna obilježja Roma u Hrvatskoj», *op. cit.*, p. 259.

minority in Croatia, is not only a great test of existing norms on the protection of minority rights, but also a challenge for the Croatian society to justify its prefix "democratic". Legislative premises on the protection of the Roma do exist, but it is necessary to check the extent of their complementarity with specific needs of the Roma as well as the persistence of their implementation. A proactive policy towards the Roma is the only way to preserve peculiar characteristics of this most recognizable and vulnerable minority in Croatia, otherwise their extreme marginalization and humiliating treatment of the country will keep on preventing its development. Respect for others (esp. vulnerable peoples and minorities) as well as for difference and diversity serves as a durable basis for adopting behaviours and practices which enable all to live a full life without being deprived of basics and to ensure that positive change in public attitudes keep pace with the evolving challenges of sustainable development.

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