

OHCHR-UNOG
Office of the High Commissioner for Human Rights
Palais des Nations
CH-1211 Geneva 10, Switzerland
e-mail: registry@ohchr.org

Ref.No.: KLJP-46-09/2021
Zagreb, 24 September 2021

Subject: Submission upon the Call for input on report on good practices and challenges in using the Guidelines on Participation by the UN High Commissioner for Human Rights

Dear Sir/Madam,

in relation to the call for input on report on good practices and challenges in using the Guidelines on Participation by the UN High Commissioner for Human Rights, please find below the contribution referring to the participation in Croatia. The contribution is prepared by Human Rights House Zagreb, a human rights watchdog and advocacy organization founded in 2008 as a network of civil society organizations with the goal to protect and promote human rights and fundamental freedoms through research, monitoring, public advocacy and education.

Civil society participation in public life and decision making

Negative trends in 2020 and 2021 were visible with respect to the civil dialogue and participation in decision making. The Government did not maintain a dialogue with civil society with respect to adoption of emergency measures related to the COVID-19 epidemic. There were also no Government consultations in that regard with the Council for Civil Society Development, an advisory body to the Government acting towards developing cooperation between the Government and civil society organisations. In addition, in the new convocation of the Council from May 2020, CSO representatives in the Council have limited influence on the decisions adopted by the Council because a majority of Council members come from various Government departments which limits the opportunities of CSO representatives to influence the priorities and policies of the Council. This resulted in the election of a president of the Council who for the first time did not get the support of the majority of CSOs represented in the Council.

In April 2020, the Croatian Government did not include the civil society sector in the recovery measures when it announced mitigation measures for the consequences of COVID-19 epidemic

intended for beneficiaries of EU funds and the Decision on restricting the use of funds foreseen in the state budget. This was followed by a reaction of CSOs' initiative which emphasized the need to adopt measures for protection of work of CSOs in Croatia in relation to the coronavirus epidemic. In addition, some continuing issues such as the short-term format of public funding for CSO projects negatively affects the work of CSOs engaged in long-term advocacy and watchdog activities. Due to the absence of systemic public financing for organizations providing social services in deprived communities to vulnerable groups, these CSOs face difficulties in securing the sustainability of their support programs. Also, delays in announcing and processing project calls have had a negative effect on the operational capacity of CSOs and the turnover of professional staff, which is crucial for the quality of social services provision.

In the past years there were no public initiatives or policies adopted that would aim at strengthening civil society development in Croatia. Since the National Strategy for the Development of Civil Society expired in 2015, Croatia has been without a defined public policy for creating an enabling environment for the development of civil society for six years now. The process of drafting of the National Plan for Creating an Enabling Environment for the Development of Civil Society from 2021 to 2027 is ongoing. According to CIVICUS, a global alliance for civic participation, the space for civil society in Croatia is assessed as narrow.

In addition, according to the representatives of CSOs in Croatia, the overall quality of civic participation in processes of legislation and policy development is not on an adequate level. Online public consultations are available through the platform "e-savjetovanja", but the quality of participation is hampered by the fact that citizens' inputs and recommendations are often not genuinely welcome and taken into consideration by public authorities. Citizen participation in the decision-making process is relatively weak, with most institutions relying exclusively on consulting online and no longer combining consultation methods such as round tables, panel discussions, etc. Civil society is often involved in consultations only as a formality and consultations are often primarily formal rather than substantive. At the local level, in 2020 there have been cases of omissions of civil society organizations' remarks in public discussion reports or overly short deadlines for applying to participate in decision-making.

The Information Commissioner's report for 2020 states that there is still a negative trend of illegal decisions on denying the right of access to information, public authorities ignoring the publicly available and standardized practice of the Commissioner and the High Administrative Court and administrative silence, i.e., failure to resolve requests for access to information within the prescribed period. The frequent use of the provisions of the GDPR to deny requests for access to information continued in 2020. In more than 60% of cases, public authorities unjustifiably withheld information on the basis of personal data, which has had a negative impact on the right of access to information.

Almost 18% fewer consultations were held in 2020 than in the previous year. The Information Commissioner's report also states that the negative trend of shortening the consultation period has continued, still without adequate justification. In other words, shortening the consultation period has all but become the rule rather than an exception. Additionally, the quality of report drafting on the conducted consultations is deficient, and all received proposals and opinions are insufficiently documented, especially at the local level.

Freedom of assembly and work of human right defenders

Since the beginning of the COVID-19 epidemic, numerous measures have been adopted to restrict the freedom of movement and assembly of citizens. With that regard, it is important to point out the inconsistency of certain adopted measures. Since March 2020 and depending on the epidemiological situation, various measures have imposed restrictions of public gatherings, but at the same time several exceptions from those restrictions allowed for certain gatherings to take place. For example, a Civil Protection Headquarters' decision from April 2020 imposed a ban on holding all public events and gatherings of more than five people in one place, but religious gatherings were allowed from 2 May onwards. In addition, changing the decision on gatherings in order to allow the commemoration of the Remembrance Day in November has caused a number of public controversies. The consistency of the Civil Protection Headquarters was called into question with respect to imposing restrictions of gatherings as well as unclear criteria for allowing exceptions. By allowing certain assemblies to take place, other forms of gatherings were placed in an unequal position while the constitutional right to public assembly should be available to everyone under equal conditions, regardless of the category and motive of the assembly.

Cases of criminalisation of humanitarian and human rights work as well as cases of intimidation, harassment and disciplining of human rights defenders active in organisations who provide help and support refugees and other migrants have been present in Croatia for the past few years.

Media freedoms

With respect to the situation in the media and public space, a national media strategy has not been adopted yet, which is why Croatia still does not have a clearly defined media policy as a basis for the announced change in media legislation. Many factors have a chilling effect on journalists and development of a pluralistic media landscape which hampers broad public debate on controversial topics. With that regard, frequent lawsuits against journalists and editors for defamation, insult and shaming are continuously concerning, and so are the attacks, threats and intimidation of journalists, especially those investigating controversial topics such as war crimes, organized crime or corruption. The fact that claimants include politicians, local



self-government units and judges is especially concerning. There is often a lack of quick response from the authorities and of clear condemnation of violence by officials.

Additional matters of concern are the Government's interference in the work of public television as well as lawsuits by public television against its journalists seeking large damages. The work of non-profit media in Croatia has been seriously hampered since the Ministry of Culture made sharp cuts to public funding schemes for independent media in 2016. The absence of domestic public funding in combination with delays in the EU funding scheme is putting non-profit media in a difficult position by forcing them to reduce their work, which is of great importance for promotion and protection of human rights of the most vulnerable groups in Croatian society.

According to the European Commission Rule of Law Report 2021 for Croatia, strategic lawsuits against public participation (SLAPPs) targeting journalists continue to be a serious concern. A survey by the Croatian Journalists' Association in April 2021 counted 924 active lawsuits against journalists and the media in Croatia (compared to 905 in 2020). The association highlights that these lawsuits have a strong impact on the concerned media outlets, threatening in particular the existence of smaller, local media outlets and freelance journalists. Croatian authorities have set up an expert group to advise on policy initiatives to counter SLAPPs. The expert group intends to exchange expertise and good practices as well as establish initiatives to improve the position of journalists facing SLAPP lawsuits.

More information on issues covered by this submission is available on the links listed in the sources below.

DIRECTOR OF PROGRAMS

Ivan Novosel



Sources:

- Human Rights House Zagreb, Human Rights in Croatia: Overview of 2020, April 2021, available at:
https://www.kucaljudskihprava.hr/wp-content/uploads/2021/06/KLJP_GI2020_EN_PRIP_web.pdf
- Fundamental Rights Agency, Legal environment and space of civil society organisations in supporting fundamental rights - Country research for Croatia, September 2021, available at:
https://fra.europa.eu/sites/default/files/fra_uploads/franet_croatia_civic_space_2021.pdf
- European Commission, 2021 Rule of Law Report, Country Chapter on the rule of law situation in Croatia, July 2021, available at:
https://ec.europa.eu/info/sites/default/files/2021_rolr_country_chapter_croatia_en.pdf