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# **Contribution to the development of the List of Themes for Croatia - Joint submission to assist the UN Committee on the Elimination of Racial Discrimination review of Croatia**

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## Introduction

This report contains information to the UN Committee on the Elimination of Racial Discrimination (CERD). The report aims to assist the Committee in the preparation and adoption of the list of themes in relation to the state review of Croatia regarding national implementation of the International Convention on The Elimination of All forms of Racial Discrimination (ICERD).

This contribution is prepared by Human Rights House Zagreb<sup>1</sup> in coordination with Center for Peace, Non-Violence and Human Rights Osijek<sup>2</sup>, Documenta - Center for Dealing with the Past<sup>3</sup> and Youth Initiative for Human Rights<sup>4</sup>, civil society organizations registered in Croatia.

*Human Rights House Zagreb* 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.

*Centre for Peace, Nonviolence, and Human rights – Osijek* is a non-governmental organization focused on Peacebuilding, protection and promotion of human rights and freedoms and nonviolent methods of conflict resolution at the individual, group, and political level. Founded in 1992, the organization aims to build sustainable peace in war-torn regions of Croatia, as well as in the region and at the European level. The Centre implements projects in three strategic areas: the rule of law and human rights, a culture of nonviolence and peace-building, and democracy and community development. CPO is active in numerous national, regional and European networks to support European solidarity, peacebuilding and nonviolent education. CPO is registered with the Ministry of Justice to provide free legal aid and as a regional contact point for discrimination of the Ombudsman.

*Documenta - Center for Dealing with the Past* was founded in 2004 in an attempt to encourage the process of dealing with the past and establishing factual truth about the war and to contribute to shifting the discussion from the level of a dispute over facts (the number of killed people, etc.) towards a dialogue on interpretations. The key reason for making this attempt was the silence about and falsification of war crimes and other war-related events in the period from 1941 to 2000, which has influenced the recent past of Yugoslavia, as well as

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<sup>1</sup> Human Rights House Zagreb, <https://www.kucaljudskihprava.hr/en/>

<sup>2</sup> Center for Peace, Nonviolence and Human rights – Osijek, <https://www.centar-za-mir.hr/en/>

<sup>3</sup> Documenta - Center for Dealing with the Past, <https://documenta.hr/en/>

<sup>4</sup> Youth Initiative for Human Rights Croatia, <https://www.yihr.hr/?locale=en>

post-Yugoslav societies. Since the 2005 Report on war crimes trials prepared by the legal team of *Documenta* and the Center for Peace, Nonviolence and Human Rights Osijek has provides insight into criminal proceedings for war crimes.

*Youth Initiative for Human Rights Croatia* was founded in 2008 as a non-governmental, youth-led human rights organization based in Zagreb, with the mission to contribute to the realization of justice for war crimes, reconciliation within Croatia and with the region, and strengthening of democracy.

## **Implementation of articles of the Convention on the Elimination of All Forms of Racial Discrimination**

### **Article 2 – State policies and practices related to combating all forms of racial discrimination**

Combating discrimination in Croatia is adversely affected by the lack of adequate policy framework concerning the protection of human rights and fighting discrimination. After the majority of policy documents expired several years ago<sup>5</sup>, the draft National Plan for the Protection and Promotion of Human Rights and Combating Discrimination for the period from 2022 to 2027 was in the process of public consultation, and its adoption was announced to take place by April 2023. It is foreseen that the National Plan is accompanied by two action plans for its implementation (Action Plan for the Protection and Promotion of Human Rights and Action Plan for Combating Discrimination) that are adopted every two years. Draft National Plan lacks ambition and has significant shortcomings, in particular in terms of alignment with other documents in related policy fields at the international and national level, as well as with respect to the set goals that often do not respond to defined problems, which consequently leads to inadequate measures for achieving the defined goals.<sup>6</sup>

Croatia lacks a comprehensive action plan that would cover all forms of hateful occurrences and measures to address them, and which would have a direct impact on human rights and equal treatment through the prevention of discrimination based on race, ethnic origin, religion or belief, gender/sex, disability, age, sexual orientation or gender identity.

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<sup>5</sup> The National Program for Protection and Promotion of Human Rights expired in 2016 and a new one has not been adopted since. The National Plan on Gender Equality expired in 2015.

<sup>6</sup> e-Consultations portal, Civil society comments to the draft National Plan for the Protection and Promotion of Human Rights and Combating Discrimination for the period from 2022 to 2027, available at: <https://esavjetovanja.gov.hr/ECon/MainScreen?entityId=22687>

Adoption of policy documents aimed at protection and promotion of rights of vulnerable groups is also often late and inconsistent. Regarding national minorities in Croatia, adoption of the Operational Programs for National Minorities marks a positive development. However, the measures for combating hate crime and hate speech 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>7</sup>

### **Suggested questions:**

When will the Croatian Government adopt the National Plan for the Protection and Promotion of Human Rights and Combating Discrimination?

What measures to combat racism and hate crimes are planned to be included in the National Plan for the Protection and Promotion of Human Rights and Combating Discrimination?

Which steps does the Croatian Government plan to take in order to include civil society organizations in the evaluation of action plans accompanying the National Plan for the Protection and Promotion of Human Rights and Combating Discrimination, as well as in the process of creation of new action plans?

Will the Croatian Government adopt a comprehensive action plan that would cover all forms of hateful occurrences and measures to address them, which would have a direct impact on human rights and equal treatment through the prevention of discrimination based on race, ethnicity, nationality, sexual orientation and gender identity and other relevant grounds?

## **Article 4 – Condemnation and prevention of racist propaganda and racist organisations**

In Croatia, hate speech represents a common occurrence in public discourse, both online and offline, and it is most commonly directed against Serbs, LGBTIQ persons and Roma. Croatian social climate is largely affected by intolerance, hate speech, discrimination, and hate-motivated violence. Despite the frequency of hateful occurrences, Croatia does not have an effective monitoring tool for recording the data on hate speech and hate crime-related incidents which in turn leads to a lack of institutional knowledge and

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<sup>7</sup> Council of Europe, Advisory Committee for the Framework Convention for the Protection of National Minorities (ACFC), June 2021, available at: <https://rm.coe.int/5th-op-croatia-hr/1680a2cb50>

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>8</sup>

A New Protocol on Procedures in Cases of Hate Crimes was adopted in 2021, setting out guidelines for the procedures to be followed in the detection, processing and monitoring of the results of proceedings conducted on hate crimes. However, there are significant areas for improvement concerning statistics on hate crimes and hate speech in Croatia. There is no disaggregated data showing hate crimes by different bias grounds, and the number of convictions is not necessarily linked to the year in which statistics are collected. The data, in general, is not segregated in a way that allows for it to be analyzed and further elaborated on for any action plan.<sup>9</sup>

### **Suggested questions:**

Will the Ministry of the Interior (Police Academy) and Ministry of Justice and Public Administration (Judicial Academy) organize and provide on a regular basis capacity building for police and prosecutors in the area of criminal and misdemeanour law related to combating discrimination, hate speech and hate crime?

How will the Croatian Government (Office for Human Rights and Rights of National Minority) improve reporting and monitoring data on hate crimes and public incitement to violence and hatred?

In accordance with ECRI conclusion<sup>10</sup>, Croatian authorities should ensure comprehensive and consistent initial and continuous training for educators to acquire skills necessary to teach human rights. Will Croatian authorities conduct an evaluation of the implementation of civic education to assess the effects of its (non)implementation and the need for its improvement?

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<sup>8</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>9</sup> Rule 9.2 Communication concerning *Secic group of cases v. Croatia* No. 40116/02 from Human Rights House Zagreb and Centre for Peace Studies.

[https://hudoc.exec.coe.int/eng#%7B%22EXECIdentifier%22:%5B%22DH-DD\(2019\)1230E%22%5D%7D](https://hudoc.exec.coe.int/eng#%7B%22EXECIdentifier%22:%5B%22DH-DD(2019)1230E%22%5D%7D)

<sup>10</sup> ECRI Conclusions on the Implementation of the Recommendations in Respect of Croatia Subject to Interim Follow-Up, 2021, available at:

<https://rm.coe.int/ecri-conclusions-on-the-implementation-of-the-recommendations-in-respe/1680a277b2>

## Article 5 – Civil, political, economic, social and cultural rights

### Right to freedom of thought and expression

In Croatia, the freedom of expression and media freedom continue to be negatively affected by frequent lawsuits against journalists and media outlets seeking disproportionately large compensation amounts. It is still of particular concern that claimants include politicians in power and judges themselves. Many of these cases involve SLAPP suits (strategic lawsuits against public participation), and lawsuits aimed at censoring, intimidating and silencing critics.<sup>11</sup>

Expert Working Group for Designing Policy to Suppress SLAPP Lawsuits established by the Ministry of Culture and Media with the aim to exchange expertise and good practices as well as establish initiatives to improve the position of journalists facing SLAPP lawsuits does not include representatives of human rights and other civil society organizations as members of the working group. This has a negative impact on including measures to protect human rights defenders from SLAPP-s, who are negatively affected by them as well. This is demonstrated through the example of still ongoing proceedings initiated in 2017 by a private investor against environmental civil society organization aimed at censoring, intimidating, and silencing their work.<sup>12</sup>

Burdening media outlets with legal proceedings represents a serious and dangerous mechanism that threatens media freedoms. There is a group of four ECtHR judgments pending implementation, *Miljević v. Croatia* as the leading case and the repetitive cases of *Tolle, N.S.* and *Bon.* In those cases, the Court found violations of the applicant's freedom of expression due to convictions for defamation, breach of confidentiality of custody proceedings, and insult.<sup>13</sup> While taking into consideration the action plan submitted in the above-mentioned group of cases, and in particular the Constitutional Court case law, as well as the NGO submission and the reply of the authorities, the Department for the Execution of Judgements concluded that the judgments of domestic courts reveal that it is difficult for them to balance two or more Convention rights (usually Articles 8 and 10 and sometimes, in addition, Article 6) and often domestic courts impose disproportionate sanctions, especially in cases related to defamation and insult.<sup>14</sup>

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<sup>11</sup> Human Rights House Zagreb, Human Rights in Croatia: Overview of 2021, 2022, available at: [https://www.kucaljudskihprava.hr/wp-content/uploads/2022/07/KLJP\\_GI2021-EN\\_Online.pdf](https://www.kucaljudskihprava.hr/wp-content/uploads/2022/07/KLJP_GI2021-EN_Online.pdf)

<sup>12</sup> Human Rights House Zagreb, Human Rights Defenders: Challenges and Obstacles, 2022, available at: [https://www.kucaljudskihprava.hr/wp-content/uploads/2022/12/KLJP\\_Tematski-Branitelji-FIN-3.pdf](https://www.kucaljudskihprava.hr/wp-content/uploads/2022/12/KLJP_Tematski-Branitelji-FIN-3.pdf)

<sup>13</sup> Leading case-*Miljevic v. Croatia*, Application no. 68317/13, 25 June 2020, available at: [https://hudoc.exec.coe.int/eng/#\[%22fulltext%22:\[%22bon%22\].%22EXECDocumentTypeCollection%22:\[%22CEC%22\].%22EXECIdentifier%22:\[%22004-56053%22\]}](https://hudoc.exec.coe.int/eng/#[%22fulltext%22:[%22bon%22].%22EXECDocumentTypeCollection%22:[%22CEC%22].%22EXECIdentifier%22:[%22004-56053%22]})

<sup>14</sup> *Ibid.*





after the shooting at the government offices in late 2020. This has made public assembly very difficult, hindering the exercise of the citizens' right to public expression and protest at a location of utmost political relevance where citizens can be heard and seen by elected democratic representatives and officials, i.e., those being addressed. The difficulty of assembling at St. Mark's Square prevents citizens from exercising their right to public expression and protest in a location of utmost political relevance where they can be heard and seen by elected democratic representatives and officials, i.e., those being addressed.

Although the exercise of the right to freedom of assembly in Croatia is well regulated at the normative level, civil society organizations have noticed attempts of local authorities to depoliticize and commercialize public gatherings, i.e., attempts to treat public assemblies as manifestations or other events, so that other rules would apply instead of those applied in the case of protests, thereby creating a financial burden for the organizers of the assembly, which may have a deterrent effect on the exercise of the freedom of assembly.

### **Suggested questions:**

Does the Croatian Government plan to adapt or remove safety measures to enable unlimited exercise of the right to public expression and protest at St. Mark Square, a location of utmost political relevance in the country?

What measures will the Croatian Government undertake to enable the full exercise of the right to assembly and to put an end to the practice of local authorities of treating public assemblies as manifestations or other events?

## **Article 6 – Judicial protection**

### **Free legal aid**

The system of free legal aid in Croatia is burdened with numerous problems stemming from insufficient and inadequate funding, which, in turn, results in uncertainty about the continuity of providers, quality of assistance, availability of free legal aid in rural areas and lack of awareness about the existence of this human rights mechanism in the first place. Additionally, the current scheme of annual public funding for free legal aid providers is creating unjustified administrative burdens and should be replaced with a multiannual funding scheme.

As a result of the current funding system, associations and legal clinics serving as primary legal aid providers are facing ineffective financing. The problem is that the public tender for

funding is only announced once the project is approved according to the Law, meaning that funding is not continuous throughout the year.

The current total amount allocated to individual organizations for the implementation of primary legal aid is insufficient to ensure the smooth functioning of the system. Furthermore, although providers of primary legal aid who are registered in the Register of Providers are authorized and deemed important, their salaries are not fully financed by the Ministry of Justice and Administration alone. Instead, their salaries are co-financed from other projects, leading to a situation where providers of primary legal aid can only dedicate a portion of their working time to providing primary legal aid.

Access to free legal aid is territorially uneven since the certified organizations providing free legal aid do not exist in some counties or function sporadically, mainly due to the lack of available funds. Although in the last several years, the available funds were increased, as well as the number of free legal providers, they are still insufficient for organizations to hire highly qualified legal experts and establish even territorial coverage.

According to the Free Legal Aid Act, there is a possibility that funding may be obtained from local and regional budgets, but such funding is generally absent.

### **Suggested questions:**

What steps will the Croatian Government take to address the uneven accessibility of free legal aid in the territory of Croatia, as well as to improve the issues relating to the inefficient funding schemes for the free legal aid system in Croatia?

What steps will the Croatian Government take to encourage local and regional self-government units to allocate funds from their budget for the provision of free legal aid within their jurisdiction?

How will the Croatian Government engage in the promotion of free legal aid and inform citizens about the possibilities of obtaining free legal aid?

### **Transitional justice**

In relation to transitional justice and issues pertaining to the Homeland War, prosecuting cases of war crimes and crimes against humanity remains problematic, as well as ensuring that all such cases are prosecuted in a non-discriminatory manner, regardless of the perpetrator's ethnicity.

In 2021, the Law on Civilian Victims of the Homeland War<sup>16</sup> and the accompanying Ordinance on the Register of Civilian Victims of the Homeland War<sup>17</sup> and Ordinance on the Realization of the Status and Rights of Civilian Victims of the Homeland War<sup>18</sup> were adopted, which created an opportunity to improve the process of determining the status and exercising the rights of all civilian victims of war. However, the Law on Civilian Victims is not comprehensive, and certain provisions are subject to discriminatory interpretations. Civil society organizations warned that the application of the Law should be in the spirit of the Constitution, namely to ensure national equality in recognition of all civilian victims of war despite differences in their ethnic or national origin and to avoid differential treatment between Serb and Croatian civilian victims.

There has been a stagnation in the intensity of prosecutions and a decrease in trials in the presence of the accused following EU accession in 2013. There is no significant progress in the prosecution of war crimes in 2021. In December 2021, the UN Special Rapporteur on Truth, Justice, Compensation and Guarantee of Non-Repetition<sup>19</sup> signalled that progress in investigating and prosecuting war crimes appears to have stalled in the last nine years.

Hearings in a number of criminal proceedings for war crimes have not been scheduled. Problems with the length of evidentiary proceedings (two years and longer) are still present. Hearings often start over as legal deadlines expire, and witnesses who had already been directly examined several times are called to testify again.<sup>20</sup> In absentia trials create a high risk of re-opening proceedings. Out of 44 criminal proceedings, trials in absentia were conducted in 32 (73%) proceedings during 2020, while in 2021, out of 42 criminal proceedings, 29 (69%) of them were conducted against unavailable members of Serbian paramilitary formations/Yugoslav People's Army who were mostly resided in the territory of the Republic of Serbia<sup>21</sup>. Very limited regional judicial cooperation regarding the prosecution of war crimes is causing a lack of exchange of information and evidence.

Another concern related to the prosecution of war crimes represents the issue that responsible County State Attorneys lack the capacity to review and investigate dormant war crimes cases.

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<sup>16</sup> Law on Civilian Victims of the Homeland War (OG 84/21), available at:

[https://narodne-novine.nn.hr/clanci/sluzbeni/2021\\_07\\_84\\_1555.html](https://narodne-novine.nn.hr/clanci/sluzbeni/2021_07_84_1555.html)

<sup>17</sup> Ordinance on the Register of Civilian Victims of the Homeland War (OG 127/2021), available at:

[https://narodne-novine.nn.hr/clanci/sluzbeni/2021\\_11\\_127\\_2159.html](https://narodne-novine.nn.hr/clanci/sluzbeni/2021_11_127_2159.html)

<sup>18</sup> Ordinance on the Realization of the Status and Rights of Civilian Victims of the Homeland War (OG 118/2021), available at: [https://narodne-novine.nn.hr/clanci/sluzbeni/2021\\_11\\_118\\_2027.html](https://narodne-novine.nn.hr/clanci/sluzbeni/2021_11_118_2027.html)

<sup>19</sup> UN Human Rights Council, Report of the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence, Fabián Salvioli, 19 July 2022, available at:

<https://documents-dds-ny.un.org/doc/UNDOC/GEN/G22/409/03/PDF/G2240903.pdf?OpenElement>

<sup>20</sup> Documenta – Center for Dealing with the Past, Slow Approach to Justice, February 2021, available at:

<https://documenta.hr/novosti/sporo-priblizavanje-pravdi/>

<sup>21</sup> Documenta – Center for Dealing with the Past, Annual Report on Monitoring War Crimes Trials in 2020 and 2021, July 2022, available at:

<https://documenta.hr/wp-content/uploads/2022/07/War-Crime-Trials-2020-2021-Summary-Report.pdf>

The Croatian justice system still faces a number of non-processed war crimes. The data available points to the presence of ethnic prejudice and profiling in war crime procedures and the presence of ethnic partiality when sentencing for two comparable criminal acts. Problems of biased proceedings towards ethnic Serbs remain unresolved, along with failure in effectively investigating and indicting members of Croatian forces.

The Government of Croatia has not yet withdrawn its conclusion of 2015 by which it directed its Ministry of Justice and Public Administration not to provide judicial cooperation in cases where Croatian police and military staff were being investigated by prosecution offices in other countries.<sup>22</sup> More broadly, according to the report of the International Residual Mechanism for the Criminal Tribunals conducted in November 2022, the Office of the Prosecutor emphasized that the Ministry of Justice and Public Administration of Croatia is blocking the processing of numerous requests for assistance from neighbouring prosecution offices. Since 2015, prosecuting authorities in Bosnia and Herzegovina and Serbia have sent over 80 requests for assistance to Croatia that have not been responded to, of which the Croatian authorities report that only 6 have been responded to recently. Those are not controversial cases – more than 90 per cent of the requests for assistance that Bosnia and Herzegovina has sent to Croatia relate to direct perpetrators who murdered, abducted, raped, and illegally detained victims. The Croatian authorities have been unable to satisfactorily explain why a member of the European Union is effectively promoting impunity at the expense of war crimes victims in the region by not providing the legal aid requested by other countries.<sup>23</sup>

In addition, accounting for missing persons has not been updated since 2015 and is not transparent. The UN Special Rapporteur on Truth, Justice, Compensation and Guarantee of Non-Repitition noted the rise of political interference in prosecuting war crimes in Croatia.

### **Suggested questions:**

What measures does Croatia plan to undertake to ensure that the Law on Civilian Victims is applied equally towards all civilian victims, despite differences in their ethnic or national origin?

When will Croatia introduce regular training at the Police Academy and Judicial Academy on war crimes prosecution for police, prosecutors and judges to contribute to the objective and qualitative war crimes prosecution?

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<sup>22</sup> UN Security Council, Assessment and progress report of the President of the International Residual Mechanism for Criminal Tribunals, Judge Graciela Gatti Santana, for the period from 19 May to 15 November 2022, November 2022, available at:

<https://www.irmct.org/sites/default/files/documents/221117-progress-report-s-2022-866-en.pdf>

<sup>23</sup> Ibid.

How does Croatia plan to increase the capacities of police and county prosecutor's offices in Osijek, Rijeka, Split and Zagreb to contribute to more efficient processing of "dormant cases"?

What steps will Croatia take to ensure that investigations, prosecutions and trials related to war crimes are carried out without ethnic bias (regardless of the ethnicity of the perpetrators) to ensure that all perpetrators are brought to justice under equal standards?

What measures will Croatia take to condemn applying mitigating circumstances while sentencing accused members of Croatian forces in order to ensure a standardized non-discriminatory legal framework while sentencing?

What measures will Croatia take to increase the efficiency in finding missing persons, locating burial sites, identifying exhumed remains, and updating the accounting on missing persons and their access to the public?

What measures does Croatia plan to take to bring outgoing investigations into war crimes to an end?

What steps will Croatia take to increase regional cooperation, exchange of information and evidence across borders regarding war crimes justice, as well as ensure in-person trials and put an end to any political interference in the investigation, prosecution and trials of war crimes?

## **Article 7 – Measures taken to overcome prejudice and discrimination**

### **Social and political participation**

Right to public participation in Croatia is hindered by several continuously present issues that contribute to the shrinking of civic space and preventing efficient social and political participation of civil society organizations.

Improving the conditions for the work of CSOs has not been among the Government's priorities for years, which is evident, among others, from the fact that Croatia still has not adopted a national policy in the area of civil society, ever since the last one expired in 2016.

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<sup>24</sup> Contribution of the Croatian consortium to FRA thematic research "An update on developments regarding civic space in the EU and an overview of the possibilities for human rights defenders to enter EU territory Country: Croatia, Year: 2022"

According to a recent report<sup>25</sup>, human rights defenders and CSOs in Croatia face shrinking civic space, which negatively impacts exercising their right to public participation. Inadequate and deteriorating institutional culture regarding civic participation and dialogue with civil society, together with a weak normative framework that regulates CSOs' participation in decision-making processes based solely on government ordinances instead of legislative-based regulation, are the core issues that impede the full exercise of the rights to public participation. According to civil society organizations working on the protection of human rights in Croatia, the deterioration of cross-sectoral collaboration and dialogue in Croatia is particularly visible through the (non)functioning of the Government's Council for Civil Society Development, which almost completely ceased to be a place of consultation and dialogue and is thus less and less fulfilling its role in fostering intersectoral cooperation.

In recent years, examples of putting pressure on human rights defenders and organizations that protect the rights of refugees, migrants, and asylum seekers in Croatia were recorded. The pressures to which human rights defenders are exposed were also confirmed by the judgment of the European Court of Human Rights in the case of *M.H. v. Croatia*,<sup>26</sup> which found violations of the human rights of the Hussiny family and that pressure was put on the family's lawyer and the activists who helped refugees, in order for them to give up support for the family. In addition, an activist from the organization *Are You Syrious* was fined 60,000 HRK and 1,300 HRK in court costs for "helping the Hussiny family from Afghanistan cross the border illegally" in 2018 in the verdict of the Misdemeanor Court in Vukovar, even though his intention was to facilitate access to asylum procedures.<sup>27</sup>

### **Suggested questions:**

Which steps will Croatia take in order to create a comprehensive legislative framework for dialogue and consultation between CSOs and public institutions based on a human right to public participation?

Which measures does Croatia plan to take in relation to put an end to pressures on human rights defenders and organizations that protect the rights of refugees, migrants, and asylum seekers, as well as to prevent situations of pressuring the work of human rights defenders in the future?

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<sup>25</sup> Human Rights House Zagreb, *Human Rights Defenders: Challenges and Obstacles*, 2022, available at: [https://www.kucaljudskihprava.hr/wp-content/uploads/2022/12/KLJP\\_Tematski-Branitelji-FIN-3.pdf](https://www.kucaljudskihprava.hr/wp-content/uploads/2022/12/KLJP_Tematski-Branitelji-FIN-3.pdf)

<sup>26</sup> European Court of Human Rights, *M.H. and others v. Croatia* (application numbers 15670/18 and 43115/18), November 2021, available at: <https://hudoc.echr.coe.int/eng?i=001-213213>

<sup>27</sup> Human Rights House Zagreb (2022), *Human rights in Croatia: overview of the situation for 2021*, available at: [https://www.kucaljudskihprava.hr/wp-content/uploads/2022/04/KLJP\\_GI2021-Online\\_2704.pdf](https://www.kucaljudskihprava.hr/wp-content/uploads/2022/04/KLJP_GI2021-Online_2704.pdf)

## Culture of remembrance

The most prominent challenges and problems in the field of transitional justice and dealing with the past in the last few years were the glorification of war criminals in statements made by senior government officials,<sup>28</sup> through joint public appearances of government officials and war criminals,<sup>29</sup> by returning decorations to war criminals<sup>30</sup> and muralizing them in public spaces.<sup>31</sup>

Despite some positive steps of Croatian officials commemorating Serbian civilian victims of war (e.g. President of the Republic of Croatia Zoran Milanović and Deputy Prime Minister and Minister of Croatian Veterans' Affairs Tomo Medved took part in the commemoration in the village of Grubori, and Prime Minister Andrej Plenković did the same in the village of Varivode, where civilian victims of the war of Serbian nationality were murdered in 1995),<sup>32</sup> and encouraging the practice of representatives of the Serb National Council commemorating all civilian victims and defenders killed in the war<sup>33</sup>, the commemoration practice of Croatian authorities largely disregards the commemorations of the civil war victims belonging to national minorities.<sup>34 35</sup>

The President of Croatia, called into question the facts about the Srebrenica genocide and participated in a public commemoration with a war criminal convicted by the International Tribunal for the Former Yugoslavia and decorated war crimes suspect currently on trial in Bosnia and Herzegovina.<sup>36</sup> Despite the demands of civil society, no cases of revoking

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<sup>28</sup> Tportal.hr, Milanović announces that he will not let the army commemorate Operation Flash and says about the reception of General Blaškić: "If he was guilty like Ratko Mladić, I would not have received him", April 2021, available at:

<https://www.tportal.hr/vijesti/clanak/milanovic-o-skoroj-obljetnici-bljeska-i-delegacijama-vojska-mora-dezurati-kaona-sanku-mislim-da-cu-im-reci-da-ostanu-doma-foto-20210427>

<sup>29</sup> Portalnovosti.hr, "County prefect, head of police and war criminal together at "Osa" anniversary, November 2021, available at: <https://www.portalnovosti.com/zupan-prvi-policaajac-i-ratni-zlocinac-zajedno-na-obljetnici-osa>

<sup>30</sup> Jutarnji list, Documenta: Milanović's decision on Glavaš is inappropriate and ethically unacceptable, May 2021, available at:

<https://www.jutarnji.hr/vijesti/hrvatska/documenta-milanoviceva-odluka-o-glavas-u-neprijemnom-i-eticki-neprihvatljiv-15076941>

<sup>31</sup> Portalnovosti.hr, Walls of shame, September 2021, available at: <https://www.portalnovosti.com/zidovi-srama>

<sup>32</sup> Tportal.hr, Commemoration in Grubori, Pupovac: People do not know and need to be made aware of the difference between democratic Croatia and Ustasha Croatia. We are discussing sanctions, August 2021, available at:

<https://www.tportal.hr/vijesti/clanak/u-gruborima-pokraj-kraina-odrzana-komemoracija-za-srpske-civile-ubijene-nakon-oluje-20210825>

<sup>33</sup> Portalnovosti.hr, VIDEO: It is difficult to talk about Glina, and even harder to remain silent, July 2021, available at:

<https://www.portalnovosti.com/o-glini-je-tesko-je-govoriti-a-jos-teze-sutjeti>

<sup>34</sup> Youth Initiative for Human Rights, The Authorities of Croatia and Serbia Should Contribute to Reconciliation by Recognizing the Civilian War Victims, available at:

<https://yihhr.hr/en/the-authorities-of-croatia-and-serbia-should-contribute-to-reconciliation-by-recognizing-the-civilian-war-victims>

<sup>35</sup> Youth Initiative for Human Rights, We Remember the Civilian Victims of the Military Police Action "Džep '93", available at: <https://yihhr.hr/en/we-remember-the-civilian-victims-of-the-military-action-operation-dzep-93>

<sup>36</sup> Ibid.



decorations of convicted war criminals were recorded in the last few years.<sup>37</sup>

There has been no progress on prohibiting the use of the Ustasha salute “Za dom spremni”, Ustasha insignia and symbols nor on prohibiting the denial of Ustasha crimes, as proposed by the Coordination Committee of the Jewish Communities in the Republic of Croatia.<sup>38</sup>

The work of civil society organizations in the field of transitional justice is crucial in addressing the legacy of war, yet they currently face a lack of sufficient funding and support to ensure quality work on these issues.

### **Suggested questions:**

What measures does the Croatian Government plan to take to foster the culture of remembrance in Croatia?

What actions will the Croatian Government take to provide institutional, financial, and administrative support to civil society organizations working on transitional justice issues?

What actions does Croatian Government plan to take to prohibit the use of the Ustasha salute “Za dom spremni”, Ustasha insignia and symbols and to prohibit the denial of Ustasha crimes?

What actions do Croatian authorities plan to take to revoke decorations of convicted war criminals?

### **Civic education**

Results of the surveys on political literacy of high school students in the school year 2020/2021<sup>39</sup> indicate rather low levels of political participation and trust in various institutions and sources of information, but also somewhat more democratic socio-political attitudes of youth compared to the same research from 2015. Given the pronounced differences in political knowledge and attitudes between high school students in comparison to students in vocational programs, the conclusion is that adequate progress has not been made in the

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<sup>37</sup> Youth Initiative for Human Rights, Three Years Following the Judgment of the Appeals Chamber in the Prlić et al. case: The institutions of the Republic of Croatia should revoke the decorations of war criminals and compensate the victims, November 2020, available at:

<http://yihhr.hr/hr/tri-godine-nakon-presude-zalbenog-vijeca-u-predmetu-prlic-i-drugi-institucije-republike-hrvatske-tre-baju-oduzeti-odlikovanja-ratnim-zlocincima-i-nadoknaditi-stetu-zrtvama/>

<sup>38</sup> Nacional, Kraus: “In the name of thousands of victims, I ask for a ban on the Ustasha salute”, June 2021, available at: <https://www.nacional.hr/kraus-u-ime-tisuca-zrtava-trazim-zabranu-ustaskog-pozdrava-zds/>

<sup>39</sup> Institute for Social Research Zagreb, Research on political literacy of high school students in the Republic of Croatia - research report for 2021, authors: Nikola Baketa, Kosta Bovan, Jelena Matić Bojić, available at: [http://goo.hr/wp-content/uploads/2021/05/politicka\\_pismenost\\_ucenika\\_i\\_ucenica\\_2021\\_istrzivacki\\_izvjestaj.pdf](http://goo.hr/wp-content/uploads/2021/05/politicka_pismenost_ucenika_i_ucenica_2021_istrzivacki_izvjestaj.pdf)



development and implementation of civic education which was supposed to reduce differences and increase political literacy of all students in Croatia.

In 2021, civic education was still implemented in primary and secondary schools as one of the 6 cross-curricular topics and, in some schools only, as an extracurricular activity. This model of implementation of civic education does not provide enough time and focus in the curriculum for the quality development of civic competence.

Although civic education has been taught as a cross-curricular topic under the new curriculum since 2019, no evaluation has yet been conducted to provide for conclusions on the effects of (non)implementation of civic education and a possible need for improving the implementation or the curriculum. In 2021, the European Commission against Racism and Intolerance (ECRI) issued a recommendation to the National Center for External Evaluation of Education to conduct an evaluation of the implementation of the curriculum up to the present, especially in the light of COVID-19 and online education.<sup>40</sup>

There is a lack of systematic and quality professional development of teachers for teaching civic education that would enable quality learning outcomes in the areas of democratic citizenship and human rights. Therefore, the European Commission against Racism and Intolerance (ECRI) recommended that Croatia provide comprehensive and consistent initial and continuous training for educators to acquire the skills necessary to teach human rights.<sup>41</sup> The curriculum for the cross-curricular topic of Health for primary and secondary schools<sup>42</sup> addresses the topic of sexuality and reproductive health in an inadequate and outdated way and in no part mentions gender stereotypes, gender equality, gender-based violence, LGBTIQ persons and issues of respect for diversity and of tolerance towards different sexual/gender identities nor the promotion of positive attitudes towards sexuality. At the same time, internationally relevant guidelines for the development of effective sexual education programs have been disregarded in developing the curriculum.<sup>43</sup>

### **Suggested questions:**

When will Croatian authorities conduct an evaluation of the implementation of civic education to assess the effects of its (non)implementation and the need for its improvement?

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<sup>40</sup> European Commission against Racism and Intolerance, ECRI conclusions on the implementation of the recommendations in respect of Croatia subject to interim follow up, March 2021, available at: <https://rm.coe.int/ecri-conclusions-on-the-implementation-of-the-recommendations-in-respe/1680a277b2>

<sup>41</sup> Ibid.

<sup>42</sup> Ministry of Science and Education, Decision on the adoption of the curriculum for the cross-curricular subject of Health for primary and secondary schools in the Republic of Croatia (OG 10/2019), available at: [https://narodne-novine.nn.hr/clanci/sluzbeni/2019\\_01\\_10\\_212.html](https://narodne-novine.nn.hr/clanci/sluzbeni/2019_01_10_212.html)

<sup>43</sup> Voxfeminae.net, CESI: The new health education curriculum reduces sexuality to reproduction, February 2019, available at: <https://voxfeminae.net/vijesti/cesi-novi-kurikulum-zdravstvenog-odgoja-svodi-seksualnost-na-reprodukciju>



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Which measures will Croatian authorities undertake to achieve comprehensive and consistent initial and continuous training for educators to acquire skills necessary to teach human rights, as indicated by the ECRI conclusion?<sup>44</sup>

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<sup>44</sup> ECRI Conclusions On The Implementation Of The Recommendations In Respect Of Croatia Subject To Interim Follow-Up, 2021, available at:  
<https://rm.coe.int/ecri-conclusions-on-the-implementation-of-the-recommendations-in-respe/1680a277b2>