



**PERMANENT MISSION OF THE REPUBLIC OF CROATIA
TO THE UNITED NATIONS OFFICE
GENEVA**

OHCHR REGISTRY

- 6 DEC. 2010

Recipients :.....**SRD**.....
.....
.....
.....

No. 143/10

The Permanent Mission of the Republic of Croatia to the United Nations Office in Geneva presents its compliments to the Office of the High Commissioner for Human Rights, and has the honor to enclose hereby the answers to the questionnaire on access to cultural heritage, sent out on 7 October 2010.

The Permanent Mission of the Republic of Croatia to the United Nations Office in Geneva avails itself of this opportunity to renew to the Office of the High Commissioner for Human Rights, the assurances of its highest consideration *JR*



Geneva, 6 December 2010

**UN OFFICE AT GENEVA
OFFICE OF THE HIGH COMMISSIONER
FOR HUMAN RIGHTS**

QUESTIONNAIRE ON ACCESS TO CULTURAL HERITAGE

CROATIA

I The recognition of cultural heritage

Cultural heritage, as defined by the Law, implies:

- Moveable and immovable items of artistic, historical, paleontological, archaeological, anthropological and scientific importance,
- Archaeological finds and archaeological zones, the landscape and its components that bear witness to human presence in that area and have an artistic, historical and anthropological value,
- Intangible forms and phenomena of human spiritual creativity in the past, as well as documentation and bibliographic heritage,
- Buildings and other facilities that permanently preserve or display cultural goods and documentation concerning them.

The procedure(s) for identifying endangered cultural heritage:

- An endangered cultural good implies an immovable cultural good entered in the List of World Heritage or the List of World Heritage in Danger, as well as cultural goods entered in the Register whose status as endangered cultural goods is established by a decision of the Minister of Culture at the recommendation of the Croatian Council for Cultural Goods. The Minister of Culture may appoint a committee whose task is the monitoring and planning of the implementation of measures for the protection and preservation of endangered cultural goods.

The purpose of the protection of cultural goods;

- Protection and preservation of cultural goods in an undamaged and original state, and the transfer of cultural goods to future generations;
- Creation of favorable conditions for the survival of cultural goods and the taking of measures necessary for their regular maintenance;
- Prevention of any activity that may directly or indirectly alter the characteristics, form, importance and appearance of the cultural good and thereby threaten its value;
- Prevention of illegal procedures and illegal trade in cultural goods, as well as supervision of the taking abroad and import of cultural goods;
- Establishment of conditions where a cultural good may serve the needs of individuals and general interest according to its purpose and importance.

The procedure(s) of nominating and declaring cultural heritage:

- A temporary decision may be brought concerning preventative protection of a good that is presumed to have the characteristics of a cultural good. A decision concerning preventative protection is brought by the competent body according to the place where the good is located. A decision on preventative protection

establishes the object of preventative protection and the time period ordered. The characteristics of a cultural good are established in a decision by the Ministry of Culture, on the basis of expert evaluation. The decision that establishes the characteristics of an immovable cultural good shall specify the physical boundaries of the cultural good that is to be protected and shall be delivered to the competent cadastre office and court of law for recording in the land register.

The decision on the establishment of the characteristics of a cultural good that relates to underwater archaeological finds shall also be delivered to the competent port authorities.

Cultural goods that are established as being of highest national importance for the Republic of Croatia are recorded in a special section of the Registry, the List of Cultural Goods of National Importance.

The procedure of evaluating cultural goods from Paragraph 1 of this Article is performed by a special expert commission of five members appointed by the Minister of Culture from the ranks of renowned experts for cultural heritage.

The competent body shall prepare the documentation concerning the protection and preservation of all cultural goods. The Minister of Culture shall prescribe the necessary level of documentation and the documentation standards for individual types of cultural goods, as well as the conditions, methods and procedures for their safe-keeping and use.

Zoning documents, dependent upon the type and area of undertaking, shall contain data from the conservationist background material with a system of measures for the protection of immovable cultural goods that are found in the area encompassed by the plan.

The conservationist background material shall be established by the competent body and contain general and special conditions for the protection and preservation of cultural goods in the area included in the plan. In cases when the competent body has not established the conservationist background material, guidelines, it is necessary, at the request of the body that passes zoning documents, to establish a system of measures for the protection of immovable cultural goods that are found in the area encompassed by the plan.

The zoning document may only be brought with the previous approval of the competent body that confirms its compliance with the conservationist background material or the established system of measures for protection. The competent body shall establish a system of measures for the protection of movable cultural goods that contains general and specific conditions for the preservation, maintenance and purpose of the movable cultural good.

In the undertaking of work on immovable cultural goods, as well as within the area of the physical boundaries of a given cultural good, for which location permits are required according to special provisions, it is necessary to obtain the special conditions for the protection of the culture good in the process of issuing a location permit.

Works that may cause changes to the cultural good, namely, that may disturb the integrity of the cultural good, may be undertaken with the previous approval of the competent body. The previous approval of the competent body is required for construction in the region protected as a cultural-historic site.

II The legal and policy framework for the protection of cultural heritage

Law on the Reconstruction of the Endangered Monument Complex of Dubrovnik

Regulations, Laws and By-Laws of the Republic of Croatia relating to the protection of cultural heritage

- Law on the Protection and Preservation of the Cultural Goods
- Regulations on the identity card of cultural goods protection inspectors and forms and methods of keeping the inspection register
- Regulations on conditions which apply to physical and legal entities regarding permits for undertaking works on the protection and preservation of cultural goods
- Regulations on the procedure and manner of issuing permits for undertaking underwater activities in internal sea waters and the territorial sea of the Republic of Croatia protected as a cultural good
- Regulations on archaeological research
- Regulations on the Register of Cultural Goods of the Republic of Croatia
- Regulations on professional titles in conservation and restoration activities and conditions for their acquirement
- Regulations on the establishment of cultural objects considered as national treasures of the European Union member states
- Regulations on marking immovable cultural goods and structures in which cultural goods collections are located
- Regulations on conditions for issuing permits for the export and taking out cultural goods from the Republic of Croatia
- Regulations on the content, form and manner of issuing official identity cards to the employees of the Directorate for the Protection of Cultural Heritage of the Ministry of Culture and official identity cards to the employees of the Municipal Institute for the Protection of Monuments of Culture and Nature in Zagreb
- Regulations on the standards for establishing the value of movables that have a cultural, artistic or historic value

Decrees:

- Decree on the establishment of an agency for the reconstruction of the Osijek fortress
- Decree on the merging of public restoration institutions

- Decree on the establishment of the International Centre for Underwater Archaeology in Zadar

International Legal Documents ratified and signed by the Republic of Croatia

UNESCO

(http://portal.unesco.org/la/conventions_by_country.asp?language=E&typeconv=I&contr=HR)

Convention	Date of deposit of instrument	Type of instrument
Universal Copyright Convention, with Appendix Declaration relating to Article XVII and Resolution concerning Article XI. Geneva, 6 September 1952.	06/07/1992	Notification of succession
Convention for the Protection of Cultural Property in the Event of Armed Conflict with Regulations for the Execution of the Convention. The Hague, 14 May 1954.	06/07/1992	Notification of succession
Protocol to the Convention for the Protection of Cultural Property in the Event of Armed Conflict. The Hague, 14 May 1954.	06/07/1992	Notification of succession
Convention against Discrimination in Education. Paris, 14 December 1960.	06/07/1992	Notification of succession
Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property. Paris, 14 November 1970.	06/07/1992	Notification of succession
International Convention on the Recognition of Studies, Diplomas and Degrees in Higher Education in the Arab and European States bordering on the Mediterranean. Nice, 17 December 1976.	06/07/1992	Notification of succession
Universal Copyright Convention as revised on 24 July 1971, with Appendix Declaration relating to Article XVII and Resolution concerning Article XI. Paris, 24 July 1971.	06/07/1992	Notification of succession
Convention on the Recognition of Studies, Diplomas and Degrees concerning Higher Education in the States belonging to the Europe Region. Paris, 21 December 1979.	06/07/1992	Notification of succession
Convention concerning the Protection of the World Cultural and Natural Heritage. Paris, 16 November 1972.	06/07/1992	Notification of succession
Convention on Wetlands of International Importance especially as Waterfowl Habitat. Ramsar, 2 February 1971.	19/11/1992	Notification of succession
Agreement for Facilitating the International Circulation of Visual and Auditory Materials of an Educational, Scientific and Cultural character with Protocol of Signature and model form of certificate provided for in Article IV of the above-mentioned Agreement. Beirut, 10 December 1948.	26/07/1993	Notification of succession
Agreement on the Importation of Educational, Scientific and Cultural Materials, with Annexes A to E and Protocol annexed. Florence, 17 June 1950.	26/07/1993	Notification of succession
Convention relating to the Distribution of Programme-Carrying Signals Transmitted by Satellite. Brussels, 21 May 1974.	26/07/1993	Notification of succession
Protocol to the Agreement on the Importation of Educational, Scientific and Cultural Materials, with Annexes A to H. Nairobi, 26 November 1976.	26/07/1993	Notification of succession
Convention for the Protection of Producers of Phonograms against Unauthorized Duplication of their Phonograms. Geneva, 29 October 1971.	20/01/2000	Accession
International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations. Rome, 26 October 1961.	20/04/2000	Ratification
Convention on the Recognition of Qualifications concerning Higher Education in the European Region. Lisbon, 11 April 1997.	17/10/2002	Ratification
Convention on the Protection of the Underwater Cultural Heritage. Paris, 2 November 2001.	01/12/2004	Ratification
Convention for the Safeguarding of the Intangible Cultural Heritage. Paris, 17 October 2003.	28/07/2005	Ratification
Second Protocol to the Hague Convention of 1954 for the Protection of Cultural Property in the Event of Armed Conflict. The Hague, 26 March 1999.	08/02/2006	Ratification
Convention on the Protection and Promotion of the Diversity of Cultural Expressions. Paris, 20 October 2005	31/08/2006	Approval
International Convention against Doping in Sport. Paris, 19 October 2005	03/10/2007	Ratification

- The Council of Europe Convention on the Protection of European Architectural Heritage
- Decree on the publication of the Agreement between the Government of the Republic of Croatia and the Government of the United States of America on the Protection and Preservation of Specific Cultural Goods
- Law on the Confirmation of the Framework Convention of the Council of Europe on the Value of Cultural Heritage for Society

III Access to Cultural Heritage

The basic provisions of the Constitution of the Republic of Croatia stipulate that freedom, equal rights, national equality, peace, social justice, respect for human rights, inviolability of ownership, conservation of nature and the human environment, the rule of law and a democratic multiparty system are the highest values of the constitutional order of the Republic of Croatia. In Part III which relates to the protection of human rights and fundamental freedoms it is stipulated that everyone in the Republic of Croatia enjoys rights and freedoms, regardless of race, colour, gender, language, religion, political or other belief, national or social origin, birth, education, social status or other characteristics. Members of all national minorities have equal rights in the Republic of Croatia, and are guaranteed freedom to express their nationality, freedom to use their language and script, and cultural autonomy. Freedom of conscience and religion and freedom to manifest religion and other convictions are guaranteed. Religious communities are free, in conformity with law, to perform religious services, to open schools, educational and other institutions, social and charitable institutions and to manage them and shall in their activity enjoy the protection and assistance of the State.

Part IV of the Constitution which relates to local and regional self-government guarantees citizens the right to local and regional self-government. The right to self-government is realized through local, respectively, regional representative bodies composed of members elected on free elections by secret ballot on the grounds of direct, equal and general voting rights. Citizens may directly participate in administering local affairs, through meetings, referenda and other forms of direct decision-making in conformity with law and statute.

The Republic of Croatia has an organized service for the protection of cultural heritage wherein the Ministry of Culture and its Directorate for the Protection of Cultural Heritage with the Conservation Departments have leading roles.

Institutions for the protection and preservation of cultural goods are restoration institutes or other restoration establishments, as well as museums, galleries, archives, libraries and other public institutions in the field of culture that perform duties in connection with the safe-keeping, renewal and protection of cultural goods.

The Republic of Croatia, the county, the City of Zagreb, the city or municipality may found an institution for the management of a cultural good and the implementation of measures for the protection and preservation of a cultural good, or entrust those duties to another legal entity.

Endowments and foundations for the preservation of cultural goods may be founded.

The Croatian Council for Cultural Goods is established for the monitoring and advancement of the state of cultural goods.

The Council:

- discusses general questions from the area of the protection and preservation of cultural goods and gives recommendations for the advancement of activities for the protection and preservation of cultural goods;

- acquaints itself with programs for the protection of cultural goods and their implementation;
- recommends to the Minister of Culture to proclaim a cultural good endangered;
- gives opinions concerning the removal of immovable cultural goods;
- gives opinions in the process of bringing decisions;
- discusses controversial questions in the area of protection and preservation of cultural goods and recommends solutions.

IV The way forward

The Ministry of Culture of the Republic of Croatia participates with the European Commission and the Council of Europe in the joint action for the reconstruction of European heritage – “Project Plan of Integral Reconstruction/Survey of Architectural and Archaeological Heritage” (IRPP/SAAH). At the initiative of the Council of Europe, since 1995, the European Heritage Days have been marked. The aim of the event is to disseminate knowledge and awareness both of one’s own cultural heritage and of the values of other cultures, possible interactions, tolerance and respect. The programme of the event includes specific thematic programmes, appropriate gatherings and exhibitions and in that way promotes the activities and institutions which study and protect cultural heritage in an appropriate way. It is planned to continue with the implementation of the programme in the future.