



## **HUMAN RIGHTS IN CROATIA: OVERVIEW OF 2021**

### **– SUMMARY**

Human Rights in Croatia: Overview of 2021 is a report by Human Rights House Zagreb that provides insight into violations, problems and challenges in the area of protection and promotion of human rights in Croatia.

The year 2021 was again marked by the COVID-19 epidemic and the consequences of the earthquakes in Zagreb and Banija. Reconstruction of destroyed family houses and apartments has been inefficient and too slow, burdened by excessive administrative demands and the inertia of public bodies. Anti-epidemic measures continued to have a negative impact on social life due to restrictions on the human rights of freedom to assembly and freedom of movement, as well as due to the obligation to use EU Covid certificates to access public services.

Despite establishing the Croatian Government Council for Human Rights, human rights are unfortunately still not high on the list of the Croatian Government's political priorities - we welcomed the end of another year without active public policy measures for the protection and promotion of human rights and the fight against discrimination, as well as without policies in the fields of gender equali-

ty and civil society development. As a result, many of the problems and challenges in the realization, protection and promotion of human rights in Croatia are yet to be systematically addressed.

Unfortunately, same as in previous years, Croatia did not do enough to develop policies geared toward contemporary multilevel challenges and problems in the protection and realization of human rights. Politicians and institutions lack ideas, ambition and initiative, while their capacity for designing, developing and implementing human rights-based public policies decreases each consecutive year. This poses a serious problem in the context of complex challenges – climate change, population ageing, war, migration, social and economic inequalities.

## **INTERNATIONAL INSTRUMENTS, LEGISLATION, PUBLIC POLICIES AND INSTITUTIONS**

Some progress was made on the ratification of international human rights treaties in 2021. At the end of the year, Croatia finally ratified the International Convention for the Protection of All Persons from Enforced Disappearance.

Unfortunately, no progress was made on the ratification of the European Social Charter (Revised). There was also no progress in accepting Article 14 of the International Convention on the Elimination of All Forms of Racial Discrimination, meaning that citizens remain deprived of the possibility to make individual complaints to the Committee that monitors its implementation.

Even after a multi-year delay, Croatia still lacks fundamental public policies in the field of protection and promotion of human rights, such as the National Program for the Protection and Promotion of Human Rights, the National Policy on Gender Equality and other public policies.

No steps were again taken in 2021 to ensure that Special Ombudspersons' Offices work independently from politics, continuing to allow for the possibility of dismissing ombudswomen and their deputies in case the Croatian Parliament does not accept their annual reports.

## **THE RIGHT TO PARTICIPATION, HUMAN RIGHTS DEFENDERS AND CIVIL SOCIETY**

The European Court of Human Rights judgement in the case of *Bon v. Croatia* once again pointed to a significant problem of the Croatian judiciary wrongly ruling in favor of politicians in personal rights proceedings because courts fail to take into account the democratic context, in which harsh or insulting statements made in public debates on a subject of public interest are protected by the right to freedom of expression and represent a legitimate political critique that underpins a pluralistic democratic society.

Hate speech remained present in public spaces in 2021, especially on the Internet, with LGBTIQ persons, refugees, Serbs and Roma as the most common targets. The lack of preventive measures and an adequate and comprehensive response to hate speech continues to be a cause for concern.

The National Plan for Creating an Enabling Environment for the Development of Civil Society is yet to be adopted, making 2021 the sixth consecutive year without a fundamental public policy in the area of civil society development.

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 report drafting on the conducted consultations is deficient and not all received proposals and opinions are documented, especially at the local level.

## **MEDIA FREEDOMS**

Media laws in Croatia are outdated, and changes in media legislation are taking place without a media strategy being adopted first. Political interference in public broadcasting is a continual problem in Croatia. The independence of public broadcasting management and financing is at a high risk.

Significant steps are still not taken to increase the transparency of media ownership, so identifying beneficial owners remains problematic.

An independent comprehensive self-regulatory media council 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 was again not established in 2021.

Frequent lawsuits against journalists and media outlets, often seeking disproportionately high compensation amounts, had a negative impact on media freedoms and freedom of expression. Many of these cases involve SLAPP lawsuits (Strategic lawsuit against public participation) aimed at censoring, intimidating and silencing critics.

## **THE JUDICIARY AND HUMAN RIGHTS**

Although 2021 saw progress in the functioning of the judicial system, namely in shortening the length of court proceedings, reducing the number of long-active cases and digitalization, serious issues with efficiency and quality remain present.

The judiciary is still inefficient, which is confirmed by the fact that out of a total of 416 judgments in communication against the Republic of Croatia before the European Court of Human Rights in 2021, the vast majority concern the length of proceedings and the judiciary's inefficiency.

The new Act on the Prevention of Conflicts of Interest adopted at the end of 2021 represents a step backwards in terms of transparency, impartiality and fair conduct of state officials. The Commission for the Resolution of Conflicts of Interest, as an important anti-corruption body, will not be able to perform its primary function of pre-

venting conflicts of interest and will be unable to determine whether officials acted honestly, fairly, conscientiously, responsibly and impartially, thereby preserving their own credibility and dignity and citizens' trust.

In 2021, no significant efforts were made to improve the system of free legal aid and ensure more stable funding models. Namely, the system of free legal aid is burdened with numerous problems that reflect insufficient and inadequate funding.

## **TRANSITIONAL JUSTICE AND DEALING WITH THE PAST**

The most prominent challenges and problems in the field of transitional justice and dealing with the past in 2021 were the glorification of war criminals in statements made by senior government officials, through joint public appearances of government officials and war criminals, by giving decorations back to war criminals and muralizing them in public spaces.

In 2021 no significant progress was detected in prosecuting war crimes.

No hearings in a number of criminal proceedings for war crimes were scheduled. The length of evidentiary proceedings remains problematic.

In 2021, authorities did not take further positive steps in terms of policies of remembrance of civilian victims in official commemorations. Unfortunately, state-level government officials did not appear at commemorations of civilian victims of Serbian nationality in 2021.

## **THE RIGHT TO AN ADEQUATE STANDARD OF LIVING**

The quality of life in Croatia continues to be severely negatively affected by an uneven quality of public services, regional disparities in income levels, access to health care, education and social protection, as well as economic inequalities. More than a fifth of Croatia's population is still at risk of poverty and social exclusion. The level of at-risk-of-poverty rate remains alarmingly high for some vulnerable groups, with more than half of persons over the age of 65 at risk of poverty.

Unequal availability of social services is of particular concern, which negatively affects the exercise of the rights of vulnerable and marginalized groups and individuals. Another problem is the discontinuity in provision of project-funded social services, such as personal assistance, teaching assistance and assistance at home. With the expiration of limited project funding, such services are put on hold or terminated, and beneficiaries are left without the basic social service.

Number of beneficiaries of the guaranteed minimum benefit in Croatia continues to decline, but its amount and coverage remain inadequate. The

new Social Welfare Act increases the guaranteed minimum benefit from HRK 800 to HRK 1,000 per month, which is still insufficient to exercise fundamental human rights and overcome material deprivation.

A comprehensive needs-based housing policy was not developed in 2020 either. There is still no progress in arranging the rental system, and the prices and conditions for acquiring real estate are unfavorable. Investment policies to improve housing conditions are also lacking.

Issues with legal security of housing, affordability, habitability, accessibility and access to housing have been further exacerbated by the aftermath of the earthquakes in Zagreb and Sisak-Moslavina County, as well as the coronavirus epidemic. Recovery of earthquake-affected objects is extremely slow and inefficient.

## **THE RIGHT TO HEALTH**

Health care institutions continued to be unevenly represented at the regional level, while the quality of the provision of health care was not measured, and there was again no publicly available data on the actual performance of health care institutions in 2021. There was a recorded shortage of doctors and nurses in the hospital system, as well as unfilled primary health care clinics, especially in family medicine, women's health care, preschool health care and dental health care, which is particularly pronounced in rural areas and on islands.

Organizations for the promotion of mental health point to an unchanged situation in terms of the widespread stigmatization of people with mental health disorders, which often leads to social isolation and discrimination. The lack of destigmatization programs, mental health information, prevention programs and the development of outpatient treatment programs continues to be a problem.

## **HUMAN RIGHTS AND THE ENVIRONMENT**

Measures to effectively prevent damage to the environment and public health were again not taken in 2021, especially adequate measures to reduce the Adriatic Sea pollution and air pollution. Improper disposal of used disposable protective equipment (masks and gloves), the use of which has significantly increased during the epidemic, has also had a negative effect on environmental protection.

Due to the unsustainability of existing landfills, the danger they pose to the environment and to the health of the local population, as well as due to the fact that citizens are insuffi-

ciently informed about the practice and importance of waste separation, waste management continued to be a problem in 2021. In addition to inadequate waste management systems, insufficient infrastructure for wastewater disposal and treatment remains a common problem. It is the reason that, at the end of 2021, the European Commission sent an official warning to Croatia and called for ensuring proper waste treatment before its disposal. In the case of failure to eliminate the identified shortcomings in waste separation, Croatia is facing large fines.

## **THE RIGHT TO EDUCATION**

The epidemic significantly affected the quality of education in 2021 as well. Research shows that the epidemic has had a negative impact on the lives of a significant number of students, especially on their mental health and particularly among high-school-age students.

The quality of education is negatively affected by insufficient number of teaching hours in primary and sec-

ondary schools, short duration of compulsory education, infrastructural deficiencies of schools and lack of equipment, as well as the shortage of teachers for certain subjects.

As in previous years, the rate of participation in early and pre-school education of children from their fourth year to the beginning of compulsory education in Croatia is increasing, but remains among the lowest in the EU.

Significant inequalities in availability and quality of early and preschool education negatively reflect on the accessibility for children at risk.

A trend of a low level of students' political participation and trust in different institutions and information sources was again detected in 2021. No adequate progress has been made in the development and implementation of civic education, which should have reduced differences and developed the political literacy of all stu-

dents in Croatia in the final grade of high school.

Since civic education is implemented in primary and secondary schools as one of the 6 cross-curricular subjects, children and 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.

## **WOMEN'S RIGHTS**

In 2021, epidemic circumstances had a significant negative impact on the exercise of women's rights, which further deepened difficulties already present in the field of women's rights. In addition to gender-based violence, the most significant problems are the same as in previous years, from the prevalence of sexism in everyday speech, media headlines and political discourse to the lack of women's political participation, the inability of one parent to contact the child, lack of action or illegal action of institutions, online violence, sexual harassment in the workplace and in the hiring process.

Executive positions in politics remain extremely inaccessible to women. Namely, only 27 per cent of women were elected to the representative

and executive bodies of municipalities, cities and counties in the 2021 local elections, with 29 per cent elected to the representative bodies and 11 per cent to the executive bodies.

2021 has been Croatia's sixth year without a fundamental strategic document on gender equality.

Access to the right to women's reproductive health in 2021 was marked with numerous problems including the prohibition from having a companion during childbirth in some maternity hospitals, separating newborns from mothers, difficult access to examinations and tests, poor breastfeeding support, performing C-sections without medical indication and unavailability of information.

## **CHILDREN'S AND YOUTH'S RIGHTS**

Every fifth child in Croatia lives at risk of poverty, which indicates the need for proactive implementation of measures to combat child poverty in order to achieve better protection of children from poverty and social exclusion.

The COVID-19 epidemic has further exacerbated the already existing is-

sues related to the mental health of children and youth, in particular the lack of children's mental health professionals, the absence of a multidisciplinary approach to treatment, lack of capacity and unequal access to mental health services for children and youth, especially outside of larger cities.

Along with an increase in domestic and peer violence, there was also an increase in sexual violence against children in 2021. Croatia has not achieved a sufficient level of protection of children from sexual violence as court proceedings take too long and perpetrators of sexual violence against children are not adequately punished.

No umbrella policies for youth were adopted in 2021 either. The needs and mobility of youth point to the need to adopt a focused, executable and quality new youth program, which would address the problems of youth's vulnerability, their disadvantaged position in the labor market and the worsening housing conditions for youth.

## **THE RIGHTS OF ELDERLY PERSONS**

Elderly persons faced a high risk of poverty and social exclusion in 2021, primarily due to a reduced relative value of pensions. High at-risk-of-poverty rates are even higher for women, and retirees are at the greatest risk of poverty along with unemployed persons.

The problems with accommodation in nursing homes continued in 2021. Most homes were determined to have an excessive number of residents in relation to capacity, along with inadequate space and a lack of staff, with individual employees not having professional qualifications and licences.

## **THE RIGHTS OF PERSONS WITH DISABILITIES**

In 2021, there were still significant disparities in the accessibility of services for persons with disabilities between urban and rural areas. Systemic problems still include a lack of quality diagnostics and the unavailability of early intervention. The inaccessibility of public transport and various facilities remains a prominent problem faced by persons with disabilities. There were no systemic efforts to provide persons with disabilities with equal access to all social amenities in 2021.

with disabilities. Cases of enforcing disproportionate measures of complete closure of institutions and bans on exits, family visits, limited duration of visits with employees present, obligatory visit notices and a limited number of visits were recorded in 2021.

The epidemic continued to further aggravate the enduring unfavorable situation in the human rights of persons

The concept of independent living in the community remains burdened with a number of problems, such as the lack of non-institutional social services and the unregulated issue of personal assistance which is not systematically provided.

## **THE RIGHTS OF LGBTIQ PERSONS**

There has been an increase in hate crimes against LGBTIQ persons in 2021, while online hate speech against LGBTIQ persons is also on the rise. An increase in homophobic violence throughout Croatia has resulted in a

greater need for psychosocial support which was not continuously available due to the epidemic, impacting the LGBTIQ community in a negative way.

The problem of discrimination against LGBTIQ persons in the workplace and the hiring process, which often remains unrecognized by employers, continued in 2021.

As in previous years, transgender persons in the process of transition and/or legal gender recognition experi-

ence discrimination and human rights violations in the workplace and in the hiring process, as well as when using public services (the use of public toilets, crossing the border, etc.). The epidemic has further slowed down the already lengthy processes of changing the name and gender marker on identity documents.

## **THE RIGHTS OF HOMELESS PERSONS**

The current legal definition of homelessness does not include persons living in inadequate living spaces or 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, the actual number is much higher according to on-site estimates, while the num-

ber of citizens living at risk of homelessness exceeds several thousand.

The National Strategy for Combating Poverty and Social Exclusion 2021-2027 and the accompanying Action Plan were adopted in 2021, but these do not include new measures that would significantly improve the rights of homeless persons.

## **THE RIGHTS OF REFUGEES**

The right to access the asylum system has become one of the most endangered human rights in the EU, including in Croatia. From January to the end of November 2021, the Protecting Rights at Borders initiative recorded a total of 8,812 cases of illegal expulsions from Croatia.

In November, the European Court of Human Rights issued a ruling in the case of *M.H. and Others v. Croatia* confirming the violation of the right to life, the prohibition on torture and inhuman treatment, the prohibition on collective expulsion, the right to security and liberty, and the right of individual petition. The ECHR clearly found that the investigation into little Madina's death was ineffective, that Croatia grossly violated her right to life, exposed her family members to torture, and putting pressure on activists in order for them to give up support for her family.

At the end of 2021, after more than a year of delay, the Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment of the Council of Europe (CPT) finally published the report on Croatia. The Committee's report cited testimonies by refugees and other migrants that the Croatian police tortures and treats refugees and other migrants inhumanely, and warned that there was no system of internal control and oversight over police work and that there is an urgent need for establishing an independent oversight mechanism.

Croatia still does not have a valid migration or integration policy and has not had active measures for managing the integration process in the previous two years.

## THE RIGHTS OF NATIONAL MINORITIES

In 2021, no significant progress was made in the implementation of the Constitutional Act on the Rights of National Minorities, especially regarding the right to priority employment of persons belonging to national minorities in public institutions.

The trend of delaying the drafting and publishing of the report on the implementation of the Constitutional Act on the Rights of National Minorities and on the expenditure of means ensured in the state budget for the needs of national minorities continued in 2021, which is also the case for the report on the implementation of Operational Programs for National Minorities.

Members of the Roma national minority continue to be a frequent target of hate speech on the Internet. Of additional concern is the sensationalist and stereotypical reporting in certain media outlets which fosters prejudice and strengthens the image of the Roma population as a problem in society.

Members of the Roma national minority continue to face a number of obstacles to the exercise of their rights, especially in employment and access to services. The concerning

data on inadequate living conditions of the Roma national minority shows that many live in poverty or extreme poverty.

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 exposed to usurpation and devastation.

Physical assaults, verbal threats and abuse, destruction of property and preventing members of the Serbian nationality from using their own property were again recorded in 2021.

Hate speech, extremist messages and historical revisionism are still present in some 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.



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