



HUMAN  
RIGHTS  
HOUSE  
ZAGREB

Selska cesta 112 a/c,  
10000 Zagreb, Croatia  
tel/fax: +385 1 551 33 95  
kontakt@kucaljudskihprava.hr  
www.kucaljudskihprava.hr

## NGO Written Contribution

to the Human Rights Committee for the Consideration of the fourth periodic report of Croatia under its obligations with respect to the International Covenant on Civil and Political Rights at its 141<sup>st</sup> session



June 2024



## Introduction

1. This document represents an overview of the state of implementation of selected Articles of the Covenant relying on the List of issues prior to submission of the fourth periodic report of Croatia. This shadow report is prepared in the light of the forthcoming Consideration of the fourth periodic report of Croatia by the Human Rights Committee under its obligations with respect to the International Covenant on Civil and Political Rights at its 141<sup>st</sup> session.
2. This contribution is prepared by Human Rights House Zagreb<sup>1</sup> in coordination with the Centre for Peace Studies<sup>2</sup>, Youth Initiative for Human Rights<sup>3</sup>, Gong<sup>4</sup>, B.a.b.e.<sup>5</sup>, Centre for Peace, Nonviolence and Human Rights - Osijek<sup>6</sup>, Centre for Democracy and Law Miko Tripalo<sup>7</sup> and Roda - roditelji u akciji<sup>8</sup>, civil society organizations registered in Croatia.
3. *Human Rights House Zagreb (HRHZ)* is a human rights organization established in 2008 as a network of civil society organizations with the goal of protecting and promoting human rights and fundamental freedoms. HRH's vision is to build a democratic, pluralistic and inclusive society founded upon the values of human rights protection, the rule of law, social justice, and solidarity. Through research, monitoring, advocacy, and education, HRH contributes to the protection, promotion, development, and advancement of human rights and fundamental freedoms. By publishing annual overviews of the state of human rights, thematic reports, and petitions, we help create better laws and public policies.
4. *Centre for Peace Studies (CPS)* is a civil society organization that protects human rights and pursues social change based on the values of democracy, anti-fascism, nonviolence, peacebuilding, solidarity and equality using activism, education, research, advocacy and direct support. CPS works with communities, initiatives, organizations, media, institutions and individuals in Croatia and internationally. CPS's vision is an open and non-violent society based on solidarity, whose institutions enable peace, social security, political and economic equality and freedom for all people.
5. *Youth Initiative for Human Rights Croatia (YIHR)* was founded in 2008 as a non-governmental, youth-led human rights organization based in Zagreb, with the mission to contribute to the realisation of justice for war crimes, reconciliation within Croatia and with the region, and strengthening of democracy.
6. *Gong* is a democracy watchdog, a think-do tank focused on enhancing democratic processes and institutions as well as developing democratic political culture. Today Gong's core portfolio includes anti-corruption, civic education, media literacy, active civil society, safe and progressive digital environment and responsible and independent media. Gong was founded as an election observation organization in 1997 and since then has been active in non-partisan election observation, including in European elections.

---

<sup>1</sup> <https://www.kucaljudskihprava.hr/en/>

<sup>2</sup> <https://www.cms.hr/en>

<sup>3</sup> <https://www.yihr.hr/?locale=en>

<sup>4</sup> <https://gong.hr/en/>

<sup>5</sup> <https://babe.hr/en/>

<sup>6</sup> <https://centar-za-mir.hr/en>

<sup>7</sup> <https://tripalo.hr/en/home/>

<sup>8</sup> <https://www.roda.hr/>

7. *B.a.b.e.* is an organization founded in 1994 with the purpose of promoting and protecting women's human rights. Today, it focuses on promoting gender equality and ensuring equal opportunities for all genders in all spheres of social life. The activities of the association are structured through four strategic programs: Gender Equality, Prevention and Suppression of Gender-Based Violence, Safe House, and Public Policies and Advocacy.
8. *Centre for Peace, Nonviolence and Human Rights - Osijek (CZMOS)* is a citizens' association founded in 1992. The activities of its members are aimed at building peace, protecting and promoting human rights and freedoms, and promoting creative methods of conflict resolution on an individual, group and political level. We stand for conscious involvement in the construction of the European Union as a peace project and for assuming responsibility for the common destiny of humanity and planet Earth.
9. *Centre for Democracy and Law Miko Tripalo (CMT)* is an independent, non-profit policy think tank integrating academic and policy research and public discussion to produce policy solutions and affect policy reforms in the areas of democratization and rule of law. CMT works to broad public discussions and to encourage better public understanding of complex issues with the goal of carving out a permanent space for non-governmental stakeholders in the policy process.
10. *Roda - roditelji u akciji (RODA)* is a group of engaged citizens that advocates for dignified pregnancy, parenthood and childhood in Croatia. RODA works through four program areas: Reproductive Rights, Breastfeeding Promotion and Protection, Responsible Parenting and Legal Advocacy to Protect and Improve Children and Parents' Rights.

## **A. General information on the national human rights situation, including new measures and developments relating to the implementation of the Covenant**

11. After six years without a fundamental human rights policy, at the beginning of 2023, the Government finally adopted the National Plan for the Protection and Promotion of Human Rights and Combating Discrimination until 2027.<sup>9</sup> Although the plan recognises the importance of improving cooperation with civil society and human rights defenders, the accompanying Action Plan on Human Rights for 2023<sup>10</sup> did not predict any new measures that would aim to remedy identified problems in the field of public participation, financing of civil society and in other relevant domains. The process of drafting action plans to the National Plan for 2024 and 2025 began in the middle of 2023 with the inclusion of more than 10 representatives of civil society organisations as members of the working group. Unfortunately, the aforementioned action plans for 2024 and 2025 still have not been adopted which halts the implementation of the overall National plan.
12. Since in 2016 the previous National Strategy for Civil Society Development ended, Croatia has been without a fundamental public policy in the field of civic space. The current, third attempt to create the new National Plan for Creating an Enabling Environment for Civil Society Development for 2021-2027 was initiated in 2021, and for the past three years was unsuccessful in producing a new policy document.

---

<sup>9</sup> National Plan for the Protection and Promotion of Human Rights and Combating Discrimination until 2027, March 2023, available at: <https://pravamanjina.gov.hr/UserDocImages/dokumenti/Nacionalni%20plan%20za%20ZPLJP%20razdoblje%20do%202027.pdf>

<sup>10</sup> Action Plan for the Protection and Promotion of Human Rights for the Year 2023, March 2023, available at: <https://pravamanjina.gov.hr/UserDocImages/dokumenti/Akcijiski%20plan%20zastite%20i%20promicanja%20ljudskih%20prava%202023.pdf>

13. The situation regarding the independence of the ombuds institutions in Croatia is not satisfactory - Ombudswoman for Gender Equality and Ombudswoman for Children do not have an equal level of independence as the Ombudswoman (general) since the ombudswomen can be dismissed following the non-acceptance of their annual reports by the Parliament.<sup>11</sup> Moreover, the independence of the Children's Ombudswoman is additionally limited by the requirement to obtain the parliamentary approval of the annual work plan of the institution.<sup>12</sup>
14. Croatia does not have a functioning system for the coordination and preparation of reporting and implementation of recommendations from international human rights instruments, leading to multi-year delays in reporting on the implementation of conventions and to the unsystematic implementation of received recommendations. Even though the Government Human Rights Council is tasked with reviewing reports and recommendations of international human rights bodies, ever since it was founded at the end of 2021 it did not review a single state report nor the recommendations received from international human rights bodies. Furthermore, there was no progress in translating the recommendations and opinions of the UN committees that monitor the application of conventions for the protection of human rights into Croatian, which would make them more accessible to experts and the general public.

#### 15. Recommendations:

- The Croatian Government should adopt action plans accompanying the National Plan for the Protection and Promotion of Human Rights and Combating Discrimination and the National Plan on Gender Equality regularly and on time in order to specify concrete measures for continuous implementation of their set goals and priority areas.
- In an inclusive, genuine and constructive process, develop and adopt without delay a new National Plan for Creating an Enabling Environment for Civil Society Development.
- Undertake necessary legislative steps to guarantee the same level of independence to specialised ombudsperson institutions as the Ombudsperson of the Republic of Croatia has.
- Croatia should establish the institutional framework for coordination of national implementation of recommendations given by international and regional human rights protection mechanisms, as well as draft the revised common core document for periodic reporting under UN international human rights treaties.

## B. Specific information on the implementation of articles 1–27 of the Covenant

### Anti-corruption measures (arts. 2 and 25)

#### *Paragraph 4 of the list of issues*

16. According to the Eurobarometer research May 2023<sup>13</sup>, general perception of corruption is that 96% of interviewees believe that the problem of corruption is widespread in the country. Corruption is present in national public institutions (89%) and in the local and regional public institutions (93%).

<sup>11</sup> Human Rights House Zagreb, Human rights in Croatia: Overview of 2022, available at: <https://www.kucaljudskihprava.hr/en/publikacije/human-rights-in-croatia-overview-of-2022/>

<sup>12</sup> Human Rights House Zagreb, Human rights in Croatia: Overview of 2022, available at: <https://www.kucaljudskihprava.hr/en/publikacije/human-rights-in-croatia-overview-of-2022/>

<sup>13</sup> Available at: <https://europa.eu/eurobarometer/surveys/detail/3052>

17. Based on the events in 2023, particularly dangerous is the area that connects private and public life, e.g. oil company MOL, electric company HEP etc.<sup>14</sup> In that vein, particular attention should be given to anti-corruption measures linked to state owned companies, and to ones owned by the local and regional level. USKOK and EPPO were again very active in 2023<sup>15</sup>, while in Croatia courts continue to be relatively slow in adjudicating corruption-related cases. Particular attention should be given to confiscation of illegally obtained gain. As political white-collar corruption is among main drivers of the negative perception of corruption in Croatia, all measures that are introduced with the intention to prevent conflict of interest and develop the integrity among mentioned stakeholders should be welcomed in 2024. It is of crucial importance to regularly follow-up such measures by the civil sector.
18. Civil society organizations have warned GRECO of the continued deterioration of the work of the Commission for the Resolution of Conflict of Interest, which is becoming incapable of performing their administrative duties, which is the result of the amendments of the Law on Conflict of Interest in 2021.<sup>16</sup>
19. Amendments to the Criminal Code and the Criminal Procedure Code passed by the Croatian Parliament in January 2024 introduced a new criminal offence of "unauthorized disclosure of the content of an investigative or evidentiary action". The amendments stipulate that a judicial official or civil servant in a judicial body, police officer, defendant, lawyer or his trainee, witness, court expert, translator or an interpreter who, during the previous criminal proceedings discloses the contents of investigative or evidentiary proceedings without authorization, intending to make them publicly available, shall be punished by imprisonment for up to 3 years. While it provides an exemption to the rule explicitly stating that committing, helping to commit or abetting cannot be committed by a person who performs journalistic work, it does not predict the same for people committing this offence in the public interest.

## 20. Recommendations:

- Strengthen the role of the Commission for the Resolution of Conflict of Interest.
- The government must fully implement the recommendations provided by GRECO in the fifth evaluation round, as eight recommendations have only been partially addressed and nine remain unaddressed.
- Public officials should provide support to EPPO in their work and should not undermine its authority.

## Accountability for past human rights violations (arts. 2, 6, 7, 14 and 16)

### *Paragraph 5 (a)(b)(c) of the list of issues*

---

<sup>14</sup> For more information on these cases see: <https://total-croatia-news.com/news/great-ina-scandal-explained/>, <https://faktograf.hr/2023/07/14/kako-je-hep-izgubio-milijune-na-trgovini-plinom/>

<sup>15</sup> There were number of cases initiated, including:

<https://www.eppo.europa.eu/en/news/conviction-unlawful-favouritism-epo-case-croatia>, <https://www.eppo.europa.eu/en/news/croatia-epo-carries-out-searches-university-zagreb-probe-subsidy-fraud-and-corruption>, <https://www.eppo.europa.eu/en/news/croatia-29-suspects-arrested-investigation-involving-university-zagreb>, [https://www.eppo.europa.eu/en/news/croatia-two-indicted-subsidy-fraud-and-abuse-office-case-involving-vineyard-and-winery#:~:text=\(Luxembourg%2C%2021%20December%202023\).and%20planting%20a%20vineyard%2C%20co-](https://www.eppo.europa.eu/en/news/croatia-two-indicted-subsidy-fraud-and-abuse-office-case-involving-vineyard-and-winery#:~:text=(Luxembourg%2C%2021%20December%202023).and%20planting%20a%20vineyard%2C%20co-), <https://www.eppo.europa.eu/en/news/croatia-epo-investigates-former-minister-and-ministry-employee-abuse-office-and-authority>, and <https://www.eppo.europa.eu/en/news/croatia-two-officials-city-rijeka-among-five-arrested-suspicion-abuse-office-and-authority>

<sup>16</sup> Available at:

<https://gong.hr/en/2023/09/26/gong-warned-greco-the-grlic-radman-case-is-the-final-proof-of-the-euthanasation-of-the-commission-for-the-prevention-of-conflict-of-interests/>

21. In their response, the Croatian government has neither reflected on the efforts to expedite nor to conduct war crimes prosecution in a non-discriminatory manner. Domestic war crimes judicial proceedings have been dealing with a far smaller number of cases where victims were non-Croat than those in which victims were Croats. Moreover, non-Croat perpetrators tend to get harsher sentences than Croats, and the country still holds trials in absentia. According to the research conducted by *Documenta*<sup>17</sup> in 2023, there were 64 criminal proceedings in the discussion phase that were under the jurisdiction of the county courts in Zagreb, Rijeka, Osijek and Split. Out of 64, 42 criminal proceedings were carried out against unavailable defendants who mostly reside in the territory of the Republic of Serbia and only 4 proceedings were held against members of Croatian military powers (HV and HVO).<sup>18</sup>
22. Most criminal proceedings, which are mainly conducted against unavailable defendants but also against present members of Croatian military units, last unreasonably long and appeal proceedings are also lengthy. There is recorded inconsistency in judicial practice, as the highest courts take different positions on the same legal issue. Furthermore, there is a recorded inability to enforce final criminal judgments against unavailable defendants, which undermines the principle of legal certainty and the rule of law.
23. There is a recorded lack of judicial cooperation in the region. Certain positive steps have been achieved in the cooperation between Croatia and Bosnia and Herzegovina, and criminal proceedings are being conducted before the competent courts in Croatia against defendants residing in Croatia, with crimes committed in Bosnia and Herzegovina. However, cooperation between the Republic of Croatia and the Republic of Serbia is still lacking. For the first time in Serbia, criminal proceedings are being conducted for a crime committed in Croatia, against an unavailable defendant residing in Croatia.
24. The report notes, as one of the problems victims continue to face, the difficulties in civil proceedings for compensation of material damage caused by members of the Croatian armed and police forces during the Homeland War. More than thirty years after the beginning of the war conflicts, new investigations are being opened, the number of trials is large, but the dynamics and pace of the trials are problematic. It is increasingly difficult to obtain information, not only about ongoing trials but also about those that have been conclusively completed.
25. Moreover, CSOs point out the problems regarding the Act on Civilian Casualties of the Homeland War<sup>19</sup> and the ethnically biased approach in its implementation. Although the Act on Civilian Victims of the Homeland War had to tackle this problem, the law and its implementation are biased against Serbian civilian war victims. The Legal Office of the Serbian National Council claims that people are being arbitrarily and non-transparently categorized as collaborators of the enemy.<sup>20</sup> Moreover, Serb (and Bosniak) civilians who suffered during and after Operation Oluja on the territory of Bosnia and Herzegovina are also not recognized as civilian war victims under this law.
26. Equally important, the Law on the Rights of Victims of Sexual Violence during Armed Aggression against the Republic of Croatia in the Homeland War (implemented in 2015) is also rightfully under fierce criticism by victim associations and civil society organisations. As noted by the Centre for Women Victims of War (ROSA) the law is still faulty and proceedings around granting reparations

---

<sup>17</sup> Documenta, Report on the monitoring of war crimes trials for 2023, March 2024, available at: [https://documenta.hr/wp-content/uploads/2024/03/Izvestaj\\_o\\_pracenju\\_sudjenja\\_2023.pdf](https://documenta.hr/wp-content/uploads/2024/03/Izvestaj_o_pracenju_sudjenja_2023.pdf)

<sup>18</sup>

<sup>19</sup> Act on Civilian Casualties of the Homeland War (Official Journal 84/21), available at: <https://www.zakon.hr/z/2851/Zakon-o-civilnim-stradalnicima-iz-Domovinskog-rata>

<sup>20</sup> Available at: <https://www.portalnovosti.com/svemocno-povjerenstvo>

are discriminatory. That is, the law does not include all forms of sexual violence as described by the Geneva Conventions as well as the ICTY and ICC Statutes.<sup>21</sup>

*Paragraph 6 of the list of issues*

27. There has been a decrease in the number of prosecutions and trials following Croatia's EU accession in 2013. In December 2021, the UN Special Rapporteur on Truth, Justice, Compensation and Guarantee of Non-Repetition signalled<sup>22</sup> that progress in investigating and prosecuting war crimes appears to have stalled in the last 7 years. Accounting on missing persons has not been updated since 2015 and is not transparent. The UN Special Rapporteur on Truth, Justice, Compensation and Guarantee of Non-Repetition noted the rise of political interference in the prosecution of war crimes in Croatia.
28. Croatian stakeholders who follow issues pertaining to the Homeland War commend institutional efforts towards development of a more efficient and state-of-the-art approach to finding missing persons from the armed conflict in the former Yugoslavia in 1991-1995. While all existing efforts and cooperation with international organizations and foreign experts in the field are largely supported, the mission at the forefront should always be finding all remains of persons regarded as missing.

**29. Recommendations:**

- The government should work on building politically unbiased cooperation, especially with Serbia and Bosnia and Herzegovina with the aim of prosecuting war crimes in the region and prioritize finding missing persons over political issues.
- The implementation of the Law on Civilian Victims of the Homeland War and The Law on the Rights of Victims of Sexual Violence during Armed Aggression against the Republic of Croatia in the Homeland War should be reevaluated in its form and implementation.

**Non-discrimination, rights of minorities and prohibition of advocacy of national, racial or religious hatred (arts. 2, 20, 26 and 27)**

*Paragraph 7 (a)(b)(c) of the list of issues*

30. Regarding national minorities in Croatia, adoption of the Operational Programs for National Minorities<sup>23</sup> marks a positive development. However, the measures for combating hateful occurrences towards national minorities are rare and lack clear indicators and funds. In relation to the previous set of Operational Programs that expired in 2020, the Council of Europe stressed how only a small number of activities planned have been implemented, while some of the actions planned under the Operational Programs lacked clear indicators, deadlines or assigned funds.<sup>24</sup>
31. In relation to the Serbian national minority, there are discrepancies noted between the rights prescribed by the legal framework granting rights to the members of the Serbian national minority and the extent to which some of those legally granted rights are respected and implemented in practice. The most notable example relates to the right to Cyrillic script and the use of the Serbian language in areas where Serbs constitute more than a third of the entire population, which was, after years of public debate, eventually abolished by the City of Vukovar in 2022. The reasoning behind

<sup>21</sup> Available at: <https://www.czzzr.hr/novost.php?id=144>

<sup>22</sup> EIN Civil Society Briefing September 2022: Republic of Moldova, Turkey, Hungary and Croatia, available at: <https://www.einnetwork.org/blog-five/2022/9/15/ein-civil-society-briefing-september-2022>

<sup>23</sup> Operational Programs for National Minorities, December 2020, available at: <https://pravamanjina.gov.hr/UserDocImages/dokumenti/Operativni%20programi%20nacionalnih%20manjina%20za%20razdoblje%20021-2024.pdf>

<sup>24</sup> Council of Europe, Advisory Committee of the Framework Convention for the Protection of National Minorities, 5th report for Croatia, February 2021, available at: <https://rm.coe.int/5th-op-croatia-hr/1680a2cb50>

this decision is that, following the 2021 census, Serb citizens make up less than a third (29.73%) of the entire population in Vukovar.<sup>25</sup>

32. Members of the Serbian national minority continuously face physical attacks, verbal threats and harassment, destruction of property and preventing them from using their own property, as well as provocations of extremist nationalist individuals and organizations. Hate speech, extremist messages and historical revisionism are still present in a number of marginal media outlets, reader comments on news portals and posts on social networks, as well as in the form of graffiti. The ubiquity of Ustasha symbols in public as the most prominent example of historical revisionism continues to be a cause for concern, while hate speech in public spaces and in the context of sporting events is closely linked to Ustasha symbols and salutes.<sup>26</sup>
33. Regarding the Roma national minority, the National Plan for Roma Inclusion for the period 2021-2027<sup>27</sup> was adopted mid-2021, along with the Action Plan for its implementation, bringing improvements in defining goals, specifics of their implementation and monitoring the implementation process. Even though they introduce a positive goal of reducing the number of Roma who experienced discrimination and hate crime, the activities foreseen for achieving this goal are not on a satisfactory level. The measures are framed in an overly general manner and not specifically tailored to achieve adequate recognition and processing of hateful occurrences. Action Plan for the implementation of the National Plan for the period 2023-2025<sup>28</sup> was adopted in July 2023.
34. A significant evidence-based study "Inclusion of Roma in the Croatian society: Education and Employment" focusing on education of the Roma minority was published in 2020 by the Office for Human Rights and the Rights of National Minorities of the Government of the Republic of Croatia.<sup>29</sup> The study points to worrying trends in the access and quality of education for the Roma population such as extremely low number of children enrolled in preschool education, growing number of Roma students in ethnically segregated classes, high dropout rates, enrolling Roma children in special education programs in primary school etc.

*Paragraph 8 of the list of issues*

35. In many areas of life, the Croatian government has not implemented any special measures to realize the guaranteed rights of LGBTIQ individuals through national strategies, policies, and plans. This includes areas such as healthcare, social welfare, and the rights of migrants and refugees. Public health programs do not mention LGBTIQ individuals, except in the context of HIV/AIDS prevention. There is no legal basis for providing specific healthcare for transgender individuals, some medical procedures are not available in Croatia, and those that can be performed are neither adequate nor accessible to everyone.
36. The government has delayed the adoption of new national plans for the protection and promotion of human rights, the suppression of discrimination, and gender equality. The previous National Gender Equality Policy, under the responsibility of the Office for Gender Equality of the Croatian government,

<sup>25</sup> City of Vukovar, Statutory Decision on Amendments to the Statute of the City of Vukovar, December 2022, available at: [https://www.vukovar.hr/images/stories/files/uot/poziv/2022\\_14/gv14-16.pdf](https://www.vukovar.hr/images/stories/files/uot/poziv/2022_14/gv14-16.pdf)

<sup>26</sup> Serb National Council, SNV Bulletin #22: Historical revisionism, hate speech and violence against Serbs in 2021, March 2022, available at: [https://snv.hr/wp-content/uploads/2022/04/SNV\\_bulletin\\_22\\_ONLINE.pdf](https://snv.hr/wp-content/uploads/2022/04/SNV_bulletin_22_ONLINE.pdf)

<sup>27</sup> National Plan for Roma Inclusion for the period 2021-2027, available at: <https://pravamanjina.gov.hr/UserDocImages/NPUR%202021-2027/Nacionalni%20plan%20za%20uklju%C4%8Divanje%20Roma.pdf>

<sup>28</sup> Action Plan for the Implementation of the National Plan for Roma Inclusion for the period 2023-2025, available at: <https://ljudskaprava.gov.hr/UserDocImages/NPUR%202021-2027/AP%20NPUR%202023-2025.pdf>

<sup>29</sup> Roma inclusion in the Croatian society - Education and Employment, Office for Human Rights and the Rights of National Minorities, 2020, available at: <https://ukljucivanje-roma.com/oiz.html>



expired in 2015, and a new one was only adopted in 2023.<sup>30</sup> Consequently, Croatia was without this important strategic document for seven years. Regarding the protection and promotion of rights and the improvement of the social status and acceptance of LGBTIQ individuals, CSOs consider the document to be deficient. It lacks an analytical basis on the rights and needs of LGBTIQ individuals, which could serve as a foundation for the development of measures. The rights of the LGBTIQ community are mentioned incidentally, generally alongside other minority, sensitive, or vulnerable groups.

37. National Plan for the protection and promotion of Human Rights and combating discrimination<sup>31</sup> was adopted in 2023. This document is also extremely deficient when viewed from the perspective of the human rights of LGBTIQ individuals and the plan lacks concrete measures and activities aimed at combating discrimination against LGBTIQ individuals. The document refers to the European Union's Strategy for Equality of Lesbian, Gay, Bisexual, Transgender, Non-binary, Intersex, and Queer People,<sup>32</sup> stating in very general terms that it will be supported "at the national level through the implementation of specific measures aimed at combating hate crimes and discrimination against sexual and gender minorities." LGBTIQ organizations were not consulted in the development of either document, and there were no representatives of LGBTIQ associations in the working groups.
38. On January 29, 2020, the Constitutional Court issued a decision essentially stating that life partners, both male and female, must be allowed to become foster parents. However, despite the Constitutional Court's decision, during the preparation of amendments to the Foster Care Act at the end of 2021, the relevant ministry and the Croatian government explicitly refused to include life partners.<sup>33</sup> This political decision by the Ministry is unacceptable and discriminatory since, although, in practice, life partners and those in informal life partnerships acquire foster care licenses following the Constitutional Court's decision, their repeated exclusion and omission in the law are deeply humiliating and demeaning.

*Paragraph 9 (a)(b)(c)(d) of the list of issues*

39. Different forms of hate speech in the public domain have persisted in frequency and severity over the last few years. The latest bulletin published by the Serbian National Council (SNV) shows a consistent (in some ways even a rising) trend of, among else, emerging graffiti and symbols containing hate speech and ethnic intolerance, hate speech and ethnic intolerance in the media as well as public conduct with characteristics of intolerance towards Serbs.<sup>34</sup>
40. Instances of hate speech based on racial or ethnic background in Croatia mostly fall under the Act on Offences against Public Order and Peace<sup>35</sup> that was amended in 2023. Amendments were adopted by urgent procedure, which left no time for meaningful consultation with the interested public. The Act increased fines, however, the wording of Article 5 remained the same which still creates legal uncertainty and has proven to be inadequate for sanctioning hate speech due to its

<sup>30</sup> National Plan for Gender Equality 2022–2027, available at:

<https://ravnopravnost.gov.hr/UserDocsImages/dokumenti/NPRS%202027%20APRS%202024//Nacionalni%20plan%20za%20ravnopravnost%20spolova.%20za%20razdoblje%20do%202027..pdf>.

<sup>31</sup> The National Plan for the Protection and Promotion of Human Rights and combating discrimination 2022-2027, available at: <https://pravamanjina.gov.hr/UserDocsImages/dokumenti/Nacionalni%20plan%20za%20ZPLJP%20razdoblje%20do%202027.pdf>.

<sup>32</sup> LGBTIQ Equality Strategy 2020-2025, available at:

[https://commission.europa.eu/strategy-and-policy/policies/justice-and-fundamental-rights/combating-discrimination/lesbian-gay-bi-trans-and-intersex-equality/lgbtiq-equality-strategy-2020-2025\\_en](https://commission.europa.eu/strategy-and-policy/policies/justice-and-fundamental-rights/combating-discrimination/lesbian-gay-bi-trans-and-intersex-equality/lgbtiq-equality-strategy-2020-2025_en)

<sup>33</sup> Available at:

<https://www.teleggram.hr/politika-kriminal/unatoc-odluci-ustavnog-suda-vlada-uporno-odbija-u-zakon-napisati-da-istospolni-parovi-mogu-udomljavati-djecu/>

<sup>34</sup> SNV bulletin, available at: <https://snv.hr/publikacije/snv-bulletin-22/>

<sup>35</sup> Act on Amendments to the Act on Offences Against Public Order and Peace (OG 47/23), available at: [https://narodne-novine.nn.hr/clanci/sluzbeni/2023\\_05\\_47\\_806.html](https://narodne-novine.nn.hr/clanci/sluzbeni/2023_05_47_806.html)

inconsistent application. Courts have passed dozens of judgements concerning the salute 'ready for the homeland' and judicial practice indicates different actions of the courts in rather similar situations, resulting in some court decisions sanctioning the Ustasha salute and others not.<sup>36</sup>

41. In 2021, a new Protocol for procedure in cases of hate crimes<sup>37</sup> was adopted. The new Protocol defines special forms for the statistical collection of data on cases of hate crimes. Although the Protocol was adopted at the end of 2021, the data collected under the new, improved monitoring system will only be available for 2023, after the first quarter of 2024, because the Office for Human Rights and Rights of National Minorities has not received the data based on which consolidation can begin for the previous year.<sup>38</sup> Despite the frequency of hateful occurrences, Croatia does not have an effective monitoring tool for recording the data on the hate speech and hate crime related incidents which in turn leads to lack of institutional knowledge and procedures for combating them and contributes to the problem of relativisation, data manipulation and 'underreporting'. The prevention and sanctioning of hate related offences is hampered by the lack of a holistic and systemic public policy dedicated to combating hate speech and hate crime in Croatia.<sup>39</sup>
42. The biggest database on hatred-motivated violence is the OSCE ODIHR database that Croatia annually contributes to.<sup>40</sup> CSOs are having difficulties submitting their data since data collection requires resources and it is very challenging to encourage victims to report incidents when there is no possibility of closing those cases - due to lack of funds for litigation, slow judicial system, as well as many victims do not receive justice (especially asylum seekers or refugees who leave the country).
43. Article 325, paragraph 1 of the Criminal Code criminalizes incitement to violence and hatred directed at a group of persons or a member of a group based on their 'race, religion, nationality or ethnicity, origin, color, gender, sexual orientation, gender identity, disability, or other characteristics' through the press, radio, television, computer system or network, at a public gathering, and imposes a prison sentence of up to three years.<sup>41</sup> However, incitement to discrimination is not mentioned.
44. Although Croatia has significantly improved its legal framework for the protection of victims of hate crimes, civil society organisations continue to note failures in police action in the form of wrongly classifying criminal acts as misdemeanours or initial failure to recognize the motive of hate in a crime committed out of hate.<sup>42</sup> According to the available data of 14 cases in which it was necessary to highlight hatred as an aggravating circumstance, this was done only in 2, while in other cases, the courts did not even mention hatred as an aggravating circumstance when sentencing and state attorneys did not complain either, which is a violation of procedural law.<sup>43</sup>
45. The European Court of Human Rights as well as the Ombudswoman of the Republic of Croatia and ODIHR have on several occasions indicated the need for training of relevant professionals on the

---

<sup>36</sup> See more in HRHZ analysis:

<https://www.kucaljudskihprava.hr/wp-content/uploads/2022/01/ANALIZA-POKLIC%CC%8CA-ZA-DOM-SPREMNI-.pdf>

<sup>37</sup> Protocol for procedure in cases of hate crimes, (OG 43/2021) available at:

[https://narodne-novine.nn.hr/clanci/sluzbeni/full/2021\\_04\\_43\\_841.html](https://narodne-novine.nn.hr/clanci/sluzbeni/full/2021_04_43_841.html).

<sup>38</sup> Minutes from the 5th session of the Human Rights Council held on 18 April 2023, available at:

<https://pravamanjina.gov.hr/UserDocImages/dokumenti/Zapisnik%20s%205.%20sjednice%20Savjeta.pdf>.

<sup>39</sup> Hate Speech and Euroscepticism - Report for Croatia, Human Rights House Zagreb, March 2022, available at:

[https://www.kucaljudskihprava.hr/wp-content/uploads/2023/01/Hate\\_speech\\_and\\_Euroscepticism\\_HR.pdf](https://www.kucaljudskihprava.hr/wp-content/uploads/2023/01/Hate_speech_and_Euroscepticism_HR.pdf)

<sup>40</sup> OSCE, ODIHR country overview Croatia, available at: <https://hatecrime.osce.org/croatia?year=2015>

<sup>41</sup> Criminal Code (OG 125/11, 144/12, 56/15, 61/15, 101/17, 118/18, 126/19, 84/21, 114/22, 114/23, 36/24), available at:

<https://www.zakon.hr/z/98/Kazneni-zakon>

<sup>42</sup> Zagreb Pride, Rozi megafon, January 2023, available at:

[https://zagreb-pride.net/wp-content/uploads/2023/02/Rozi\\_megafon3\\_2018-2022\\_final.pdf](https://zagreb-pride.net/wp-content/uploads/2023/02/Rozi_megafon3_2018-2022_final.pdf)

<sup>43</sup> Minutes from the 5th session of the Human Rights Council held on 18 April 2023, available at:

<https://pravamanjina.gov.hr/UserDocImages/dokumenti/Zapisnik%20s%205.%20sjednice%20Savjeta.pdf>

recognition and prosecution of hate crimes.<sup>44</sup> CSOs point out that educational activities are not systematic as well as that they mostly rely on funds from EU programs, within the project activities of civil society organizations in cooperation with the state bodies.<sup>45</sup> Additionally problematic is the voluntary nature of education, instead of making training for recognition and prosecution of hate crime and hate speech mandatory.

46. Hate speech aimed at LGBTIQ+ persons is on the rise.<sup>46</sup> Of particular concern are homophobic graffiti, online hate speech and the burning of rainbow flags, as well as other incidents and hate-motivated criminal offences and misdemeanours. Croatia has an adequate legal framework for punishing hate speech and hate crimes, but its implementation is ineffective and the court practice of punishing hate speech is inconsistent.<sup>47</sup> After taking into account the fact that an extremely high percentage of LGBTIQ victims of hate crimes do not report these crimes at all, and as one of the main reasons they cite distrust in the work of the police, it may be concluded that there is a need to increase efforts to improve protection.

#### 47. Recommendations:

- Improve the legislative framework for sanctioning hate speech and for data collection on the hate incidents
- Conduct high-quality, continuous and systematic education on hate speech and hate crime for law enforcement authorities, prosecutors and judges
- In order to contribute to the prevention of hate speech, ensure the representation of relevant topics in formal civic education
- Strengthen the accountability mechanism for politicians regarding hate speech

#### Equality between men and women (arts. 2, 3 and 25)

48. Although significant strides were made at the national level in the fight against gender-based violence in 2023, gender equality as a human right and a foundation of democracy is still not at the expected level. In 2023, Croatia achieved the same score on the Gender Equality Index of the European Institute for Gender Equality (EIGE) as in 2022, with a total of 60.7 points out of 100, ranking 20th out of 27 member states, which certainly indicates that there is significant room for improvement for the Republic of Croatia in this area.<sup>48</sup>

49. Gender equality in 2023 was undoubtedly influenced by the coordinated, financially supported, and organized actions of anti-gender initiatives that threaten the achievement of goals and hinder the effective removal of barriers to a more equal society. Furthermore, the indicators of gender equality are certainly affected by the fact that the Croatian Government, after eight years of "standstill" and the absence of a comprehensive national strategy for gender equality, only in early March this year adopted the National Gender Equality Plan for the period up to 2027, along with the accompanying Action Plan for the period up to 2024.

<sup>44</sup> ODIHR's key observations, available at: <https://hatecrime.osce.org/croatia?year=2022>

<sup>45</sup> HRHZ Action Plan for Combating Hate Speech, available at: [https://www.kucaljudskihprava.hr/wp-content/uploads/2024/02/KLJP\\_AkcijskiPlan-EN.pdf](https://www.kucaljudskihprava.hr/wp-content/uploads/2024/02/KLJP_AkcijskiPlan-EN.pdf)

<sup>46</sup> Zagreb Pride, Rozi megafon, January 2023, available at: [https://zagreb-pride.net/wp-content/uploads/2023/02/Rozi\\_megafon3\\_2018-2022\\_final.pdf](https://zagreb-pride.net/wp-content/uploads/2023/02/Rozi_megafon3_2018-2022_final.pdf)

<sup>47</sup> Human Rights House Zagreb, Human Rights in Croatia: Overview of 2022, April 2023, available at: [https://www.kucaljudskihprava.hr/wp-content/uploads/2023/12/KLJP\\_GI2022\\_DIGI.pdf](https://www.kucaljudskihprava.hr/wp-content/uploads/2023/12/KLJP_GI2022_DIGI.pdf)

<sup>48</sup> B.a.b.e., Annual report for 2023, available at: <https://babe.hr/wp-content/uploads/2024/03/Babe-godisnje-izvjesce-2023.pdf>

50. In the parliamentary elections of 2024, a total of 32 out of 165 valid lists competing for seats in the Croatian Parliament did not comply with the requirement for gender equality, despite the provisions of the Law on the Election of Members of the Croatian Parliament and the warning from the Ombudsperson for Gender Equality.<sup>49</sup> We emphasize that the ruling party itself did not have enough women, and that number was almost the highest among all parties. What is more, in the current Government of the Republic of Croatia, there are only two women in ministerial positions
51. The State Election Commission is obliged to inform the Ombudsperson for Gender Equality and the State Attorney's Office about the violation of gender equality on the lists, who then, depending on their assessment, initiate misdemeanor proceedings. After it is established that parties on the lists have violated the provisions on gender equality, such a list is still declared valid and competes in the elections. The number of misdemeanor reports filed is not publicly available, nor are the verdicts.
52. In Croatian legislation, apart from misdemeanor penalties, there are no other provisions regarding the sanctioning of gender-imbalanced lists, nor are there provisions regarding the deadline by which a list must be corrected.<sup>50</sup> In 2015, the Constitutional Court overturned a provision of the Law on the Election of Members of the Croatian Parliament according to which such a list was invalid, arguing that the automatic disqualification of lists from electoral competition due to non-compliance with the "gender quota" disproportionately interfered with the freedom to run for parliamentary elections.
53. Although Croatia showed the greatest progress in the domain of labour on the Gender Equality Index, which might suggest positive changes, statistical data show that there is still a gender pay gap between women and men.<sup>51</sup> Research confirms that it is necessary to improve public policies that impact the balance between private and professional life and to address stereotypes about the roles of women and men in the family and the labour market in the public sphere.<sup>52</sup>
54. The past year was also marked by Directive (EU) 2022/2381 of the European Parliament and Council of November 23, 2022, on improving gender balance among directors of listed companies and related measures which mandates that 40% of all non-executive director positions (on the board of directors and supervisory board) or 33% of all executive director positions (directors) must be held by members of the underrepresented gender.<sup>53</sup>
55. According to statistical data (EIGE) on the share of women and men in non-executive positions in Croatia, the share of women in the first half of 2023 was 32%, while in executive positions, the share of women in the same period was 21%. Although the Directive must be transposed into national legislation by the end of 2024, to our knowledge, apart from meetings organized by the Croatian Employers' Association (HUP), this process has not yet begun.<sup>54</sup>

### **Violence against women, including domestic and sexual violence (arts. 2, 3, 6, 7 and 26)**

56. The introduction of the criminal offense of the severe murder of a woman (femicide) into the criminal legislation of the Republic of Croatia sends a strong societal message regarding zero tolerance for violence against women. However, it is by no means sufficient for the effective suppression of violence against women, nor does it alone contribute to the more effective protection of women, especially considering that it is the most extreme form of violence, which is fatal for the victim.

---

<sup>49</sup> Available at: <https://gong.hr/2024/05/09/parlamentarni-izbori-2024-od-problema-s-izbrisanima-do-neradne-nedjelje/>

<sup>50</sup> Available at: <https://gong.hr/2024/05/09/parlamentarni-izbori-2024-od-problema-s-izbrisanima-do-neradne-nedjelje/>

<sup>51</sup> B.a.b.e., Annual report for 2023, available at: <https://babe.hr/wp-content/uploads/2024/03/Babe-godisnje-izvjesce-2023.pdf>

<sup>52</sup> B.a.b.e., Annual report for 2023, available at: <https://babe.hr/wp-content/uploads/2024/03/Babe-godisnje-izvjesce-2023.pdf>

<sup>53</sup> B.a.b.e., Annual report for 2023, available at: <https://babe.hr/wp-content/uploads/2024/03/Babe-godisnje-izvjesce-2023.pdf>

<sup>54</sup> B.a.b.e., Annual report for 2023, available at: <https://babe.hr/wp-content/uploads/2024/03/Babe-godisnje-izvjesce-2023.pdf>

57. It is particularly important that, along with the criminal offense of femicide, the definition of gender-based violence has been introduced into the criminal legislation of the Republic of Croatia for the first time. Accordingly, courts will need to consider in each individual case of violence against women whether it constitutes gender-based violence, which represents an aggravating circumstance, and should therefore punish such violence more severely.
58. Due to the parallel existence of misdemeanor and criminal legislation in the area of domestic violence, it often happens in practice that police officers treat domestic violence as isolated incidents, ignoring the broader context of domestic violence.<sup>55</sup> This leads to prosecutions for only isolated events and relativizes the violence and consequently empowers the perpetrators in their violent behavior, as misdemeanor penalties are very lenient. Despite the inclusion of provisions on gender-based violence in the Criminal Code, such provisions are still absent in misdemeanour legislation, which results in police officers treating victims and perpetrators equally.
59. CSOs have proposed that the Action Plan for the Protection of Women from Violence and Domestic Violence until 2025 be aligned with the recommendations provided to the Republic of Croatia by GREVIO in September. Since GREVIO calls for urgent action on 11 articles of the Convention and for addressing deficiencies in 25 articles in the near future, the National Plan is the best mechanism that the Republic of Croatia can use to address the deficiencies in implementing the Istanbul Convention. Unfortunately, a number of government bodies responsible for measures in the Action Plan still show considerable misunderstanding and resistance to structural changes that would contribute to an effective and coordinated fight against violence against women.
60. What is particularly concerning is that, following a relatively stable political situation in the country over the past few years, during which a moderately right-wing government with predominantly centrist orientations took certain steps to improve the legislative and policy framework for protecting women from violence and during which Croatia ratified the Istanbul Convention in 2018, the recent parliamentary elections have led to the resurgence of extreme right-wing political options. These options have political programs aimed, among other things, at "deratifying" the Istanbul Convention.
61. The system for providing help to victims continuously lacks legal protection in terms of representation, as there is no possibility of financing it through projects. This affects cases of beneficiaries who are victims of criminal acts and misdemeanors and who, if they do not have sufficient financial means, participate in proceedings without adequate legal support. Domestic laws do not recognize the right to free legal representation for victims of a large number of criminal and misdemeanor acts of violence, such as domestic violence, stalking, threats, bodily injury, economic violence, etc. Consequently, women who cannot afford to pay for legal assistance themselves are often placed at a disadvantage compared to those who can afford such services.
62. Furthermore, following the needs of women and children victims of domestic violence after leaving a safe house, there is a noticeable lack of quality integration programs. Therefore, CSOs aim to address the needs of victims of domestic violence for comprehensive social integration after leaving the Safe House.
63. An additional problem that CSOs continuously observe is the lack of accessibility of the legal and psychological support system in certain areas where either civil society organizations do not operate at all, or the services provided are insufficiently quality and effective. Guided by the idea that advisory assistance, whether legal or psychological, should be available to everyone, it is necessary to increase the availability of services to areas and individuals where such assistance is inaccessible.

---

<sup>55</sup> Input provided by B.a.b.e.

#### 64. Recommendations:

- Timely and effective intervention and response from the competent authorities at earlier stages of violence, through the effective punishment of "milder" forms of domestic violence and their recognition as gender-based violence.
- Consider prosecuting and punishing domestic violence exclusively through criminal law mechanisms.
- Ensure the provision of free legal aid to victims of all forms of violence against women and to systematically inform them about their rights and possibilities within the framework of free legal aid programs.
- Strengthen the role of civil society organizations in order to ensure uniform availability of their support services throughout Croatia so that every victim can receive timely and quality legal and psychological assistance, as well as the accompaniment of a trusted person when reporting violence and in further communication with law enforcement authorities.
- Conduct systematic training for police officers and social welfare system employees.

#### Termination of pregnancy and reproductive rights (arts. 2, 3, 6 and 7)

65. The legal system is inaccessible to women whose reproductive rights are violated due to lengthy and uncertain procedures. The small number of cases in the courts related to reproductive rights including GYN/OB violence and termination of pregnancy, in comparison to the complaints received by civil society organizations and ombudsman offices, indicates a lack of trust in the legal system and its inaccessibility.<sup>56</sup> The average duration of a legal proceedings in the field of reproductive rights is just over 9 months, with the longest case lasting 18 years. Considering that exhausting national legal remedies is a prerequisite for seeking protection from the ECHR or the UN, such prolonged proceedings make legal protection not only unavailable in Croatia but also before international courts.
66. The amendments to laws related to women's reproductive health are delayed, leading to various interpretations by judges influenced by their ideologies and a societal climate that supports patriarchy and traditional values. This particularly applies to the Law on Health Measures for the Exercise of the Right to Free Decision-Making Regarding Childbirth, enacted in 1978. The Constitutional Court of Croatia directed the Croatian Parliament to adopt a new law regulating a woman's right to freely decide on childbirth and termination within two years. However, despite six years having passed since then, the law has not been enacted.<sup>57</sup> A particular problem is the inaccessibility of termination of pregnancy due to institutional conscientious objection of health workers in some state hospitals.
67. Croatia does not adhere to the recommendations of international bodies, especially in the context of women's reproductive rights. This is particularly evident in the recommendations continually received by Croatia from international bodies, such as the UN Human Rights Council's special procedures. In the communication addressed to Croatia by the UN, concerns are raised about the government's failure to update the abortion law in line with the Constitutional Court's decision from 2017.<sup>58</sup>

<sup>56</sup> Report on the work of the Ombudsperson for Gender Equality for 2022, page 198, paragraph 1, available at: <https://www.prs.hr/cms/post/948>.

<sup>57</sup> The Republic of Croatia Constitutional Court's decision no. U-I-60/1991, February 21, 2017 [https://narodne-novine.nn.hr/clanci/sluzbeni/2017\\_03\\_25\\_564.html](https://narodne-novine.nn.hr/clanci/sluzbeni/2017_03_25_564.html).

<sup>58</sup> UN letter to the Government of the Republic of Croatia regarding the unavailability of abortion, <https://www.roda.hr/udruga/projekti/radar/pismo-prituzbe-un-a-prema-vladi-rh.html>.

68. The Office for Gender Equality of the Government of the Republic of Croatia is postponing the preparation of the report to the Committee on the Elimination of Discrimination against Women (CEDAW), despite inquiries from civil society organizations. The latest, combined fourth and fifth report, covered the period from 2005 to 2010.<sup>59</sup>

69. **Recommendations:**

- Speed up court proceedings in the field of reproductive rights
- Respect the decision of the Constitutional Court on the adoption of a new law
- Monitor compliance with the recommendations of international bodies sent to Croatian government and the preparation of the report to CEDAW

**Prohibition of torture and other cruel, inhuman or degrading treatment or punishment and treatment of persons deprived of their liberty (arts. 7 and 10)**

70. The ECtHR issued several judgments against Croatia in 2023, identifying violations of prisoners' rights to adequate prison conditions and the right to appropriate compensation for it. While previous measures of enforcement had addressed this issue, similar problems in this area have been detected again.<sup>60</sup> Although activities have been undertaken to improve the material conditions of accommodation, primarily the adaptation of spaces for female prisoners at the Požega Penitentiary, overcrowding remains one of the most significant issues- according to data, during 2023, there were 1,607 more individuals in the prison system than in 2022.<sup>61</sup>

71. The quality of healthcare for prisoners and insufficient accessibility remains significant issues.<sup>62</sup> The provision of healthcare services in accordance with the Health Care Act is still not regulated, and long-standing systemic problems have not been addressed. For example, doctors employed within the prison system are not connected to the Central Health Information System (CEZIH), so they cannot prescribe medications or issue referrals. This means that all prisoners must have their own general practitioner, which poses an additional organisational problem.

72. Although certain measures are taken within the prison system to prevent inter-prisoner violence, they are still primarily reactive rather than preventive, as required by the positive obligations of the Convention.<sup>63</sup> The Ombudswoman also reminded that the CPT, in the Report after the visit to Croatia in 2017, recommended the establishment of an effective national strategy to address violence among inmates, which has not yet been implemented.<sup>64</sup>

<sup>59</sup> Overview of judicial practice and mechanisms for the protection of women's reproductive rights in Croatia, available at: <https://www.roda.hr/udruga/projekti/radar/izraden-prvi-pregled-sudske-prakse-i-mehanizama-zastite-reproduktivnih-prava-zena-u-rh.html>

<sup>60</sup> Croatia, Ombudsperson of the Republic of Croatia, Annual report for 2023, available at: [https://www.ombudsman.hr/hr/download/izvjesce\\_pucke\\_pravobraniteljice\\_za\\_2023\\_godinu/?wpdmdl=18399&refresh=660d6e273ddbc1712156199](https://www.ombudsman.hr/hr/download/izvjesce_pucke_pravobraniteljice_za_2023_godinu/?wpdmdl=18399&refresh=660d6e273ddbc1712156199)

<sup>61</sup> Croatia, Ombudsperson of the Republic of Croatia, Annual report for 2023, available at: [https://www.ombudsman.hr/hr/download/izvjesce\\_pucke\\_pravobraniteljice\\_za\\_2023\\_godinu/?wpdmdl=18399&refresh=660d6e273ddbc1712156199](https://www.ombudsman.hr/hr/download/izvjesce_pucke_pravobraniteljice_za_2023_godinu/?wpdmdl=18399&refresh=660d6e273ddbc1712156199)

<sup>62</sup> Croatia, Ombudsperson of the Republic of Croatia, Annual report for 2023, available at: [https://www.ombudsman.hr/hr/download/izvjesce\\_pucke\\_pravobraniteljice\\_za\\_2023\\_godinu/?wpdmdl=18399&refresh=660d6e273ddbc1712156199](https://www.ombudsman.hr/hr/download/izvjesce_pucke_pravobraniteljice_za_2023_godinu/?wpdmdl=18399&refresh=660d6e273ddbc1712156199)

<sup>63</sup> Croatia, Ombudsperson of the Republic of Croatia, Annual report for 2022, available at: <https://www.ombudsman.hr/hr/download/izvjesce-pucke-pravoraniteljice-za-2022-godinu/?wpdmdl=15489&refresh=6465f2bc2565a1684402876>

<sup>64</sup> Croatia, Ombudsperson of the Republic of Croatia, Annual report for 2022, available at: <https://www.ombudsman.hr/hr/download/izvjesce-pucke-pravoraniteljice-za-2022-godinu/?wpdmdl=15489&refresh=6465f2bc2565a1684402876>

### Refugees, asylum seekers, returnees and internally displaced persons (arts. 7, 13, 14, 17 and 24 (3))

#### *Paragraph 16 of the list of issues*

73. During 2023, there has been a significant decrease in the number of complaints regarding allegations of "push-backs," or the practices of refusing entry and removing individuals who have irregularly crossed the border without providing individualized protection needs assessments.<sup>65</sup> However, NGOs continue to document testimonies about "push-backs," indicating that the incidence of such practices has increased again in the later months of 2023. Since returning people without individualized assessments can lead to violations of human rights guaranteed by European, international, and national regulations, the Ombudsperson emphasizes that all allegations of these violations must be effectively investigated.
74. DRC reported about 3323 persons who experienced pushbacks from Croatia to Bosnia and Herzegovina in 2023, out of which 2246 happened from 1 July until 31 December.<sup>66</sup> Majority of victims suffered degrading and inhumane treatment, and more than half of all victims suffered physical abuse as well as theft, extortion or destruction of property. BVMN recorded an increase of violence during pushbacks with multiple incidents of forced undressing of people on the move with numerous people describing to have been beaten and forced to throw themselves into the river by uniformed individuals identified as the Croatian police.<sup>67</sup>
75. Throughout November and December 2023, Croatian authorities, leveraging a readmission agreement with Serbia, legally formalized push-backs by expelling individuals on the move, such as three Syrian men on December 7th, back to Serbia instead of processing their asylum requests.<sup>68</sup> This scenario reflects a broader trend of route shifts among migrants, increased deportations, and potential misapplications of bilateral agreements intended for readmission but used for expedited expulsions.

#### **76. Recommendations:**

- Conduct independent and thorough investigations into reports of unlawful and violent pushbacks of refugees and migrants from Croatia.

#### **Administration of justice and fair trials (art. 14)**

77. The singular focus on efficiency and accessibility of the judiciary fails to take into account two key aspects of the functioning of the judicial system that contribute greatly to the low level of trust in the judiciary: lack of accountability and lack of transparency. More specifically, there is ineffective sanctioning of those judges whose behavior is below the standards expected by the public; as well as an absence of effective accountability mechanisms in general. There is low transparency in the process of appointing, promoting and disciplining judges by the State Judicial Council (SJC); and severely restricted publication of court decisions. Another important factor contributing to low level of public trust in the judiciary are excessively lengthy and ineffective judicial procedures that reflect, among other factors, weak skills of some of the judges.

<sup>65</sup> Croatia, Ombudsperson of the Republic of Croatia, Annual report for 2023 available at: [https://www.ombudsman.hr/hr/download/izvjesce\\_pucke\\_pravobraniteljice\\_za\\_2023\\_godinu/?wpdmdl=18399&refresh=660d6e273ddb1712156199](https://www.ombudsman.hr/hr/download/izvjesce_pucke_pravobraniteljice_za_2023_godinu/?wpdmdl=18399&refresh=660d6e273ddb1712156199)

<sup>66</sup> Available at: <https://pro.drc.ngo/resources/documents/border-monitoring-factsheet>

<sup>67</sup> Available at: <https://borderviolence.eu/reports/balkan-regional-report-october-2023>

<sup>68</sup> Available at: <https://static1.squarespace.com/static/5e3766f903c72c513a16796c/t/663cd4442570667a04983800/1715262541893/Klikativ+Annual+Report+2023.pdf>



78. The measures taken as follow-up promises from the National Recovery and Resilience Plan<sup>69</sup> to shorten the length of proceedings included amendments to the Civil Procedure Code in 2022 which introduced ineffective and unenforceable limitations on duration of proceedings that produced no tangible effect. A series of strikes of judges and judicial staff in 2023 lead to further increase in the delays and backlogs and in public dissatisfaction with the work of the national judiciary.
79. The deadline for publishing all court decisions set for 2027 is inconsistent with the urgency of the need and should be shortened considerably. Currently, less than 5% of decisions of county courts (second-level) are published and an even smaller percentage of the municipal courts (first-level).<sup>70</sup> Current publicly available case law actually consists of a small number of published decisions on the website of the Supreme Court, as well as on private legal portals which charge a fee for access. Moreover, a number of courts unfoundedly reject freedom of information requests, while justifying their decisions citing technical difficulties such as insufficient staff, dislocation of files, a large number of decisions that should be obtained and other reasons, all of which in fact unfoundedly prevent requested access to information.
80. Recently, the State Judicial Council suspended 6 judges because they were under criminal investigation, however no measures were taken against them by the judicial disciplinary authorities before the state prosecution opened the criminal investigations. Weaknesses of the accountability mechanisms in the judiciary are reflected in two recent rulings of the Constitutional Court (U-III-4484/2013 and U-III-1289/2019).<sup>71</sup> The developments following the ruling of the ECtHR from 2012 (Application no. 20883/09) are also notable.
81. Regarding legal aid, although last year the Ministry of Administration and Justice initiated a 3-year project-based financing for organizations providing primary legal aid, which was previously limited to only 1 year, the system of project-based financing remains insufficient and unsustainable.<sup>72</sup> The allocated funds are low resulting in the organizations having to secure funds from other sources to cover the costs of providing primary legal aid such as the wages of individuals working on this job. Moreover, the competitions for the state financing are irregular and late, forcing organizations to rely on their own resources to keep providing legal aid.
82. By the time of writing this report, contracts between the Ministry of Justice and Administration of the Republic of Croatia and service providers for this year have still not been concluded, nor have the funds for the implementation of these activities been disbursed. This represents an extremely significant problem for providers of primary legal aid. On April 19, 2024, primary legal aid providers were informed by the Ministry of Justice that all annual reports of primary legal aid providers had been approved, after which the conclusion of contracts and the disbursement of funds would follow. However, this has still not happened.
83. This situation poses serious challenges for primary legal aid providers, especially authorized associations, in terms of how to maintain and ensure the continuous provision of primary legal aid, so that the citizens of Croatia can enjoy the same rights and standards as citizens of European countries with developed systems of free legal aid and have equal access to justice. Additionally,

<sup>69</sup> National Recovery and Resilience Plan, available at: <https://planoporavka.gov.hr/>

<sup>70</sup> CMT, available at:

<https://pravosudje.tripalo.hr/2021/12/03/preporuke-centra-miko-tripalo-za-povecanje-transparentnosti-i-odgovornosti-hrvatskog-sudstva/>

<sup>71</sup> The first one describes how local courts can treat an estranged wife of a powerful judge. The second one illustrates how the regular judiciary reacted to a complaint by an attorney that a judge behaved in an unprofessional manner. For more information see:

[https://www.telegram.hr/politika-kriminal/otkrivamo-novi-mega-skandal-osjeckog-suda-supruga-mocnog-suca-konacno-dokazala-nakon-svada-s-muzem-bespotrebno-su-je-strpali-na-psihijatriju/](https://www.telegram.hr/politika-kriminal/otkrivamo-novi-mega-skandal-osjecskog-suda-supruga-mocnog-suca-konacno-dokazala-nakon-svada-s-muzem-bespotrebno-su-je-strpali-na-psihijatriju/) and <https://www.vecernji.hr/vijesti/za-trostruko-ubojstvo-dobio-40-godina-a-sad-je-slobodan-razgovor-iz-zatvorske-bolnice-preokrenuo-neviden-slucaj-1645633>.

<sup>72</sup> See chapter on free legal aid in:

<https://www.kucaljudskihprava.hr/publikacije/ljudska-prava-u-hrvatskoj-pregled-stanja-za-2022-godinu/>

there is a risk that a certain number of registered primary legal aid providers will cease to exist or will shut down part of their activities due to the lack of financial resources to cover the costs of salaries for lawyers providing primary legal aid and office maintenance expenses, leaving citizens' needs for legal assistance even more uncovered.

84. Moreover, the geographical distribution of organizations that provide primary legal aid in Croatia often leaves citizens without access to free legal aid since there are still parts of Croatia where there are no registered primary legal aid providers. A particular problem arises in rural parts of Croatia where service providers do not conduct fieldwork due to insufficient financial resources, making this service still inaccessible to the population in those areas. This results in those most vulnerable, such as poorer, older and with lower educational level, being *de facto* precluded from accessing primary legal aid. In addition, citizens are badly informed about their right to legal aid - they do not know that they have a right to one, that they can contact organizations providing primary free legal aid directly, or the conditions under which free legal aid is given.<sup>73</sup>
85. Furthermore, the threshold for granting secondary free legal aid remains unchanged, despite the significant increases in lawyers' fees<sup>74</sup> and the expected 20% rise in the minimum wage.<sup>75</sup> This results in now even single persons working for a minimum wage not being eligible to receive free secondary legal aid. The strict threshold criteria leave even individuals who work in Croatia while waiting for an international protection request to be resolved, which are one of the most vulnerable groups in the society, ineligible for legal aid.
86. The Ministry of Justice established the Commission for Free Legal Aid on August 26, 2022. By the Law on Free Legal Aid, the Commission for Legal Aid was entrusted with an important supervisory role; however, in recent years, its role has been completely neglected. Appointments of members are delayed and non-transparent. Meetings are either not held or held extremely rarely. We believe that legislative amendments should clarify its role and expand its powers as an expert and impartial body overseeing the functioning of the entire system of free legal aid.

#### 87. Recommendations:

- All court decisions should be made publicly available and easily searchable.
- Elections of judges and members of the State Judicial Council should be more transparent.
- Further measures should be taken to shorten judicial procedures and to make courts accountable for overly long proceedings.
- Legal amendments should clarify the role of the Commission and expand its powers as a professional and impartial body that supervises the functioning of the entire system of free legal aid.
- Ensure continuity of financing of providers throughout the year, and payment of funds immediately at the beginning of the year.

---

<sup>73</sup> Ibid.

<sup>74</sup> Tariff on rewards and reimbursement of expenses for the work of lawyers (Official Gazette No: 138/2023), available at: [https://narodne-novine.nn.hr/clanci/sluzbeni/2023\\_11\\_138\\_1888.html](https://narodne-novine.nn.hr/clanci/sluzbeni/2023_11_138_1888.html).

<sup>75</sup> Government of the Republic of Croatia, Decree on the minimum wage for 2023 (Official Gazette No. 118/18 and 120/21), available at [https://narodne-novine.nn.hr/clanci/sluzbeni/2022\\_10\\_122\\_1874.html](https://narodne-novine.nn.hr/clanci/sluzbeni/2022_10_122_1874.html).

## Freedom of expression (art. 19)

### *Paragraph 19 of the list of issues*

88. In 2023 the pressure of SLAPP lawsuits on journalists and the media remains high, with at least 945 active cases against journalists and media, with almost € 5.4 million for compensation<sup>76</sup>. This year, 30 media outlets responded to HND's inquiry on the number of lawsuits, and the results show that 26 have pending court cases. Out of a total of 945 lawsuits, 910 refer to lawsuits for compensation of damages due to injury of honor and reputation, which are conducted against publishers, their editors, and journalists based on published texts and articles. Regarding criminal proceedings, nine media reported a total of 35 such proceedings. The Ministry of Culture and Media recently established a working group dealing with the problem of SLAPP. Despite this, there is no official definition of SLAPP in Croatia, nor do the courts separate and classify such lawsuits. The working group still needs to develop a mechanism to prevent such lawsuits. The absence of any limitations on potential civil damages for defamation also contributes to the risks faced by journalists.
89. The fact that the Constitutional Court of Croatia has aligned its case-law with the standards expressed by the European Court is indeed a positive development. However, in the specific context of Croatia, this development is insufficient to address the core issue identified by the European Court in the Stojanović group cases.<sup>77</sup> These measures relying on the Constitutional Court to remedy the eventual miss-qualifications are of little help for combating the effect on journalism since such a remedy would come too late and under the threat of too high costs to be of meaningful impact for the journalists affected. In relation to criminal proceedings, in 2023 there was no review of legal provisions related to defamation.
90. In Croatia during 2023, there were 10 attacks on journalists, including 2 physical assaults, 2 death threats with severe bodily harm, and 6 other threats directed at journalists. Three attacks targeted men, four targeted women, and three targeted media or groups of journalists. Additionally, 4 instances of pressure or inappropriate statements directed at journalists were recorded. Journalists continue to underreport attacks and threats as they perceive them as part of their job and tend to neglect them.<sup>78</sup>

### *Paragraph 20 of the list of issues*

91. One of the persisting problems is the lack of political independence of Croatia's public broadcasting service.<sup>79</sup> The Croatian Radiotelevision's (HRT) Director General is still appointed by the Parliament by a simple majority, and the Director General in turn appoints the editors-in-chief. Therefore, the management structures of the public broadcasting service continue to depend on the parliamentary majority. In February, the term in office ended for one of the Supervisory Board members. The election of the new member of Supervisory Board of Croatian Radiotelevision raised questions about the role of the Supervisory Board, given that the parliamentary opposition assessed that it did not influence the work of Croatian Radiotelevision and had no real power.<sup>80</sup>

---

<sup>76</sup> Available at:

<https://www.hnd.hr/eng/cja-s-survey-number-of-lawsuits-against-journalists-and-the-media-is-notlowering-at-least-945-lawsuits-are-active>

<sup>77</sup> HRHZ and CJA Joint Rule 9.2. submission in Stojanović case, available at:

[https://hudoc.exec.coe.int/#{%22fulltext%22:\[%22stojanovi%C4%87%22\].%22execdocumenttypecollection%22:\[%22CEC%22\].%22execidentifier%22:\[%22004-10115%22\]}](https://hudoc.exec.coe.int/#{%22fulltext%22:[%22stojanovi%C4%87%22].%22execdocumenttypecollection%22:[%22CEC%22].%22execidentifier%22:[%22004-10115%22]})

<sup>78</sup> Data provided by Croatian Journalist Association

<sup>79</sup> Human Rights House Zagreb, Human Rights in Croatia: Overview of 2022, April 2023, available at:

[https://www.kucaljudskihprava.hr/wp-content/uploads/2023/12/KLJP\\_GI2022\\_DIGI.pdf](https://www.kucaljudskihprava.hr/wp-content/uploads/2023/12/KLJP_GI2022_DIGI.pdf)

<sup>80</sup> Liberties Rule of Law Report 2024 Croatia, available at:

[https://dg4n3btxmr8c9.cloudfront.net/files/y6k4pi/CROATIA\\_Liberties\\_RuleOfLaw\\_Report\\_2024.pdf](https://dg4n3btxmr8c9.cloudfront.net/files/y6k4pi/CROATIA_Liberties_RuleOfLaw_Report_2024.pdf)

92. In July, a tender for the editor of the informative media service (IMS) of Croatian Radiotelevision was opened.<sup>81</sup> The branch of the Croatian Journalists' Association at Croatian Radiotelevision and the branch of the Trade Union of Croatian Journalists at HRT warned<sup>82</sup> that the implementation of the procedure for selecting the editor of the Informative Media Service was non-transparent and unprofessional. They warned that it can be concluded from the tender process that it was made for one particular candidate.
93. The procedure for electing members of the Electronic Media Council still remains problematic from the standpoint of political influence since the members are elected by a simple majority instead of a two-thirds majority.<sup>83</sup> This shortcoming contributes to the perception of the Electronic Media Council as dependent on the volition of the Government majority in the Parliament. Moreover, there is no requirement stipulated in the Act for the inclusion of journalists as members of the Electronic Media Council as representatives of the journalistic profession.
94. Croatia still does not have an independent and comprehensive self-regulatory media council (that would include print media) with the authority and capacity to address media pluralism, raise journalistic and media standards for reporting on vulnerable and marginalized social groups, regulate and sanction hate speech and protect freedom of expression in the media and other areas that are important for media freedoms in Croatia.<sup>84</sup>
95. The capacity of the Ombudsperson was reinforced, with five new public servants working on whistleblowing since August 2022.<sup>85</sup> In October 2023, a public call for the election of an additional Ombudswoman Deputy was announced and the proposal for the appointment of the selected candidate was referred to parliamentary procedure. However, the new deputy has not been appointed by the Croatian Parliament before its dismissal in March 2024 before the upcoming election.<sup>86</sup>

#### 96. Recommendations:

- Address issues such as the lack of the official definition of SLAPP in Croatia, classifying of such lawsuits by the courts, developing mechanisms to prevent such lawsuits, proposing limitations on potential civil damages for defamation and decriminalising defamation with accompanying proposals to amend the relevant laws.
- Introduce normative and other preconditions for establishing an independent and comprehensive self regulatory media council.

#### Right to peaceful assembly (art.21)

97. In July 2023, Gong submitted to the Constitutional Court a proposal for the assessment of the constitutionality of the decision according to which St. Mark's Square has been closed to the public

<sup>81</sup> Liberties Rule of Law Report 2024 Croatia, available at: [https://dq4n3btxmr8c9.cloudfront.net/files/y6k4pi/CROATIA\\_Liberties\\_RuleOfLaw\\_Report\\_2024.pdf](https://dq4n3btxmr8c9.cloudfront.net/files/y6k4pi/CROATIA_Liberties_RuleOfLaw_Report_2024.pdf)

<sup>82</sup> CJA, Available at: <https://www.hnd.hr/izbor-perise-cakarun-ios-jedan-cavao-u-lijes-profionalizmu-i-medijskim-slobodama-na-hrt-u>

<sup>83</sup> Human Rights House Zagreb, Human rights in Croatia: Overview of 2022, available at: <https://www.kucaljudskihprava.hr/en/publikacije/human-rights-in-croatia-overview-of-2022/>

<sup>84</sup> Ibid.

<sup>85</sup> European Commission, Rule of Law Report 2023, Chapter for Croatia, July 2023, available a [https://commission.europa.eu/document/download/1796143e-75d8-4be0-8cda-91e8238b4c32\\_en?filename=27\\_1\\_52610\\_coun\\_chap\\_croatia\\_en.pdf](https://commission.europa.eu/document/download/1796143e-75d8-4be0-8cda-91e8238b4c32_en?filename=27_1_52610_coun_chap_croatia_en.pdf)

<sup>86</sup> Ombudswoman's Report for 2023, March 2024, available at: [https://www.ombudsman.hr/hr/download/izvjesce\\_pucke\\_pravobraniteljice\\_za\\_2023\\_godinu/?wpdmid=18399&refresh=6606ba1ca73541711716892](https://www.ombudsman.hr/hr/download/izvjesce_pucke_pravobraniteljice_za_2023_godinu/?wpdmid=18399&refresh=6606ba1ca73541711716892)

for over a thousand days.<sup>87</sup> The Constitutional Court rejected the proposal with the explanation that the Court was not competent to decide in the procedure. The decision was followed by three dissenting opinions of five Constitutional Court judges and was highly criticized within the expert and broader public in Croatia. The judges warned in their dissenting opinions that constitutional rights to freedom of assembly and freedom of movement were breached by a government regulation, and that rights and freedoms could be restricted only by laws, which is under the jurisdiction of the Croatian Parliament, and not the Government, as prescribed in Article 16 of the Constitution of the Republic of Croatia. Therefore, with the amendment of the Regulation, by indefinitely closing a public square which is not government property but belongs to all citizens of the Republic of Croatia, the Government overtook the jurisdiction of the Croatian Parliament, which never reacted to this breach of the Constitution.<sup>88</sup>

### Participation in public affairs (art. 25)

98. The new Law on Constituencies was drafted in a non-transparent and exclusive manner, without any consultation with the professional public.<sup>89</sup> Furthermore, the constituencies model is based on an unreliable voter register. Even though the Constitutional Court abolished the previous Law on Constituencies in February, the Government presented the proposal of the new law in May, with no information on who actually drafted it. The new constituencies follow the borders of counties less than before, and connect regions of the country that have little or anything in common, thus violating the recommendations of the Venice Commission and the Constitutional Court.
99. The new Law first entered into force on October 1, which was the date of the validity of the previous Law as declared by the Constitutional Court, before the President of the Republic Zoran Milanović signed the new Law. This error was made on purpose by the Government in order to comply with the Constitutional Court's decision, but after its discovery, the Law had to be adopted again, and entered into force on November 3.<sup>90</sup> The election of Anita Markić as the new Croatian Information Commissioner in December extremely problematic since she provided an excuse for the Minister of Justice Ivan Malenica to hide the actual authors of one of the most important laws enacted during the mandate of prime minister Andrej Plenković - the Law on Constituencies.<sup>91</sup>
100. Public consultations continue to be held pro forma, with only acknowledgement of the comments input made by the public. The Ombudsperson's Annual Report highlighted a low acceptance rate (21%) of public input in consultations, indicating a lack of genuine consideration for public opinion.<sup>92</sup> Consultations are in practice announced late in the legislative process or during holidays with short deadlines,<sup>93</sup> which weakens the opportunities for participation and harms the quality of public policies and goes against the Aarhus Convention. As stated in the Information Commissioner's report for 2022, the fact that 50% of required bodies do not adopt and publish a public consultation plan as the first and fundamental step in the implementation of this legal obligation, indicates a permanent need

<sup>87</sup> Gong.hr, available at: <https://gong.hr/2023/07/27/gong-zatrrazio-od-ustavnog-suda-da-ispita-ustavnost-zatvaranja-markovog-trga/>

<sup>88</sup> Gong.hr, available at: <https://gong.hr/2024/01/03/ako-ustavni-sud-nije-nadlezan-nitko-ne-stoji-na-putu-vladi-koja-krsi-prava-gradana/>

<sup>89</sup> Available at:

<https://gong.hr/en/2023/06/06/gong-warned-the-venice-commission-about-the-non-transparent-and-unprofessional-new-constituencies-act/>

<sup>90</sup> Available at:

<https://www.nacional.hr/kaos-u-saboru-izmjene-zakona-o-izbornim-jedinicama-posvadale-oporbu-i-vladajuće-padale-teske-rijeci-zokini-malisan/>

<sup>91</sup> Available at:

<https://gong.hr/en/2023/12/01/the-new-information-commissioner-helped-minister-malenica-hide-the-real-authors-of-the-new-model-of-constituencies>

<sup>92</sup> Ombudsperson's Office, Annual Report for 2022, available at:

<https://www.ombudsman.hr/hr/download/izvjesce-pucke-pravoraniteljice-za-2022-godinu/?wpdmml=15489&refresh=659e7e3a9150d1704885818>

<sup>93</sup> The Office of the Ombudsperson, Annual report for 2022 – Human Rights Defenders, April 2023. available at:

<https://www.ombudsman.hr/hr/branjelji-ljudskih-prava-2/>

to educate those obligated to implement public consultation.<sup>94</sup> Namely, even when the public authority does not plan to prepare and adopt acts for which there is a legal obligation to conduct consultations in the next calendar year, information about this should be published on the website.

101. Civil society organizations working in the field of transitional justice are insufficiently involved in consultative processes when creating legislative solutions and legal acts to ensure the implementation of transitional justice mechanisms. Despite the increasing use of e-consultations as a mechanism for public input, the voices of LGBT communities are not adequately considered. The legislative process often fails to recognize the expertise of individuals associated with LGBT organizations. Environmental organizations point out discouraging factors related to the implementation of public discussions in various environmental procedures, such as the ongoing inability to comment on spatial plans online. This further complicates public participation in decision-making of public interest, especially considering that spatial plans represent the initial step in deciding on the possibility of constructing infrastructure in the environment.

102. The appointment of civil society organisations to advisory bodies is often non-transparent in practice, while those appointed through the Council for Civil Society Development do not always reflect the most qualified candidates, which sends the message that the government does not care about meaningful participation of civil society in decision-making processes.<sup>95</sup>

103. Challenges in exercising the right to participation are also manifested in the shortcomings in the work of the Council for Civil Society Development, which has almost completely ceased to be an actual platform for consultation and dialogue between civil society organisations and the government, thereby increasingly failing to fulfil its role of encouraging intersectoral cooperation.

#### 104. Recommendations:

- Laws must be enacted with greater transparency, especially when it comes to organic laws - for example, the obligation to establish expert working groups.
- Improve mechanisms for CSOs' participation in decision-making and consultation by creating a comprehensive legislative framework for dialogue between CSOs and public institutions based on the fundamental right to public participation
- Strengthen the role of the Government's Council for Civil Society Development

---

<sup>94</sup> While around 75% of public bodies adopt such plans, the track record for agencies is 60% while for public and other institutions is low 13%, see: Povjerenik za informiranje, Izvješće o provedbi zakona o pravu na pristup informacijama za 2022., str. 109, available at: <https://pristupinfo.hr/dokumenti-i-publikacije/izvjesca-o-provedbi-zppi/>

<sup>95</sup> HRHZ, Human Rights Defenders: Challenges and Obstacles, December 2022, available at: [https://www.kucaljudskihprava.hr/wp-content/uploads/2022/12/KLJP\\_ThematicDefenders1-1-1.pdf](https://www.kucaljudskihprava.hr/wp-content/uploads/2022/12/KLJP_ThematicDefenders1-1-1.pdf)