



## **HUMAN RIGHTS IN CROATIA: OVERVIEW OF 2020**

### **SUMMARY**

Human Rights in Croatia: Overview of 2020 is the annual report produced by the Human Rights House in cooperation with civil society organizations dedicated to the protection and promotion of human rights in various aspects of social life. The report aims to provide insight into violations, issues, challenges and disputes in the sphere of protection and promotion of human rights in 2020.

Last year was marked by the outbreak and spread of the COVID-19 epidemic and two devastating earthquakes that hit central Croatia, particularly Zagreb and Banija. In addition to significant material damages, the past year has been challenging for human rights on account of restrictive measures adopted to protect public health in response to the outbreak and spread of the epidemic. Restrictions on movement, bans on public gatherings, shutdowns of stores, restaurants and restrictions on social, economic and sports activities, mandatory self-isolation and quarantine, wearing masks and minimizing social contact, among other restrictive measures, have changed people's daily lives and forced society and the state into crisis functioning.

Despite exceptional circumstances, Croatia did not declare a state of emergency. Instead, the declaration of the epidemic was followed by the introduction of legislative interventions that expanded the powers of the Civil Protection Headquarters of the Republic of Croatia, allowing it to adopt measures and decisions restricting fundamental human rights during crisis, without establishing a system of parliamentary oversight over its operations and decisions.

### **International Instruments, Legislation, Public Policies and Institutions**

During 2020, no progress was made on the ratification of international human rights treaties not yet ratified by the Republic of Croatia: the European Social Charter (Revised) and the International Convention for the Protection of All Persons from Enforced Disappearance. Croatia has also not yet accepted Article 14 of the International Convention on the Elimination of All Forms of Racial Discrimination, continuing to deprive citizens of the possibility to submit individual complaints to the Committee that monitors the implementation of this Convention.

Even after years of delay, Croatia still lacks basic public policies for the protection and promotion of human rights, including, among others, a national policy on gender equality.

No steps have been taken in 2020 to ensure the independence of the work of the Special Ombudsperson's Office from politics, which allows for the dismissal of ombudswomen and their deputies if the Croatian Parliament does not accept their annual reports.



## **The Right to Participation, Human Rights Defenders and Civil Society**

The circumstances caused by the epidemic and earthquakes limited or impeded the implementation of numerous activities of civil society organizations, which had a negative effect on the beneficiaries of free legal aid, psychosocial support and other programs. Due to the inability to carry out activities and the suspension of funding from local sources, some organizations faced financial unsustainability.

Since the National Strategy for the Development of Civil Society expired in 2015, Croatia has not had a defined public policy for creating an enabling environment for the development of civil society for five years.

Citizen participation in the decision-making process remains relatively weak. Civil society is often involved in consultations only as a formality, while the quality of reports on the conducted consultations is deficient. A failure to document all received proposals and opinions was also noted, especially at the local level.

The High Misdemeanor Court made an alarming decision in June 2020, ruling that shouting the Ustaša salute *Za dom spremni* during the performance of the song “Bojna Čavoglave” by Marko Perković Thompson cannot be subsumed under the legal description of the violation from Article 5 of the Law on Misdemeanors against Public Order and Peace. The fact that the disputed salute is part of the author’s song does not change the fact that it is an Ustaša greeting symbolizing the criminal Nazi-fascist ideology and that it is contrary to Article 39 of the Croatian Constitution which prohibits any incitement to national, racial or religious hatred or any form of intolerance.

Hate speech remains present in public spaces, especially on the Internet, with LGBTIQ persons, refugees, Serbs and Roma as the most common targets. The lack of an adequate and comprehensive response to hate speech is still a cause for concern.

## **Human Rights and the Judiciary**

Although 2020 saw progress in the functioning of the judiciary system, namely shortening the length of court proceedings, reducing the number of long-running cases and digitalization, the epidemic and the earthquake that hit Zagreb in March 2020 slowed the courts and caused a number of issues with the organization of work in judicial bodies.

The efficiency and quality of the judiciary system remains the biggest issue, especially in regards to corruption. It is worrying that the level of perceived independence of the Croatian judiciary ranks among the lowest in the EU.



Citizens' trust in institutions was low even before the crisis, primarily due to the weak responsiveness of state institutions, the slowness and rigidity of public administration and the judiciary and the perception of corruption. According to the Eurobarometer survey on corruption, as many as 97% of citizens in Croatia name corruption as one of the most significant obstacles to achieving the independence of the judiciary. On the other hand, most citizens are still unaware that they can report corruption and often give up on reporting for fear of consequences.

### **Transitional Justice and Dealing with the Past**

There was no significant progress in the prosecution of war crimes in 2020 either. Hearings in a number of criminal proceedings for war crimes have not been scheduled, while evidentiary proceedings remain too lengthy.

In 2020, there was a shift in the culture of remembrance and the creation of a more favorable atmosphere for building trust in society based on mutual respect and tolerance. Senior political representatives participated in the ceremony marking the anniversary of Operation Storm in Knin and in the memorial commemorating the civilian war victims of Serbian nationality who were killed in the village of Grubori.

### **Media Freedoms**

Violations of media freedoms in 2020 include frequent defamation, insult and humiliation lawsuits against journalists and editors, as well as threats and intimidation of journalists, especially those investigating controversial topics such as war crimes, organized crime or corruption. Additionally, government interference in the operation of public broadcasting remains problematic.

Instances of insults, intimidation, threats and death threats directed at journalists are of additional concern, along with threats on the Internet. As many as 5 physical attacks on journalists were recorded in 2020. There is often a lack of prompt response from the authorities and unambiguous condemnation of violence by officials.

Croatia has outdated media laws and still lacks a clearly defined public policy as the basis for changes in media legislation.

### **Domestic Violence and Gender-Based Violence**

There has been an increase in domestic violence due to the epidemic and lockdown, but also a decrease in reports of violence. Compared to 2019, the number of domestic violence criminal offenses in the first half of 2020 increased by over 40%. An increase in sexual violence was recorded as well.

A step in the positive direction made in 2020 is the establishment of a 24-hour national SOS hotline for victims of domestic violence, implemented by the Ministry of Labor and Pension, Family and Social Policy.

The fight against gender-based violence and domestic violence still lacks an interdisciplinary approach, which would include cross-sectoral cooperation in working with victims of violence and quality educational prevention programs.

### **Children's Rights**

Epidemic circumstances, i.e., quarantine and self-isolation, restriction of movement, social distancing and other measures implemented to combat the epidemic resulted in an increased risk of child abuse and neglect in 2020.

The situation of children placed in alternative care institutions was further aggravated by the limited operation of social welfare centers, especially in the first two months of the epidemic and following the earthquakes in Zagreb and its surroundings. Namely, due to the damage to the buildings of the institutions in which they had been placed, children were returned to their biological families which they had been separated from, resulting in the loss of mechanisms of control and protection of children in families at risk.

The number of children without adequate parental care placed in institutional care increased by 6% compared to the previous year. In Croatia, over 4,000 children lack adequate parental care; over half of them are placed in foster families and the rest in SOS children's villages or homes for children without adequate parental care.

Existing issues in the adoption system have been further aggravated in 2020. Additional difficulties were recognized in a decrease in the number of foster families, an increase in the number of children in institutional care and a decrease in the number of requests for placing children in institutional care. The adoption process remains lengthy, characterized by slow decision-making from social welfare centers and courts, keeping children without adequate parental care in the system for years.

### **The Right to an Adequate Standard of Living**

The quality of life in Croatia continues to be negatively affected by an uneven quality of public services, regional discrepancies in income, access to healthcare, education and social protection, and economic inequalities.

Almost a fourth of the Croatian population is at risk of poverty and social exclusion (23.3%). The fact that more than a fifth of the population is materially deprived causes additional concern. No less than 51.7% of the population lives in households that cannot afford

unexpected financial outlays, more than 40% cannot afford to vacation outside of the home, and making ends meet is very difficult or difficult for more than a third of households in Croatia. The risk of poverty and social exclusion also deepens the significant regional differences in the rates of unemployment and growth of individual regions of Croatia. Almost 40% of unemployed persons live in east and central Croatia even though only a fourth of the population inhabits those areas.

Elderly persons, single-person households and children are at an increased risk of poverty. Even though this should be a priority, Croatia welcomed the end of 2020 without a functional public policy for combating poverty in the upcoming period based on the principles of human rights.

A comprehensive needs-based housing policy was not introduced in 2020 either. Issues with legal security of housing, affordability, habitability, availability and access to housing further escalated due to the consequences of the earthquakes in Zagreb and Sisak-Moslavina County and the coronavirus epidemic.

### **The Right to Work**

As expected, the epidemic and the ban on certain business activities resulted in an increase in unemployment. Business-related dismissals doubled compared to the previous year. In 11 months of 2020, 43,000 workers who lost their jobs due to redundancy and about 97,000 workers whose fixed-term contracts expired registered with the Croatian Employment Service.

Croatia is at the very top in terms of the total number of fixed-term contracts and the first in the EU in terms of concluded fixed-term contracts lasting up to 3 months. Additionally, the epidemic further aggravated issues that workers have been facing for years, including underpayment, unpaid overtime, working weekends and concluding harmful contracts that manipulate the worker's free time.

During lockdown, workers were forced to use annual leave and/or sign annexes to contracts, while fixed-term contracts were not renewed and salaries were reduced to the level of government grants.

Organizing work from home due to the implementation of epidemiological measures had a negative effect on workers of lower financial status who did not have all the necessary working conditions, including access to a computer, working internet connection and telephone line, which, in some cases, were not provided by their employers.



## **Healthcare and Human Rights**

The usually difficult access to health services was further limited in 2020 due to the epidemic. The declaration of the epidemic brought about changes in the way hospitals and health centers operate, making it more difficult for patients to exercise their right to access health care services. Additional problems in hospital operations were caused by earthquakes in which many hospitals suffered infrastructural damages.

Denying parents hospital visits and stays with their children while they are being treated is a serious violation of children's rights, and the lack of clear instructions for visits and stays for parents with children indicates potentially unequal hospital treatment during the epidemic. In 2020, the problem of hospitals' debt to pharmaceutical wholesalers became relevant again. Issues with and interruptions in the supply of medicines and medical supplies were announced on several occasions during the year.

Measures introduced to prevent the spread of the coronavirus also reflected on citizens' mental health. Preliminary research indicates that people who have spent time in self-isolation are significantly more anxious, depressed and stressed than people who have not been in self-isolation. Unfortunately, there is no research on the negative impact of social isolation on the elderly, persons with disabilities and persons with chronic illnesses, nor on the impact of mental health on the course of their underlying conditions.

## **Women's Rights**

Even in 2020, progress in protecting women's reproductive health has yet to be made. Primary gynecological care is still unavailable in many areas of Croatia, and the lack of gynecologists and gynecological teams remains a major problem.

The negative impact of the epidemic on women's reproductive rights and health is reflected primarily in the availability or complete unavailability of certain health services, as well as in the disparities between the approaches at different health care institutions.

The prohibition on having a companion during childbirth, separating newborns from mothers, limited availability or complete unavailability of examinations and tests, poorer breastfeeding support, performing C-sections without medical indication and unavailability of information are just some of the issues that women faced when accessing reproductive health rights in 2020.

## **Human Rights and the Environment**

Measures to effectively prevent damage to the environment and public health have still not been taken, namely adequate measures to reduce the Adriatic Sea pollution and air pollution.

According to the air quality index, Zagreb was at the very bottom of global rankings on several occasions in the course of 2020.

The Ministry of Environmental Protection and Energy has become part of the Ministry of Economy and Sustainable Development. Such an organizational structure jeopardizes the development of an integrated environmental policy given that the development of the economy is the government's priority and traditionally prioritized over environmental issues.

Due to the unsustainability of existing landfills, the danger they pose to the environment and the health of local population, as well as the fact that citizens are insufficiently informed about the practice and importance of waste separation, waste management is a continuous problem in Croatia. Improper disposal of used disposable protective equipment (masks and gloves), the use of which has significantly increased since the outbreak of the COVID-19 epidemic, poses a new threat to environmental protection.

### **Education and Human Rights**

The epidemic has had a significant effect on the availability and quality of education, and 2020 was marked by distance learning in often changing and uncertain circumstances.

Due to the inadequacy or inaccessibility of modified lesson content, access to distance learning was difficult or impossible for some students from vulnerable groups, especially the Roma minority, students whose native language is not Croatian, students with developmental and/or learning difficulties, refugee and migrant students and some students with disabilities.

Non-existent or limited access to technology restricted access to lessons to students of unfavorable socio-economic status and some students in detention and institutional care. In this context, the data on weaker digital connectivity and inferior equipment in Croatian schools compared to the EU average is a cause for concern, as is data on students' access to a virtual learning environment that is significantly below the EU average at all school levels, both in school and at home.

Especially in the circumstances caused by the epidemic, the lack of systematic and effective investment in teachers as the bearers of the educational process, along with uneven and outdated infrastructure and inadequately equipped schools, continue to be the key obstacles to achieving equal access and quality of education for all students.

Since civic education is implemented in primary and secondary schools as one of the 6 cross-curricular subjects, children and the youth do not learn enough about human rights, equality and solidarity. This model of implementation of civic education does not provide enough time in the curriculum for the quality development of civic competence in students.



## **The Rights of Elderly Persons**

In Croatia, almost a third of people over the age of 65 are at risk of poverty, and women in that age group are at an even higher risk (33.6%).

Systemic problems remain present in elderly care, including a lack of capacity to accommodate the elderly, lack of effective supervision of service providers, non-transparency in admissions to public nursing homes, lack of a legislative framework, but also insufficient support for people caring for elderly and infirm persons.

Measures implemented in response to the epidemic have had a significant impact on senior citizens, especially residents of nursery homes, whose freedom of movement has been disproportionately restricted for reasons of public health protection. The ban on leaving institutions and the prohibition on visits particularly affected elderly persons who do not have access to the Internet or do not use technology, which has a significant and negative effect on their social exclusion.

There is still insufficient capacity to accommodate patients in need of palliative care, as well as hospices that would enable dying with dignity.

## **The Rights of Persons with Disabilities**

The epidemic has further aggravated the enduring unfavorable situation in the human rights of persons with disabilities. The main issues that persons with disabilities faced in the course of 2020 were the discontinuity and denial of various medical services, unavailability of information due to inadequate reporting for people with sensory impairments and intellectual disabilities, inefficient implementation of the process of deinstitutionalization, restriction and denial of the right to freedom of movement of users of social welfare institutions and the increased risk of domestic violence.

The deinstitutionalization process remains slow and inefficient. There has been no significant progress in increasing the number of people leaving institutions, while people with physical disabilities who do not receive a adequate hours of personal assistance still go to institutions.

The inaccessibility of public transport, various facilities, and especially cultural, tourist and other activities remains a prominent problem for persons with disabilities. Even in 2020, there were no systematic efforts to provide persons with disabilities equal access to all facilities and content.

Persons with disabilities continue to face discrimination in all aspects of social life. Due to difficult access to employment, their work potential remains untapped. The difficult access to employment in certain state and public sector bodies is of particular concern.

In 2020, enduring problems related to the deprivation of persons with intellectual disabilities of their legal capacity persist, which directly results in their inability to exercise civil and political rights, in non-transparent management of their property, in their inability to choose social service providers and in the permanent admission of adults to foster care facilities.

### **The Rights of LGBTIQ Persons**

Discrimination against LGBTIQ persons most commonly takes place in the workplace and when accessing public services, primarily administrative and health services. The lockdown had a negative impact on LGBTIQ persons as many were forced to live in the same household with their often unaccepting and homo/bi/transphobic family members. This also caused an increase in violence and abuse against LGBTIQ persons, while psychosocial support services were limited due to extraordinary circumstances.

As in previous years, LGBTIQ persons are a target of hate crimes. There is still a discrepancy between reported hate crimes and the actual number of hate crimes committed. LGBTIQ people often do not report discrimination and/or violence based on sexual orientation, gender identity or gender expression for fear of repeated stigmatization and marginalization in their environment, for fear of forced outings (i.e., being found to be lesbian, gay, bisexual or transgender) and out of distrust towards institutions.

The access to adoption of children was not granted to life partners in 2020 either. However, after a years-long legal battle, a same-sex couple was granted their request to foster children, but not the right to adoption.

### **The Rights of Homeless Persons**

The existing legal definition of homelessness does not include persons living in inadequate living spaces nor secondary and tertiary forms of homelessness, which prevents the creation of appropriate prevention policies. Although the number of homeless persons in official statistics ranges between 300 and 500, actual estimates on the ground show that this number is much higher, while the number of citizens living at risk of homelessness exceeds several thousand.

Croatia does not have a strategy for preventing and combating homelessness nor a strategy for social housing. Due to the coronavirus epidemic and the devastating earthquakes, the number of people without adequate housing conditions increased, while the existing spatial, protection, staffing and other capacities were not sufficient to provide adequate care for all persons in need. During the coronavirus epidemic, homeless persons were exposed to additional risk due to the lack of capacity for their accommodation and poor information about the development of the crisis situation.

## **The Rights of Refugees**

Croatia still does not have a valid migration nor integration policy in place. In 2020, only 42 international protections were granted, which is the lowest rate since the beginning of the refugee wave in 2015.

Compared to previous years, illegal pushbacks have become more violent and frequent, while independent and effective investigations are still not conducted. Police conduct at the border and in the depths of the Croatian territory, i.e., illegal and often collective pushbacks and the practice of denying access to the asylum system are not in accordance with Croatian legislation and violate the Schengen Borders Code and the EU and international (refugee) law in general as well. Refugee rights organizations estimate that the number of illegal pushbacks from the Croatian territory exceeds 20,000. During 2020, the Ministry of the Interior continued to deny the Public Ombudswoman access to data during visits under the National Preventive Mechanism.

The integration of persons with international protection into Croatian society remains difficult, and they continue to face long-standing obstacles to exercising the right to health care, learning the Croatian language, accessing education and the labor market.

## **The Rights of National Minorities**

At the end of 2020, the Committee of Ministers of the Council of Europe said that Croatia should do more to learn minority languages and promote minority languages in education, public administration and the media, calling for equal and official use of minority languages in more municipalities that have enough speakers of a particular minority language.

Members of the Roma national minority continue to face a number of obstacles to exercising their rights, in particular the right to employment, the right to access services and the right to an adequate standard of living. The continuing segregation of Roma within the education system remains a matter of concern.

Many Serb returnees live in underdeveloped rural areas, cut off from transport infrastructure, isolated and in poor living conditions, still unable to exercise their property rights with their property remaining exposed to usurpation and devastation. In addition to this, the earthquake that hit Banija at the end of 2020 further aggravated the already difficult socio-economic situation of all of its residents. A significant number of members of the Serbian national minority live in Banija, which is one of the poorest parts of the country.



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Physical assaults, hate speech, verbal threats, destruction of property and preventing members of the Serbian minority from using their own property were also recorded in 2020.