Chapter 5

Diaspora Policies, Consular Services and Social Protection for Croatian Citizens Abroad

Daphne Winland

5.1 Introduction

The goal of this chapter is to outline and analyse Croatian social protection provisions for Croats abroad. These are predominantly focused on citizenship acquisition, cultural, educational and, to a lesser extent, economic entitlements. The centrality of Croatia's large diaspora to the nation-building project of the new state (Croatia declared independence in 1991) is reflected in the particularities of voting policies, and investment and taxation incentives geared towards Croats abroad. Social protection is a major component of state priorities specifically as they relate to minorities- for example, Croats in Bosnia and Herzegovina, and those Croats deemed to be minorities in the states that formed after the dissolution of the Federal Republic of Yugoslavia in 1990 such as Serbia and Slovenia. This chapter begins with a brief historical overview of the Croatian social and political context, followed by a discussion of the policy infrastructure with regard to diaspora, as well as a discussion of consular processes in five key policy areas.

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5.2 Diaspora Policy Infrastructure and Key Policies in Croatia

5.2.1 *The Croatian Diaspora and Its Relations with the Homeland*

The history of Croatia, beginning as a medieval kingdom in the eighth century and culminating in its current status as an internationally recognized nation state, is essential for understanding of the current configuration of policies and practices dealing with the state's ongoing relationship with its nationals abroad. The span of this history has included extended periods of occupation by imperial powers - the Venetian Republic, the Ottoman and the Austro-Hungarian empires -, the establishment of the Kingdom of Yugoslavia and the short-lived Independent State of Croatia under Axis influence, followed by Socialist Yugoslavia and finally, the declaration of Croatian statehood in 1991 (Magaš 2007; Goldstein 1999; Baker 2015). Croats abroad have not only been an important source of remittances for over a century, but also active in agitating for Croatian independence from Yugoslavia, sometimes violently (for example, the hijacking of a TWA flight in 1976).

After declaring independence, Croatia found itself in the midst of war. The Homeland War as Croats refer to it from 1991–1995, resulted in the displacement of thousands of Croats who were scattered throughout the former Yugoslav republics and as refugees and emigrants elsewhere, followed by the efforts of international agencies to resettle and/or repatriate those who were displaced. Croats abroad became heavily involved in advocating for and funding the war effort, as well as the political campaign of the first president of Croatia, Franjo Tuđman and his party, the right-leaning HDZ (*Hrvatska demokratska zajednica*). Efforts to incorporate Croats abroad into the Croatian political body were aimed at strengthening Tuđman's status as the leading figure of the post-Yugoslav fledgling government so much so that Croats abroad were mobilized into a new electoral constituency, *Iseljena Hrvatska* (Štiks 2010; Ragazzi and Štiks 2007; Đorđević 2013).

Through its various post-independence political incarnations including the move from a semi-presidential to a parliamentary system, the Law on Croatian Citizenship has consistently and centrally featured Croats abroad in its provisions, laws, and entitlements. Unlike other Croatian political parties, the ruling HDZ has made diaspora representation in Croatian homeland affairs a key platform. The HDZ still has branches in many emigrant communities including Austria, France, Norway, Slovenia, Sweden, Switzerland, the UK, four branches in Germany, as well as Argentina, Australia, the United States, Canada, Venezuela, and South Africa. As in other post-socialist contexts, the trajectory of the Croatian nation building project has involved the development of formal citizenship criteria (influenced more recently by the European Union (EU) accession), coupled with the shifts in substantive meanings, logics, and practices associated with national membership that include Croats abroad.

As demonstrated, relations of diaspora Croats with the homeland have a long and, at times, tumultuous history in response to war, poverty, imperialism, and regime change. Croatia's admission to the EU in 2013 has negatively impacted the demographic profile of Croatia, as many young and educated Croatians have seized on the opportunity to move north to European countries such as Germany and Ireland in search of better job prospects and standards of living (Stubbs and Zrinščak 2017.) Currently, the number of Croatians living abroad (estimated to be over three million) is roughly equivalent to those residing in Croatia (less than four million).¹ The largest community in the former Yugoslavia is in Bosnia and Herzegovina with an estimated 760,000. Over one million Croats live in the United States and 375,000 reside in Germany, while Canada and Argentina each host a population of approximately 250,000 Croats. Australia has a Croatian population of 126,000.²

5.2.2 *Diaspora Infrastructure*

Those Government ministries that fully or partly deal with Croats outside of the Republic of Croatia (hereafter RC) include the Ministry of Foreign and European Affairs, and the Ministries of Interior, Health, Science and Education, Labour and Pension Systems. Until 2011, the Ministry of Foreign and European Affairs was the primary, but not exclusive, ministry addressing the needs of Croats abroad. Since 2011, the sub-ministry responsible is the Central State Office for Croats Abroad (hereafter CSOCA³). The CSOCA was established as a result of the introduction of the Act on Relations between the Republic of Croatia and Croatians Outside the Republic of Croatia (hereafter the Act) also in 2011. The Act is the foundational engagement policy for addressing all matters related to Croats abroad. The designation of Croats abroad is broken down into three categories: (1) the sovereign and constituent Croatian people in Bosnia and Herzegovina, (2) Croatian 'minorities' and, (3) Croatians who emigrated overseas or the 'far abroad' (e.g. Canada, the United States, Australia, New Zealand, Central and South America) or to European countries. In addition, the Act applies to Croatians outside the RC who have either: (a) Croatian citizenship; (b) the "status of Croatian without Croatian citizenship" or; (c) no Croatian citizenship or "status".

The reasons for these designations are as much political as administrative. Thus, for example, Croats abroad, particularly those who agitated for Croatian independence before 1990, were a thorn in the side of the socialist Yugoslav regime (1945–1990), but they were instrumental in advocating for and raising awareness of and funds for both the Homeland War and independence. Since 1990, diaspora

¹ <http://www.hrvatiizvanrh.hr/en/hmiu/status-of-croatian-immigrants-and-their-descendants-abroad/15>. Accessed 27 June 2018.

² 150–200,000 in Serbia, and 54,000 in Slovenia.

³ Central State Office of Croats Abroad (CSOCA). <http://www.hrvatiizvanrh.hr/>. Accessed 11 March 2018.

Croats have had considerable clout with the ruling HDZ party. The European Union accession process, which began in 2003, made it clear that Croatia had to conform to European norms and standards concerning governance, citizenship, borders and more. For example, soon after independence, the electoral law which provided for the election of non-resident Croats to parliament (the 'diaspora list') had to be amended to conform to EU requirements (Kasapović 2012; Koska 2011). The number of parliamentary seats reserved for Croats abroad was eventually reduced from 12 in the early 1990s to the current three. This is significant in that, as of 2001, the Croatian Parliament changed from a bicameral to a unicameral system, which means that Croats abroad now have a direct influence on the decisions of the Parliament. In addition, whereas in the past, parliamentary seats for diaspora were contingent on diaspora voter turnout, as of 2010, these seats are guaranteed (Baketa and Kovačić 2010). The introduction of the Act, developed in preparation for EU accession, addressed the issue of sovereignty with regards to Croats in Bosnia and Herzegovina (Ragazzi 2009). Currently, the three seats in the Croatian Parliament reserved for Croats abroad are taken up by Bosnian Croats given their large number and proximity to Croatia. In so far as electoral rights are concerned, Croats abroad who have Croatian citizenship and are in the voter registry are entitled to cast their ballots in presidential and parliamentary elections or referenda. The ballots of citizens abroad are added to those that are cast in the RC.

The CSOCA headed by a State Secretary (appointed by the Prime Minister) deals primarily with culture, education, science, sport, economy, as well as the legal position of Croats outside the RC. Its mandate includes encouraging the return and integration of Croats abroad as well as monitoring their conditions and ensuring that their social protection needs are met. The CSOCA's role also includes disbursing funding for programs and projects for Croats outside the RC. Currently, there is no policy regarding the return of Croats abroad to Croatia. The scope of CSOCA's jurisdiction thus includes the coordination and monitoring of activities between administrative bodies and authorities for cooperation between the RC and Croats abroad, care for the protection of rights and the preservation and strengthening of the identity of Croats abroad. Although one of the CSOCA's responsibilities is to compile a registry of Croatian nationals residing abroad, to date there is no information publicly available on such a registry. The Welcome Office of the CSOCA is charged with keeping Croats abroad informed of developments in the RC, hosting cultural and heritage programs and, generally, promoting bonds with Croats globally. It is also responsible for advising those who wish to acquire temporary residence, work and business permits and other benefits in Croatia in accordance with the Act. The Welcome Office provides information on rights concerning health, pension, and disability insurance, tax relief for Croatian returnees or immigrants, customs benefits on return and immigration, recognition of foreign secondary and higher education certificates and diplomas and on the procedures for acquiring property rights in the RC.

It is important to point out the distinction between return and repatriation in the Croatian context arising from the circumstances of the Wars of Succession in the former Yugoslavia. Soon after the war ended in 1995, many displaced Croats were

repatriated through the auspices of the UNHCR and other domestic and international agencies. The repatriation of Croatian refugees thus differs from the current Croatian imperative to attract Croats from abroad to return to the 'homeland'.⁴

The Croatian Ministry of Interior retains responsibility for Croatian citizenship through domestic institutions such as police departments/stations (where Croats can register) or in cooperation with public administration offices or the municipal authority of the city of Zagreb where certificates of citizenship (*domovnica*) are issued. The Ministry itself has no department or division, programs or mechanisms specifically dedicated to Croats abroad.

With regards to the consular network, the Ministry of European and Foreign Affairs currently operates 56 embassies and 102 consulates.⁵ Because of the centrality of diaspora Croats to the nation-building priorities of the state, additional protections are built which address the particularities of the three designations of Croats abroad discussed above (Croats from Bosnia and Herzegovina, Croatian diaspora and Croatian national minorities).

Mobile consular services (*poslanstvo*) and events for Croats abroad are held sporadically in different locations which have no permanent consular missions (*stalne misije*). Consular Days (*konzularni dani*) are organized by the consul general of the RC in each country where they are posted. Notifications and schedules for events, usually held at Croatian community organizations or Croatian Catholic parishes abroad, are announced via embassy and Ministry of Foreign and European Affairs websites. Officially, they are responsible for the same services as permanent missions. The terminology used for mobile consular services is especially unclear: in the Law on Foreign Affairs there is no information on how they differ in their functions from permanent missions.

Honorary consulates are present in those countries or regions where the establishment of a permanent mission would be too costly but the ministry has identified the need for information, emergency assistance or where the ministry deems that the presence of an honorary consulate is important in building friendly relations with another state.

Next to CSOCA and the consular network, two additional institutions are worth mentioning. First, the Committee of Croatian Parliament on Croats Outside the Republic of Croatia is a Government advisory committee of the Croatian *Sabor* or Parliament, consisting of 11 Members of Parliament and four representatives from among Croatian public officials, scholars, and professionals. The Committee cooperates with the CSOCA, monitors the implementation of policies and procedures pertaining to the legal status of Croatian communities and minorities in other countries, and proposals to protect their rights and preserve their national identity. These do not significantly influence the legislation in the RC. Second, the Council of the Government of the Republic of Croatia for the Croats outside the Republic of

⁴ cf. <http://www.refworld.org/pdfid/4c57cc2fd.pdf>. Accessed 30 June 2018.

⁵ <http://www.mvep.hr/en/diplomatic-directory/diplomatic-missions-and-consular-offices-of-croatia/>. Accessed 18 March 2018.

Croatia is also an advisory body of the Government of the RC that provides assistance in creating and implementing policies, activities and programs concerning Croats abroad. Amongst the representatives of state bodies and institutions, the Catholic Church and civil society organisations, the Council consists of representatives of Croats abroad via associations, organizations, and institutions identified as significant in diaspora communities. This consultative body is appointed by the Croatian Government and has a four-year mandate. The composition of the body includes 17 representatives of Croatian minorities, nine from Bosnia and Herzegovina and 29 of diaspora Croats elsewhere. The Council convenes at least once a year in the RC to discuss the implementation of the Act on the Relations between the Republic of Croatia and the Croatians outside the Republic of Croatia,⁶ and other related issues and submits reports to the Government. The number of representatives in the five countries of residence for Croats abroad profiled in this chapter are as follow: three representatives of the Croatian minority in Serbia, two from Slovenia, one from Italy, three for Australia, and three for Germany.

In addition of public institutions, a number of non-profit organizations have mandates that are devoted to engaging Croats abroad in the areas of heritage, culture, and education. The Croatian World Congress, for instance, is a non-profit, non-governmental and non-partisan organization with more than 45 chapters worldwide whose mission it is to link all Croats, diaspora associations and institutions outside “the Homeland to create better conditions and greater interests between the Republic of Croatia and diaspora”.⁷ There is no formal mechanism by which Croatian authorities consult with the Congress, although they receive the honorary patronage of the President of the RC. Similarly, the Croatian Heritage Foundation (established in 1951 and reorganized in 1990), also a non-profit organization, focuses mainly on activities, programs, and projects related to the preservation and development of the national, linguistic, and cultural identity of Croatians in Croatia and abroad.⁸

To conclude this discussion on infrastructure, it is important to note that the RC’s ability and apparatus to engage with Croats abroad varies according to the main countries of residence of the Croatian diaspora. As important variations exist in terms of legal status of Croatian citizens in these countries (e.g. mobile EU citizens, recognized minority...), different incentives exist for the RC act towards its diaspora.

For instance, in Slovenia and other major EU destination countries such as Germany, the rights of Croatian citizens in those states are naturally subject to the EU framework. Yet, Slovenia and Serbia are both former republics of the Federal Republic of Yugoslavia and, as such, Croats enjoy some form of representation and protection as a national minority in those countries even though Serbia is not part of the EU. Croats in Slovenia have been advocating for the official status as a minority in Slovenia but, to date, this has not been recognized as such. Some have blamed this

⁶*Zakon o odnosima Republike Hrvatske s Hrvatima izvan Republike Hrvatske.* www.zakon.hr/z/507/Zakon-o-odnosima-Republike-Hrvatske-s-Hrvatima-izvan-Republike-Hrvatske. Accessed 22 March 2018.

⁷<http://hsk.hr/>. Accessed 21 July 2018.

⁸<http://www.matis.hr/en/>. Accessed 18 August 2018.

on strained relations between Slovenia and Croatia as a result of tensions over the flow of refugees and migrants from, for example, Afghanistan, Syria, Iraq, North Africa and Africa, across Croatia's border to Slovenia as well as disputes over sovereign territory (e.g. the Bay of Piran) which Slovenia, a member of the EU since 2004, used to block negotiations for Croatia's accession to the EU. Although Slovenia's Croats do not have the status of a national minority, they do enjoy minority rights under international legal obligations binding the Republic of Slovenia.⁹ The CSOCA recently established a Commission on the Status of Croats in the Republic of Slovenia to ensure the preservation and development of Croatian identity. The Commission consists of representatives of Croats and Croatian institutions and ministries (Ministry of Foreign Affairs and European Affairs, Ministry of Science and Education, Ministry of Culture, and the CSOCA). The President of the Commission is the State Secretary. The first session of the Commission was held in February 2018.¹⁰

In Serbia, after the Homeland War, Serbian Croats have been designated as a national minority in need of protection. The Law on the Protection of the Rights and Freedoms of National Minorities of the Republic of Serbia, introduced in 2002, guarantees that the Croatian national minority has protection in the areas of language, education, information, culture as well as the ability to participate in decision-making processes in these areas.¹¹ The Croatian National Council in the Republic of Serbia¹²—a Serbian institution—is the highest representative body of Croats in the Republic of Serbia and consists of 29 members who have a four-year mandate. The president is elected by all members of the Council, while vice presidents are elected on the basis of territorial representation in the Serbian towns of Srijem, Podunavlje, Sombor (in the autonomous province of Vojvodina) and Subotica. However, it is not obligatory for Serbian authorities to consult the Council.

Lastly, Croats in Italy who have lived in the Molise region for centuries, are a recognized linguistic group. Although the Italian Government does not use the term 'minority', Molise Croats receive protection from the Croatian Government in the form of recognition of their cultural identity and the use of the Croatian language.

5.2.3 *Key Engagement Policies*

Economic, cultural, and educational policies are traditionally presented as the main areas of engagement with citizens abroad. With regards to economic policies, general proclamations are made by the Government pertaining to the development of programs and policies that would contribute to more successful communication and

⁹<http://www.hrvatiizvanrh.hr/en/hmiu/croatian-minority-in-slovenia/>. Accessed 10 January 2019.

¹⁰<http://www.hrvatiizvanrh.hr/hr/novost/564/odrzana-prva-sjednica-povjerenstva-za-pitanje-statusa-hrvata-u-republi-ci-sloveniji>. Accessed 21 December 2018.

¹¹<http://www.mvep.hr/files/file/prirucnici/180111-protocol-guide-for-diplomatic-missions-accredited-to-the-republic-of-croatia2.pdf>. Accessed 03 March 2019

¹²<http://www.hnv.org.rs/>. Accessed 2 April 2018.

cooperation between RC and Croats abroad in order to facilitate investment in the homeland. This message is ever-present in most of the official acts, strategies, plans or reports that address Croats abroad. Non-governmental organizations, such as the Croatian Canadian Chamber of Commerce based in Toronto, collaborate with the Croatian Canadian Business Network based in Zagreb, to lobby both Canadian and Croatian Governments to generate interest in investment.

Remittances from Croats abroad have been a cornerstone of diaspora-homeland involvement for generations and continue to be broadly encouraged by the Croatian Government. It is estimated that over one billion Euros are sent to Croatia annually,¹³ yet there are no specific policies or financial incentives explicitly for Croats abroad, even though diaspora remittances are critical to Croatia's economic stability.

Similarly, there are no specific policies, incentives or support for Croats abroad to purchase real estate in the RC. Citizens and legal persons of the EU may acquire real estate in Croatia under the same conditions as Croatian citizens, with the exception of agricultural land and real estate located in protected areas. Non-EU citizens may acquire real estate in Croatia based on the principle of reciprocity, i.e. under the same rules that apply to Croatian citizens in the foreigner's own country.

Culture and education policies, on the other hand, have traditionally received more attention. The CSOCA concentrates much of its effort in the promotion of Croatian culture and education. The Act outlines the need for dissemination of Croatian content to Croats abroad through the Internet and satellite radio, television, public programming and broadcasting services for Croats outside the RC. The awarding of Croatian language scholarships is also a key priority of the CSOCA strategy. Croatian nationals or their descendants, spouses of friends of Croats and of the RC (who permanently reside outside Croatia) and who have completed secondary school education, are eligible. The program promotes the return of Croatian emigrants and their descendants to the RC through the preservation, nurturing, and promotion of Croatian language and culture. Students are registered at the Faculty of Humanities and Social Sciences in Zagreb (*Croaticum* program), the Faculty of Philosophy in Split (Croatian Centre for Croatian Studies) and the Faculty of Philosophy in Rijeka (Rijeka Croatian School).

The CSOCA also supports Croatian language classes abroad. The Ministry of Science and Education organizes and finances language programs in full or in part in 20 countries worldwide (Argentina, Austria, Belgium, Montenegro, Chile, France, Italy, Ireland, Macedonia, the Netherlands, Norway, Poland, Romania, Russia, Slovakia, Slovenia, Serbia, Switzerland, the United Kingdom, and Canada). The Ministry hires teachers, supports classes financially, provides educational materials and in some countries, with the approval of their education authorities, funds the work of teachers. The latter initiative is geared towards the needs of Croatian national minorities in particular.

¹³ <http://www.tportal.hr/biznis/clanak/povijesni-rekord-imamo-podatke-koliko-su-gastarbajteri-lani-poslali-novca-u-hrvatsku-foto-20171115>. Accessed 11 November 2017.

The CSOCA also awards scholarships for Croatian language courses in RC to: a) Bosnian Croats who reside in Bosnia and Herzegovina and are enrolled in public higher education institutions in Bosnia and Herzegovina or in Croatia; b) Croatian minorities¹⁴ born and residing abroad who are enrolled in public higher education institutions in the RC; c) the Croatian diaspora. For the 2018–2019 year, enrolment quotas were increased to 217 positions for candidates who are members of one of two categories of Croatian subjects abroad: members of Croatian minorities in European countries and Croatian emigrants overseas and European countries and their siblings. Classes in the Croatian language may also be organized and funded in part by Croatian (diaspora) communities and Catholic missions abroad.

A similar call for applications is directed at Croatian emigrants with the goal of enhancing cooperation with Croatian institutions abroad in the fields of culture, education, and science. Eligible applicants include non-profit organizations of Croatian emigrants whose activities and costs are related to support for social, cultural, and artistic endeavours as well as support for publishing and media in the Croatian language. Although there is a variety of programs advertised on the official website of the CSOCA, access to this information is spotty and incomplete. For example, the Croatian version of the website provides only general information, and links to websites of related institutions are often only available in Croatian.¹⁵

5.3 Diaspora Policies and Social Protection in Croatia

This section presents the main findings regarding policies that facilitate access to social protection of Croatians abroad. It begins with a broader discussion regarding the engagement of the home country consular network, diaspora institutions and ministries/agencies with nationals abroad in the area of social protection.

It is important to preface this section with a comment about the state of provision of social benefits for resident Croatians in comparison to those made available for Croats abroad, given that Croatia lags in its responsibilities for social benefits as identified by the European Commission.¹⁶ As Stubbs (2018) argues, the Action Plan for Social Benefits 2017–2020 adopted by the Croatian Government in 2018 as part of the National Reform Programme “does not contain any commitment to improving the adequacy or coverage of benefits nor any proposal to reduce regional inequalities across Croatia. At the moment, the Government’s priorities appear to focus on war veterans and their families and demographic renewal”. This

¹⁴ Austria, Bulgaria, Montenegro, the Czech Republic, Italy, Kosovo, Macedonia, Hungary, Romania, Slovakia, Slovenia and Serbia.

¹⁵ <http://www.hrvatiizvanrh.hr/en>. Accessed 11 February 2019. The author’s search revealed that the website lacks content and has no available official documentation or information attached in English.

¹⁶ European Commission (2018), Staff Working Document Country Report Croatia, SWD 209 final.

assessment underscores deficiencies in the ability or political will of the Croatian Government to provide a robust system of social protection for Croats abroad.

The CSOCA, in coordination with ministries in Croatia and its embassies and consulates, maintains responsibility for developing policies and programs related to key areas of social protection for Croats abroad. In some cases, these may diverge depending on the tripartite designation of Croats abroad (see above). These are key, as the needs of each designated group is seen as unique by the CSOCA. Thus, for example, as Croats in Bosnia and Herzegovina are the smallest (17%) of the three constituent peoples in Bosnia and Hercegovina (Serbs, Bosniaks and Croats) as a result of the governance criteria of the Dayton Peace Agreement of 1995, and Croats are therefore deemed to be vulnerable. Croatian minorities in Serbia and Slovenia, also former Yugoslav states, are also designated as constituents who require Croatian state protection. The provision of services then differs based on residence (cf. Stubbs and Zrinščak 2015, a seminal study of social policy in Croatia).

5.3.1 *Unemployment*

In so far as unemployment is concerned, Croatia's Law on Employment Mediation and Unemployment Rights states that: "The Croatian Employment Service shall perform the employment of Croatian nationals abroad and exercise of their rights". Furthermore, "The Croatian Employment Service carries out mediation in employment, counselling and information on employment opportunities and education and provides other information on the labour market in the Member States of the European Union, the European Economic Area and the Swiss Confederation through the European Network of Services (EURES)".¹⁷ However, the Croatian Employment Service does not assist in accessing unemployment benefits or in helping in the search for employment.

All workers for whom an employer has paid employment contributions or self-employed persons who have paid their contribution to the employment insurance in the RC, are entitled to benefits via the Croatian Employment Service. To receive this entitlement, one needs to have residence and working permits along with an OIB (personal identification number, tax administration through the Ministry of Finance), and have spent working at least nine of 24 months in an EU country provided that employment was not terminated voluntarily or through fault of the employee. The amount of compensation depends on the wages one received before termination. Accordingly, it can be argued that no specific provision exists for Croats residing abroad beyond the provisions that derive from EU coordination in this area.

¹⁷ www.hzz.hr. Accessed 20 March 2018.

5.3.2 *Health Care*

Provisions for health care for citizens abroad are within the mandate of the Ministry of Foreign and European Affairs. In the event of accident or illness, consular offices and/or diplomatic missions of the RC are responsible for informing both health care institutions and Croatian citizen's family of the details of the health care that is required. In case of severe health conditions, consular officers may provide immediate evacuation or return of the citizen to the home country. The Croatian Health Insurance Fund (*Hrvatski zavod za zdravstveno osiguranje*) covers registered Croatians who must have permanent residency in the RC to assist with health-related issues in cases of temporary incapacity for work due to sickness or maternity, and health care related issues in addition to short-term benefits for work injury and occupational illness. In line with EU regulations in this matter, the rights to social security (health care, maternity and parental benefits, family benefits, unemployment benefits, pension insurance rights) of Croatian nationals in other EU countries are covered by the system of the state in which they are working or living (i.e., have residency).

Looking at destination country specific policies, a bilateral agreement between the RC and the Republic of Serbia guarantees the right to health insurance and health care: "Diplomatic missions and consular posts of the Contracting States may, without special authorization, directly address the competent authorities, liaison bodies and the competent authorities of the other Contracting State in order to protect the interests of their nationals."

5.3.3 *Pensions*

Pensions are made available for Croats abroad through the Croatian Pension Insurance Institute (CPII) (*Hrvatski zavod za mirovinsko osiguranje*) and in conjunction with CSOCA and the Ministry of Foreign and European Affairs. Applications must be submitted for verification by Croatian diplomatic and consular representatives, notaries or administrative bodies in the country of residence. Again, different requirements are put in place for the three types of Croatians abroad where bilateral agreements between states exist, as is the case with Serbia. The CPII coordinates with relevant ministries and institutions (in the RC, EU, and internationally) regarding the protection of the legal pension status of Croats abroad. According to the CSOCA and the Act: "Pursuant to the international agreements on social security concluded and assumed, the Office will negotiate models for solving pension and health insurance rights for returnees and immigrants. Negotiations on the conclusion of new or existing international agreements with countries with which the RC has not concluded or are insufficient, will be encouraged."¹⁸ Australia

¹⁸<http://www.mirovinsko.hr>. Accessed 11 October 2018.

and the RC negotiated a social security agreement in 2004. Australian Croats can access both Australian and Croatian pension plans. For example, the Australian legislation requires a person to have a minimum of 10 years of Australian residence before they can claim an Age Pension or Disability Support Pension. “Under the Agreement, Australia and Croatia share the responsibility for paying pensions to people who would not otherwise be entitled because they do not have enough residence in Australia or sufficient periods of insurance in Croatia. It also helps people who could not otherwise claim because they are living abroad”.¹⁹ Croatian domestic legislation currently requires a person to have at least 17 years of qualifying periods of insurance to be eligible for a retirement pension. “If a person has only 10 years of contributions, he/she would be able to count any periods of Australian working life residence that they have as periods of contributions to meet the minimum qualifying period.”²⁰

The Agreement allows people to use periods of Australian working life residence in order to meet the minimum periods of insurance required to qualify for Croatia pensions covered by the Agreement.

The Croatian Government has also negotiated Avoidance of Double Taxation on Pensions with 62 countries to date. “In most of the double taxation treaties applied by the Republic of Croatia, the rule is that pensions are taxed in the State of residence.”²¹

5.3.4 *Family-Related Benefits*

The social welfare of families of Croats abroad is also within the jurisdiction of consular offices (via the Ministry of Foreign and European Affairs). Their responsibility to attend to the social welfare of families specified by law extends to providing legal assistance to citizens of the RC in areas of labour, social and other rights and interests in the receiving state in their consular area. Beyond this, there is little specific information available in the provision of benefits. Croatian citizens who reside abroad are not entitled to child allowances according to the national legislation. However, Croats residing in EU Member States and are temporary or permanent residents in the RC and employed abroad by a foreign employer who does not provide the health and social insurance, qualify for benefits and are financed through state budget. The RC guarantees the implementation of all bilateral and multilateral international agreements protecting the rights of Croats abroad. As in the cases of the Croatian minorities in Slovenia and Serbia where bilateral agreements exist, provisions differ. Lastly, specific policies related to the

¹⁹ <http://dss.gov.au>. Accessed 31 March 2019.

²⁰ <http://dss.gov.au>. Accessed 30 March 2019.

²¹ <https://www.porezna-uprava.hr/bi/Stranice/Dvostruko-oporezivanje.aspx>. Accessed 30 March 2019.

repatriation of deceased individuals include the issuing of permits for the transportation of human remains and burial in Croatia.

5.3.5 *Economic Hardship*

As with family benefits, Chapter I of the Law on Foreign and European Affairs of the Republic of Croatia, referring to the jurisdiction of consular offices with regard to nationals abroad, states that they must: “perform(s) administrative affairs, notary affairs, affairs of the interior, defense and issues of registry, social welfare specified by law, and provides legal assistance to citizens of the Republic of Croatia in the exercise of their labor, social and other rights and interests in the receiving State in their consular area”.²² The diplomatic missions and consular offices of the RC coordinate and collaborate with the Welcome Office of the CSOCA. The Ministry is also charged with the responsibility of providing loans to citizens of the RC in order to facilitate the return of Croatian citizens when they find themselves in distress abroad. Other than in cases of facilitating citizens return to the home country, there is no further information regarding possible cash benefits (loans) provided by consular offices of the RC.

5.4 Conclusions

The Croatian context illustrates the complexity of relations between countries that have undergone recent, radical political changes and develop or maintain relationships with their co-nationals/ethnics abroad. Croatian policies concerning Croats abroad are, in some ways, a moving target as they are continuously amended in response to shifts in geopolitics, governmental priorities, and political regimes. For example, in December 2018, the Croatian Government once again amended the Citizenship Act to ease citizenship requirements for Croats abroad by omitting generational and language restrictions. This move was largely in response to the challenges of demographic decline due to a steep rise in the rate of emigration from Croatia since entering the EU in 2013. This is consistent with the history of a nation that has been in the cross hairs of major regional political upheavals.

For Croatians, centuries of wars, invasions and empires, and shifting borders and boundaries, not to mention a long history of emigration, have created the conditions for migration, citizenship and belonging. The past has included identifications with the Austro-Hungarian Empire, pan-Slavism, and Yugoslavism, ambivalence concerning forms of ethnic, religious, or political identification. These have been compounded by experiences of marginalization or acceptance in the countries and

²² www.mvep.hr. Accessed 11 March 2018.

regions where they fled, emigrated, and settled. The conditions for social protection of Croats abroad are in large part a reflection of these histories of migration.

The Croatian diaspora has been a key player in Croatia's path to independence in 1990 and the changes that have transpired since then. In the 25 years since Croatia achieved independence, the nature of transnational connections between Croats at home and abroad has shifted dramatically to include a wide spectrum of social, political, and economic entanglements that differ markedly from the Yugoslav socialist period (Winland 2007).

Beginning with the establishment early on of several ministries (the short-lived Ministry of Return and Immigration in the 1990s) devoted to diaspora and return, the Government of Croatia, specifically the HDZ which has been in power for most of the post-independence period, has placed the diaspora at the centre of its policy and decision-making framework. The establishment of the (sub)ministerial incarnation, the CSOCA and other non-governmental bodies and associations that address the needs and protection of Croats abroad, underscores the degree of importance that the Croatian state places on its relations with non-resident Croats.

However, despite the stated intentions of the CSOCA ostensibly devoted to the recognition and needs of Croats abroad, the actions of the Croatian Government do not meet the standards necessary to provide the resources required or the commitment to ensuring that Croats abroad receive adequate levels of protection or enticements to invest or return. To a certain extent, this can be attributed to political expediency or will, bureaucratic inefficiencies, and/or the limited power that the Croatian Government has to exercise authority in foreign contexts.

The five areas of protection outlined in this chapter also demonstrate the barriers that the Croatian Government faces in its ability to intervene in the affairs of compatriots abroad depending on where they reside and their citizenship status. Here, context is key. For example, as an officially designated minority, Croats in Serbia are entitled to services and protection that Croats in EU countries are not. However, Croats who reside in EU countries and are EU citizens have access to social protection and do not rely on Croatia for those benefits that they can easily access in the EU. Although Slovenia and Serbia are both post-Yugoslav Republics, Serbian Croats have official minority status, while Croats in Slovenia do not. Slovenia is also a member of the EU. Croatia's ability to influence the Slovenian policy towards Croats abroad is limited in this case. Australian diaspora Croats are citizens of Australia and, although they have limited access to Croatian Government social protection beyond pension benefits, Australian Croats who can also become dual citizens of Croatia do not, by and large, rely on the social protection provisions of the Croatian Government.

The attention paid to Croats abroad thus remains a function of legislation favourable to Croats abroad that was passed shortly after the Croatian independence. Despite the efforts of opposition parties to mitigate the influence of diaspora Croats on homeland affairs, the large number of Croats abroad, high rates of emigration from Croatia, and the need for diaspora investment continues to influence the push towards developing strategies to generate the interest of Croats abroad in the

homeland. Nonetheless, the focus is limited mainly to maintaining connections through cultural exchanges, commemorations, citizenship, and the (uneven) provision of social protection. Together these inform the uneven development of strategic initiatives and policies that serve Croats abroad.

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