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CROATIA

HUMAN AND WORK RIGHTS VIOLATION

IN THE REPUBLIC OF CROATIA

Political removals on illicit levels in public institutions

Your Excellency!

Given Your high position held, please let me present You some information which could influence Your attitude regarding the readiness of the Republic of Croatia to achieve the status of full member of the European Union.

Officials of the Government are continuously talking about European standards of the state of law, rule of law, legal safety, and other positive principles of common European inheritance. However, in practice they act very far from such rhetoric.

You have been probably already informed regarding the personnel removals carried out by the ruling coalition within the ministries and institutions of the Republic of Croatia.

In such a manner are being removed managers of the institutions, police chiefs up to the level of head of department, directors of social institutions, leadership of „public television“, tax authority, etc.

Recently, political removals are being carried out within the Ministry of labor and pension system. Heads of regional offices in the pension system were removed, and now are being removed local heads within the Croatian Employment Service. And this is what I'd like to inform you about.

During 2012 some amendments of the Statute of the Croatian Employment Service were executed. Among other cosmetic amendments of the Statute, the Administration Board of the Croatian Employment Service has in an autonomous, unfounded and unconstitutional manner shortened the duration of current mandates to the heads of Local offices of the Croatian Employment Service.

The heads of Local offices had before the above described amendments their mandate and the Contract of employment valid until 1st August 2013. From the aspect of legitimate expectations, all the Heads of Local offices have thought that notwithstanding the modifications of the statute, the rights acquired according to the regulation which was in force in the moment of beginning of the previous equal relations have to be granted. It actually means that the newly brought disposition of the article 63 paragraph 1 of the Statute is doubtful and legally unfounded, because of the fact that it puts former heads of Local offices

in a disadvantage regarding all the other employees of the Service, especially the deputy and the assistant director of the Croatian Employment Service, as their position is much more responsible and demanding, and their reappointment is not provided by the aforesaid dispositions.

It is even more problematic the disposition of the article 47, paragraph 2 of the new Statute, which determines the obligation of the heads of the local offices to make their mandates disponible on the date of entry into duty of every newly appointed manager of the Service. With the aforesaid dispositions the institute of putting of the mandate, which is otherwise provided only for the government officials, is being unfoundedly and inappropriately applied to the heads of the local offices.

With this are pro futuro being infringed principles of equality and non-discrimination guaranteed by the Constitution and it represents a tendency to transform the former heads, as the first competent persons at the head of the Local institution, into persons appointed according to the party or political key, completely depending of the newly appointed director, or minister.

Such an unilateral changes are with no precedent because they directly impinge on the rights acquired by the former heads, which is contrary to the Constitution of the Republic of Croatia, to the laws (especially Labor Law and Law of Obligations), and to the positive European practice. Such procedures were not carried out on the occasions of former changes in government after the establishing of the independent Republic of Croatia, but they unfortunately recall to a bad copy of government's procedures during the introduction of communist dictatorship in the period from 1945 to 1949.

The aforesaid interventions to the Statute are completely contrary to the principles of prohibition of the retroactive effect of the law proclaimed by the Constitution and other regulations, and they lead to threats to legal safety and to inviolability of vested rights.

In view of these amendments of the Statute, the director of the Croatian Employment Service has invited applications for the position of heads of local offices of the Croatian Employment Service.

In the second half of January of 2013 the director of the Croatian Employment Service has submitted to the minister her proposals for appointment of the heads.

In most cases the director, taking into consideration the professionalism, the experience and the skills necessary for performing business processes, has suggested to appoint former heads. Duty of government's ministers is to preserve the constitutionality and the legality of work of services and institutions. In that function every minister must take care that the political interests do not influence any decision regarding the work of the institutions from his portfolio. On the occasion of the selection of new heads of Local offices of the Croatian Employment Service the profession has (evident from the proposal of the director of the Croatian Employment Service submitted to the minister) suggested the appointment of most of the former employees, including me personally.

The minister of labor and pension system did not accept this suggestion, and in most of cases, including mine, has opposed to the submitted suggestion politician particular interests, so he acted exactly CONTRARY to his primary task.

The minister of labor and pension system has exceeded the provisions of the Statute of the Croatian Employment Service, exactly the ones whose amendments were initiated by him. Namely, the minister according to the statute of the Croatian Employment Service is only authorized to give consent to the appointment of the candidate suggested by the director of the Service. From other dispositions of head's reappointment protrudes a disposition of compulsory reappointment of the Heads of Local offices upon possible demission of the director of the Service. As it is obviously and semantically about people exclusively related to the director of the Service, the minister is authorized to withhold the consent for appointment only in special cases which can be very rare, exclusively related to the profession and never political. When he nevertheless withholds his consent, the minister is obliged to explain it thoroughly and transparently, which he, of course, failed to do.

From all the afore stated it is evident how from the highest levels of government officers in the Republic of Croatia are being illegally, aggressively and ruthlessly removed the „politically undesirable“ ones, and are being brought politically appropriate and preferred, on the levels way lower than the ones provided for possible changes on the occasion of rotation of political authority.

This is, of course, only a part of the mosaic of the condition in the Republic of Croatia. In practice the old face of political successors of immanent Bolshevik totalitarianism obviously still exists and acts in pretense behind the comfortable mask of democratic and European phraseology.

Rijeka, 22.2.2013.

Ognjen Crnković

Croatian Employment Service

Head of Local office of Rijeka