

UN Universal Periodic Review (UPR) - 3rd cycle - Monitoring the implementation of selected recommendations for Croatia

This document represents an overview of the state of implementation of selected UPR recommendations that Croatia received in the 3rd cycle of the UN Universal Periodic Review (UPR). Time frame covered by this overview includes the period from January 2021 to July 2022. Monitoring of selected recommendations as well as additional recommendations will be continued.

Sources:

Report of the Working Group on the Universal Periodic Review, Croatia, December 2020, Reference no: A/HRC/46/16

Report of the Working Group on the Universal Periodic Review, Croatia, Addendum. Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review, February 2021, Reference no: A/HRC/46/16/Add.1:

“The Republic of Croatia is deeply committed to the Universal Periodic Review and welcomes recommendations as a result of the interactive debate with interested countries, organised on 10 November 2020 in Geneva and in virtual format. In accordance with the established rules, Croatia is pleased to provide its responses.

- *Croatia has carefully reviewed the 224 recommendations in close cooperation with all relevant bodies.*
- *Croatia accepted 194 recommendations.*
- *The other 30 recommendations were noted. Due to the language of those recommendations concerning the police treatment of migrants, Croatia is of the view that this sensitive issue has to be additionally explained. In this sense, Croatia decided to note all the recommendations within the cluster Migrants, refugees, asylum seekers.*

Croatia has structured this Addendum in accordance with the clusters that correspond to the main themes of expressed interest during the debate. Such approach also facilitated internal consultation process of all relevant bodies that have, due to their shared responsibility, participated in the Third Cycle of the Universal Periodic Review for Croatia.”



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List of selected recommendations

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- **Recommendation number 137.24**

Take all necessary measures, including amending the respective legislation, to guarantee the full independence of the Children’s Ombudsperson (Slovakia);

Status of recommendation: Accepted.

Field: Legislative and institutional framework

HRHZ’s analysis of Croatian Government’s actions undertaken to implement the recommendation (legislation, policies, programmes):

Regarding the independence of the ombuds institutions in Croatia, Ombudswoman for Children and Ombudswoman for Gender Equality do not have an equal level of independence as the Ombudswoman (general) since the ombudswomen and their deputies can be dismissed from office following the non-acceptance of their annual reports by the Croatian Parliament.

Special ombudswomen and their deputies may still be dismissed in case the Croatian Parliament does not accept their annual reports, which de facto serve as reports on the state of human rights in thematic areas of children’s rights, gender equality and the rights of persons with disabilities.

Moreover, the independence of the Children’s Ombudswoman is additionally limited with the requirement to obtain the parliamentary approval of the annual working plan of the institution.

No steps were taken during the reporting period regarding the independence of the Ombudsperson for Children which would ensure its work independent from politics.

HRHZ’s recommendations for future action:

Croatia should undertake necessary legislative steps in order to guarantee the same level of independence to specialized ombudsperson institutions as the Ombudsperson of the Republic of Croatia has, i.a., to amend the provision of the laws stipulating that Ombudswoman for Children and Ombudswoman for Gender Equality can be dismissed from office following the non-acceptance of their annual reports by the Parliament.

Croatia should undertake legislative steps to remove the requirement of the Ombudswoman for Children to obtain the parliamentary approval of the annual working plan of the institution.

- **Recommendation number 137.21**

Step up efforts in responding diligently and promptly to the Ombudsperson's recommendations and requests (Czechia);

Status of recommendation: Accepted.

Field: Legislative and institutional framework

HRHZ's analysis of Croatian Government's actions undertaken to implement the recommendation (legislation, policies, programmes):

According to the Ombudswoman's Report for 2021¹, the level of implementation of the recommendations from the 2020 Report has increased, which is largely connected to the fact that the Report for 2020 was promptly discussed in the Croatian Parliament in the year in which it was submitted.

From the 2020 Report, 43% of the recommendations have been implemented or are in the process of implementation by the competent bodies. This represents a significant increase compared to 20% in 2019 and 26% in 2018. Competent bodies are still considering 9% of recommendations, 42% of recommendations have not been implemented, and for about 9% of recommendations there is no information. The fact that the Report for 2020 was discussed up-to-date in the Croatian Parliament, in the year in which it was submitted, certainly helped to increase the implementation of the recommendations.

At the beginning of 2022, establishing the Council for Human Rights as an interdepartmental advisory body of the Croatian Government created space which can be used for regular and continuous work on strengthening the implementation of the Ombudswoman's recommendations.

Even though Croatian Government Office for Human Rights and Rights of National Minorities is the body responsible for preparing a report on the implementation of the Ombudswoman's recommendations, it has not done so since the Ombudswoman Report for 2013.

During 2021, the Ombudswoman reported on good cooperation with some state authorities such as the Ministry of Justice and Administration, especially regarding the adoption of the new

¹ Ombudswoman's Report for 2021, March 2022, available at:
<https://www.ombudsman.hr/hr/download/izvjesce-pucke-pravobraniteljice-za-2021-godinu/?wpdmdl=13454&refresh=624f43c4a28581649361860>



Act on the Protection of Whistleblowers as well as on the preparation of the Anti-Corruption Strategy and the National Judicial System Development Plan from 2021 to 2027. Intensive cooperation was also achieved with the Ministry of Physical Planning, Construction and State Assets on issues regarding faster and more efficient reconstruction after the 2020 earthquakes, as well as with the Ministry of Labour and Pension System, Family and Social Policy related to the adoption of the new Social Welfare Act and its effects on human rights and equality of the most vulnerable social groups.

Even though the cooperation with the Ministry of Interior regarding international protection seekers and irregular migrants has somewhat improved, the Ombudswoman still does not have direct insight into the data on the treatment of irregular migrants from the information system of the Ministry of Interior, which represents an ongoing issue. However, the Ombudswoman highlights good cooperation with the Ministry of Interior regarding reception and ensuring rights of displaced persons from Ukraine in the beginning of 2022.

When it comes to the preparation of the Ombudswoman Annual Report, all ministries have provided the Ombudswoman Office with requested inputs with the exception of the Ministry of Science and Education.

HRHZ's recommendations for future action:

Croatian Parliament Committee for Human Rights and Rights of National Minorities should hold a thematic session on the implementation of the recommendations from the Ombudswoman Annual Report, which would contribute to their efficient implementation.

Croatian Parliament should discuss the Ombudswoman's annual reports without delay, as soon as it is submitted to the Croatian Parliament.

The Croatian Government Office for Human Rights and Rights of National Minorities should resume to perform its functions as the body responsible for preparing a report on the implementation of the Ombudswoman's recommendations.

Croatian authorities should maintain high-quality cooperation and continuous dialogue with the Office of the Ombudswoman in order to achieve better results in addressing the citizens' complaints.

Competent authorities should be responsive with regards to the Ombudswoman's recommendations and information requests in order to contribute to addressing human rights violations in a timely manner as well as to assist in their prevention.

- **Recommendation number 137.26**

Adopt a National Programme for the Protection and Promotion of Human Rights (Lithuania);

Status of recommendation: Accepted, in the course of implementation

Field: Legislative and institutional framework

HRHZ's analysis of Croatian Government's actions undertaken to implement the recommendation (legislation, policies, programmes):

In Croatia, state of human rights protection is adversely affected by the lack of adequate policy framework concerning protection of human rights and fighting discrimination. After the majority of policy documents expired several years ago², Croatia is still without main national policies concerning human rights protection.

Croatian Government announced the adoption of a new strategic document - the National Plan for the Protection and Promotion of Human Rights and Combating Discrimination for the period from 2021 to 2027. The National Plan was expected to be adopted in the first part of 2021, but its adoption was still being awaited in the mid-2022. Even though the National Plan for Combating Discrimination 2017-2022 is still in force, the Action Plan for the period 2020-2022 was not adopted due to the decision to adopt one single plan covering both human rights and combating discrimination.

Adoption of policy documents aimed at protection and promotion of rights of vulnerable groups is also often late and inconsistent.

Regarding gender equality, Croatia has not had a valid public policy on gender equality since 2015. The National Plan on Gender Equality for the period 2021-2027 has undergone drafting in 2021 but has not yet been adopted.

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

² 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.

number of activities planned have been implemented, while some of the actions planned under the Operational Programs lacked clear indicators, deadlines or assigned funds.³

HRHZ's recommendations for future action:

Croatian Government should without delay adopt the National Plan for the Protection and Promotion of Human Rights and Combating Discrimination and the National Plan on Gender Equality.

- **Recommendation number 137.27**

Strengthen its human rights framework, by finalizing and implementing its new National Programme for Protection and Promotion of Human Rights in Croatia (Australia);

Status of recommendation: Accepted.

Field: Legislative and institutional framework

HRHZ's analysis of Croatian Government's actions undertaken to implement the recommendation (legislation, policies, programmes):

In Croatia, the state of human rights protection is adversely affected by the lack of adequate policy framework concerning protection of human rights and fighting discrimination. After the majority of policy documents expired several years ago⁴, Croatia is still without main national policies concerning human rights protection.

Croatian Government announced the adoption of a new strategic document - the National Plan for the Protection and Promotion of Human Rights and Combating Discrimination for the period from 2021 to 2027. The National Plan was expected to be adopted in the first part of 2021, but its adoption was still being awaited in the mid-2022. Even though the National Plan for Combating Discrimination 2017-2022 is still in force, the Action Plan for the period 2020-2022 was not adopted due to the decision to adopt one single plan covering both human rights and combating discrimination.

³ Council of Europe, Advisory Committee of the Framework Convention for the Protection of National Minorities, 5th report for Croatia, February 2021, available at: <https://rm.coe.int/5th-op-croatia-hr/1680a2cb50>

⁴ 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.



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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.⁵

HRHZ's recommendations for future action:

Croatian Government should without delay adopt the National Plan for the Protection and Promotion of Human Rights and Combating Discrimination and the National Plan on Gender Equality.

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

- **Recommendation number 137.23**

Ensure that the whistle-blower function of the Ombudsman of the Republic of Croatia is effective, not least by providing adequate funding (Sweden);

Status of recommendation: Accepted.

Fields: Legislative and institutional framework

HRHZ's analysis of Croatian Government's actions undertaken to implement the recommendation (legislation, policies, programmes):

Although the situation in Croatia is still characterized by an insufficiently supportive environment for whistleblowers who often give up reporting due to a lack of understanding in their environment and for fear of consequences, there was an increase in media appearances by persons who pointed out irregularities and illegal actions in their working environments in 2021.

The new Act on the protection of reporters of irregularities that transposes the EU Directive on the protection of reporting persons was adopted in April 2022. The new Act foresees additional protection that shall be granted to whistleblowers by the competent bodies. The institution of the Ombudswoman is the dedicated external reporting channel intended for the use by the persons reporting irregularities directly to the Ombudswoman. Hence, it is necessary to ensure adequate professional, spatial and technical capacities as preconditions for effective performance of the Ombudsman in both the new and the existing mandates.⁶

According to the RoL report for 2022⁷, the Ombudsperson as the designated external reporting authority is envisaged to hire five new people in 2022 for the purpose of implementation of the WB act. Given her expanded tasks regarding the protection of whistleblowers, financial resources were increased by 12% for 2021 and 2022 (compared to 2020). According to the Ombudsperson, a fourth Deputy would be needed, especially in light of new competences regarding whistleblowers and considering that the Ombudswoman Deputies also have management responsibilities.

⁶ Ombudswoman's Report for 2021, March 2022, available at: <https://www.ombudsman.hr/wp-content/uploads/2022/05/lzvjesce-pucke-pravobraniteljice-za-2021-1.pdf>

⁷ Commission staff working document, 2022 Rule of Law Report, Country Chapter on the rule of law situation in Croatia, July 2022, available at: https://commission.europa.eu/system/files/2022-07/27_1_194032_coun_chap_croatia_en.pdf

HRHZ's recommendations for future action:

Sufficient resources should be continuously allocated to the Ombudsperson institution to build capacities in order to execute the mandate under the new Act on the Protection of Persons Reporting Irregularities as the authority for external reporting of irregularities.

As indicated by the Ombudswoman, Croatia should provide adequate office space for the Ombudsperson's institution since the current one does not provide optimal working conditions following the earthquake from 2020. Croatia should ensure that the institution of the Ombudswoman is provided with adequate replacement space for work at its full capacity, taking into account the number of employees and other needs arising from its mandates.

Croatia should take into consideration the Ombudswoman suggestion to introduce a fourth Ombudswoman Deputy, who is needed in light of its mandate regarding whistleblowers and considering that the Ombudswoman Deputies have management responsibilities.

- **Recommendation number 137.53**

Combat discrimination and hate speech targeted at persons because of their ethnicity, religion or gender, especially lesbian, gay, bisexual, transgender and intersex persons, Roma, refugees and migrants (France)

Status of recommendation: Accepted, in the course of implementation

Field: Anti-discrimination, hate crime and hate speech

HRHZ's analysis of Croatian Government's actions undertaken to implement the recommendation (legislation, policies, programmes):

On a general level, combating discrimination and hate speech in Croatia is adversely affected by the lack of adequate policy framework concerning protection of human rights and fighting discrimination. After the majority of policy documents expired several years ago⁸, Croatia is still without main national policies concerning human rights protection.

⁸ 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.

Although the National Plan for Combating Discrimination 2017-2022 is still in force, the Action Plan for the period 2020-2022 was not adopted due to the Government decision to create a new strategic document - the National Plan for the Protection and Promotion of Human Rights and Combating Discrimination for the period from 2021 to 2027. The National Plan was expected to be adopted in the first part of 2021, but its adoption was still being awaited in the mid-2022.

Adoption of policy documents aimed at protection and promotion of rights of vulnerable groups is also often late and inconsistent.

Regarding gender equality, Croatia has not had a valid public policy on gender equality since 2015. The National Plan on Gender Equality for the period 2021-2027 has undergone drafting in 2021 but has not yet been adopted.

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.⁹

Regarding Roma, the National Plan for Roma Inclusion for the period 2021-2027 and the Action Plan for 2021-2022 were adopted mid-2021, bringing improvements in defining goals, specifics of their implementation and monitoring the implementation process. Even though they introduce a positive goal of reducing the number of Roma who experienced discrimination and hate crime, the activities foreseen for achieving this goal are not on a satisfactory level. The measures are framed in an overly general manner and not specifically tailored to achieve adequate recognition and processing of hateful occurrences. Moreover, the existing policy documents omit to foresee educational measures on recognizing and processing hate speech and hate crime for employees of the Ministry of the Interior and State attorney office, as well as preventive programs for other public servants.

Regarding the Serbian national minority, there are no specific active measures in place considering the delays in adoption of the National Plan for the Protection and Promotion of Human Rights and Combating Discrimination.

⁹ Council of Europe, Advisory Committee of the Framework Convention for the Protection of National Minorities, 5th report for Croatia, February 2021, available at: <https://rm.coe.int/5th-op-croatia-hr/1680a2cb50>



Regarding refugees and migrants, Croatia does not have a valid migration nor integration policy in place.¹⁰ Following the expiration of the Action plan for integration of persons who have been granted international protection for the period from 2017 to 2019, Croatia has not had active measures to manage the process of integration for more than two years.

Regarding LGBTIQ community, there are no specific active measures in place aimed at combating discrimination and hate speech considering the delays in adoption of the National Plan for the Protection and Promotion of Human Rights and Combating Discrimination.

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 the hate speech and hate crime related incidents which in turn leads to lack of institutional knowledge and procedures for combating them and contributes to the problem of relativisation, data manipulation and 'underreporting'. The prevention and sanctioning of hate related offences is hampered by the lack of a holistic and systemic public policy dedicated to combating hate speech and hate crime in Croatia.¹¹

New Protocol on Procedures in Cases of Hate Crime 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 deficiencies 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.¹²

HRHZ's recommendations for future action:

¹⁰ The Migration Policy of the Republic of Croatia for 2013-2015 expired in 2015. The Action Plan for integration of persons who have been granted international protection for the period from 2017 to 2019 expired in 2019.

¹¹ 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

¹² Rule 9.2 Communication concerning *Secic group of cases v. Croatia* No. 40116/02 from Human Rights House Zagreb and Centre for Peace Studies, available at:

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



Croatian Government should without delay adopt the National Plan for the Protection and Promotion of Human Rights and Combating Discrimination and the National Plan on Gender Equality.

Croatian Government should adopt a comprehensive action plan that would cover all forms of hateful occurrences and measures to address them, which would have 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. A comprehensive plan should foresee capacity building and ensure that all parts of the criminal justice system recognize, properly classify, and treat with appropriate seriousness bias-motivated crimes.

Ministry of the Interior (Police Academy) and Ministry of Justice and Public Administration (Judicial Academy) should 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.

Croatian Government (Office for Human Rights and Rights of National Minority) should develop standards for a common methodology for reporting and monitoring data related to hate crimes and public incitement to violence and hatred. Hate crime data disaggregated by bias motivation should be made publicly available and published in a timely manner.

In order to foster pluralism, tolerance and democratic values in the society, Croatian authorities should conduct evaluation of the implementation of civic education in order to assess the effects of its (non)implementation and the need for its improvement. In accordance with ECRI conclusion¹³, Croatian authorities should ensure a comprehensive and consistent initial and continuous training for educators to acquire skills necessary to teach human rights.

¹³ ECRI Conclusions on the Implementation of the Recommendations in Respect of Croatia Subject to Interim Follow-Up, Adopted on 30 March 2021, available at: <https://rm.coe.int/ecri-conclusions-on-the-implementation-of-the-recommendations-in-respe/1680a277b2>

- **Recommendation number 137.45**

Take additional practical steps necessary to eradicate stereotypes and prejudice, including by providing appropriate training to public officials to put an end to the social stigmatization of women, people with disabilities and persons belonging to ethnic, sexual and other minorities (Czechia);

Status of recommendation: Accepted.

Field: Anti-discrimination, hate crime and hate speech

HRHZ's analysis of Croatian Government's actions undertaken to implement the recommendation (legislation, policies, programmes):

On a general level, combating discrimination and hate speech in Croatia is adversely affected by the lack of adequate policy framework concerning protection of human rights and fighting discrimination. After the majority of policy documents expired several years ago¹⁴, Croatia is still without main national policies concerning human rights protection.

Although the National Plan for Combating Discrimination 2017-2022 is still in force, the Action Plan for the period 2020-2022 was not adopted due to the Government decision to create a new strategic document - the National Plan for the Protection and Promotion of Human Rights and Combating Discrimination for the period from 2021 to 2027. The National Plan was expected to be adopted in the first part of 2021, but its adoption was still being awaited in the mid-2022.

Adoption of policy documents aimed at protection and promotion of rights of vulnerable groups is also often late and inconsistent.

Regarding gender equality, Croatia has not had a valid public policy on gender equality since 2015. The National Plan on Gender Equality for the period 2021-2027 has undergone drafting in 2021 but has not yet been adopted.

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

¹⁴ 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.



number of activities planned have been implemented, while some of the actions planned under the Operational Programs lacked clear indicators, deadlines or assigned funds.¹⁵

Regarding Roma, the National Plan for Roma Inclusion for the period 2021-2027 and the Action Plan for 2021-2022 were adopted mid-2021, bringing improvements in defining goals, specifics of their implementation and monitoring the implementation process. Even though they introduce a positive goal of reducing the number of Roma who experienced discrimination and hate crime, the activities foreseen for achieving this goal are not on a satisfactory level. The measures are framed in an overly general manner and not specifically tailored to achieve adequate recognition and processing of hateful occurrences. Moreover, the existing policy documents omit to foresee educational measures on recognizing and processing hate speech and hate crime for employees of the Ministry of the Interior and State attorney office, as well as preventive programs for other public servants.

Regarding Serbian national minority, there are no specific active measures in place considering the delays in adoption of the National Plan for the Protection and Promotion of Human Rights and Combating Discrimination.

Regarding refugees and migrants, Croatia does not have a valid migration nor integration policy in place.¹⁶ Following the expiration of the Action plan for integration of persons who have been granted international protection for the period from 2017 to 2019, Croatia has not had active measures to manage the process of integration for more than two years.

Regarding LGBTIQ community, there are no specific active measures in place aimed at combating discrimination and hate speech considering the delays in adoption of the National Plan for the Protection and Promotion of Human Rights and Combating Discrimination.

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 the hate speech and hate crime related incidents which in turn leads to lack of institutional knowledge and procedures for combating them and contributes to the problem of relativisation, data manipulation and 'underreporting'. The

¹⁵ Council of Europe, Advisory Committee of the Framework Convention for the Protection of National Minorities, 5th report for Croatia, February 2021, available at: <https://rm.coe.int/5th-op-croatia-hr/1680a2cb50>

¹⁶ The Migration Policy of the Republic of Croatia for 2013-2015 expired in 2015. The Action Plan for integration of persons who have been granted international protection for the period from 2017 to 2019 expired in 2019.

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.¹⁷

New Protocol on Procedures in Cases of Hate Crime 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 deficiencies 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.¹⁸

HRHZ's recommendations for future action:

Croatian Government should without delay adopt the National Plan for the Protection and Promotion of Human Rights and Combating Discrimination and the National Plan on Gender Equality.

Croatian Government should adopt a comprehensive action plan that would cover all forms of hateful occurrences and measures to address them, which would have 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. A comprehensive plan should foresee capacity building and ensure that all parts of the criminal justice system recognize, properly classify, and treat with appropriate seriousness bias-motivated crimes.

Ministry of the Interior (Police Academy) and Ministry of Justice and Public Administration (Judicial Academy) should 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.

Croatian Government (Office for Human Rights and Rights of National Minority) should develop standards for a common methodology for reporting and monitoring data related to hate crimes

¹⁷ Hate Speech and Euroscepticism - Report for Croatia, Human Rights House Zagreb, March 2022, available at:
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¹⁸ Rule 9.2 Communication concerning *Secic group of cases v. Croatia* No. 40116/02 from Human Rights House Zagreb and Centre for Peace Studies, available at:
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and public incitement to violence and hatred. Hate crime data disaggregated by bias motivation should be made publicly available and published in a timely manner.

In order to foster pluralism, tolerance and democratic values in the society, Croatian authorities should conduct evaluation of the implementation of civic education in order to assess the effects of its (non)implementation and the need for its improvement. In accordance with ECRI conclusion¹⁹, Croatian authorities should ensure a comprehensive and consistent initial and continuous training for educators to acquire skills necessary to teach human rights.

Croatia should implement ECRI recommendation to introduce compulsory human rights education as part of civic education into all school curricula, especially as regards the right to equality and the prohibition of discrimination.

- **Recommendation number 137.42**

Take further concrete steps towards full compliance with Croatia's anti-discrimination legislation to promote the protection and social inclusion of all vulnerable and minority groups (Australia);

Status of recommendation: Accepted, in the course of implementation

Field: Anti-discrimination, hate crime and hate speech

HRHZ's analysis of Croatian Government's actions undertaken to implement the recommendation (legislation, policies, programmes):

On a general level, combating discrimination and hate speech in Croatia is adversely affected by the lack of adequate policy framework concerning protection of human rights and fighting discrimination. After the majority of policy documents expired several years ago²⁰, Croatia is still without main national policies concerning human rights protection.

Although the National Plan for Combating Discrimination 2017-2022 is still in force, the Action Plan for the period 2020-2022 was not adopted due to the Government decision to create a new

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²⁰ 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.

strategic document - the National Plan for the Protection and Promotion of Human Rights and Combating Discrimination for the period from 2021 to 2027. The National Plan was expected to be adopted in the first part of 2021, but its adoption was still being awaited in the mid-2022.

Adoption of policy documents aimed at protection and promotion of rights of vulnerable groups is also often late and inconsistent.

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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.²¹

Regarding Roma, the National Plan for Roma Inclusion for the period 2021-2027 and the Action Plan for 2021-2022 were adopted mid-2021, bringing improvements in defining goals, specifics of their implementation and monitoring the implementation process. Even though they introduce a positive goal of reducing the number of Roma who experienced discrimination and hate crime, the activities foreseen for achieving this goal are not on a satisfactory level. The measures are framed in an overly general manner and not specifically tailored to achieve adequate recognition and processing of hateful occurrences. Moreover, the existing policy documents omit to foresee educational measures on recognizing and processing hate speech and hate crime for employees of the Ministry of the Interior and State attorney office, as well as preventive programs for other public servants.

Regarding Serbian national minority, there are no specific active measures in place considering the delays in adoption of the National Plan for the Protection and Promotion of Human Rights and Combating Discrimination.

Regarding refugees and migrants, Croatia does not have a valid migration nor integration policy

²¹ Council of Europe, Advisory Committee of the Framework Convention for the Protection of National Minorities, 5th report for Croatia, February 2021, available at: <https://rm.coe.int/5th-op-croatia-hr/1680a2cb50>

in place.²² Following the expiration of the Action plan for integration of persons who have been granted international protection for the period from 2017 to 2019, Croatia has not had active measures to manage the process of integration for more than two years.

Regarding LGBTIQ community, there are no specific active measures in place aimed at combating discrimination and hate speech considering the delays in adoption of the National Plan for the Protection and Promotion of Human Rights and Combating Discrimination.

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 the hate speech and hate crime related incidents which in turn leads to lack of institutional knowledge and procedures for combating them and contributes to the problem of relativisation, data manipulation and 'underreporting'. The prevention and sanctioning of hate related offences is hampered by the lack of a holistic and systemic public policy dedicated to combating hate speech and hate crime in Croatia.²³

New Protocol on Procedures in Cases of Hate Crime 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 deficiencies 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.²⁴

HRHZ's recommendations for future action:

Croatian Government should without delay adopt the National Plan for the Protection and Promotion of Human Rights and Combating Discrimination and the National Plan on Gender Equality.

²² The Migration Policy of the Republic of Croatia for 2013-2015 expired in 2015. The Action Plan for integration of persons who have been granted international protection for the period from 2017 to 2019 expired in 2019.

²³ 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

²⁴ Rule 9.2 Communication concerning *Secic group of cases v. Croatia* No. 40116/02 from Human Rights House Zagreb and Centre for Peace Studies, available at:

[https://hudoc.exec.coe.int/eng#f{%22EXECIdentifier%22:\[%22DH-DD\(2019\)1230E%22}](https://hudoc.exec.coe.int/eng#f{%22EXECIdentifier%22:[%22DH-DD(2019)1230E%22})

Croatian Government should adopt a comprehensive action plan that would cover all forms of hateful occurrences and measures to address them, which would have 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. A comprehensive plan should foresee capacity building and ensure that all parts of the criminal justice system recognize, properly classify, and treat with appropriate seriousness bias-motivated crimes.

Ministry of the Interior (Police Academy) and Ministry of Justice and Public Administration (Judicial Academy) should 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.

Croatian Government (Office for Human Rights and Rights of National Minority) should develop standards for a common methodology for reporting and monitoring data related to hate crimes and public incitement to violence and hatred. Hate crime data disaggregated by bias motivation should be made publicly available and published in a timely manner.

In order to foster pluralism, tolerance and democratic values in the society, Croatian authorities should conduct evaluation of the implementation of civic education in order to assess the effects of its (non)implementation and the need for its improvement. In accordance with ECRI conclusion²⁵, Croatian authorities should ensure a comprehensive and consistent initial and continuous training for educators to acquire skills necessary to teach human rights.

Croatia should implement ECRI recommendation to introduce compulsory human rights education as part of civic education into all school curricula, especially as regards the right to equality and the prohibition of discrimination.

²⁵ ECRI Conclusions on the Implementation of the Recommendations in Respect of Croatia Subject to Interim Follow-Up, Adopted on 30 March 2021, available at: <https://rm.coe.int/ecri-conclusions-on-the-implementation-of-the-recommendations-in-respe/1680a277b2>

- **Recommendation number 137.54**

Take all necessary steps to ensure a timely and efficient response to hate speech in public and on social media, particularly where vulnerable groups are targeted, including national minorities and members of the lesbian, gay, bisexual and transgender community (United Kingdom of Great Britain and Northern Ireland);

Status of recommendation: Accepted, in the course of implementation

Field: Anti-discrimination, hate crime and hate speech

HRHZ's analysis of Croatian Government's actions undertaken to implement the recommendation (legislation, policies, programmes):

On a general level, combating discrimination and hate speech in Croatia is adversely affected by the lack of adequate policy framework concerning protection of human rights and fighting discrimination. After the majority of policy documents expired several years ago²⁶, Croatia is still without main national policies concerning human rights protection.

Although the National Plan for Combating Discrimination 2017-2022 is still in force, the Action Plan for the period 2020-2022 was not adopted due to the Government decision to create a new strategic document - the National Plan for the Protection and Promotion of Human Rights and Combating Discrimination for the period from 2021 to 2027. The National Plan was expected to be adopted in the first part of 2021, but its adoption was still being awaited in the mid-2022.

Adoption of policy documents aimed at protection and promotion of rights of vulnerable groups is also often late and inconsistent.

Regarding gender equality, Croatia has not had a valid public policy on gender equality since 2015. The National Plan on Gender Equality for the period 2021-2027 has undergone drafting in 2021 but has not yet been adopted.

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

²⁶ 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.



number of activities planned have been implemented, while some of the actions planned under the Operational Programs lacked clear indicators, deadlines or assigned funds.²⁷

Regarding Roma, the National Plan for Roma Inclusion for the period 2021-2027 and the Action Plan for 2021-2022 were adopted mid-2021, bringing improvements in defining goals, specifics of their implementation and monitoring the implementation process. Even though they introduce a positive goal of reducing the number of Roma who experienced discrimination and hate crime, the activities foreseen for achieving this goal are not on a satisfactory level. The measures are framed in an overly general manner and not specifically tailored to achieve adequate recognition and processing of hateful occurrences. Moreover, the existing policy documents omit to foresee educational measures on recognizing and processing hate speech and hate crime for employees of the Ministry of the Interior and State attorney office, as well as preventive programs for other public servants.

Regarding Serbian national minority, there are no specific active measures in place considering the delays in adoption of the National Plan for the Protection and Promotion of Human Rights and Combating Discrimination.

Regarding refugees and migrants, Croatia does not have a valid migration nor integration policy in place.²⁸ Following the expiration of the Action plan for integration of persons who have been granted international protection for the period from 2017 to 2019, Croatia has not had active measures to manage the process of integration for more than two years.

Regarding LGBTIQ community, there are no specific active measures in place aimed at combating discrimination and hate speech considering the delays in adoption of the National Plan for the Protection and Promotion of Human Rights and Combating Discrimination.

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 the hate speech and hate crime related incidents which in turn leads to lack of institutional knowledge and procedures for combating them and contributes to the problem of relativisation, data manipulation and 'underreporting'. The

²⁷ Council of Europe, Advisory Committee of the Framework Convention for the Protection of National Minorities, 5th report for Croatia, February 2021, available at: <https://rm.coe.int/5th-op-croatia-hr/1680a2cb50>

²⁸ The Migration Policy of the Republic of Croatia for 2013-2015 expired in 2015. The Action Plan for integration of persons who have been granted international protection for the period from 2017 to 2019 expired in 2019.

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.²⁹

New Protocol on Procedures in Cases of Hate Crime 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 deficiencies 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.³⁰

HRHZ's recommendations for future action:

Croatian Government should without delay adopt the National Plan for the Protection and Promotion of Human Rights and Combating Discrimination and the National Plan on Gender Equality.

Croatian Government should adopt a comprehensive action plan that would cover all forms of hateful occurrences and measures to address them, which would have 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. A comprehensive plan should foresee capacity building and ensure that all parts of the criminal justice system recognize, properly classify, and treat with appropriate seriousness bias-motivated crimes.

Ministry of the Interior (Police Academy) and Ministry of Justice and Public Administration (Judicial Academy) should 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.

Croatian Government (Office for Human Rights and Rights of National Minority) should develop standards for a common methodology for reporting and monitoring data related to hate crimes

²⁹ 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

³⁰ Rule 9.2 Communication concerning *Secic group of cases v. Croatia* No. 40116/02 from Human Rights House Zagreb and Centre for Peace Studies, available at:

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

and public incitement to violence and hatred. Hate crime data disaggregated by bias motivation should be made publicly available and published in a timely manner.

Croatian authorities should conduct evaluation of the implementation of civic education in order to assess the effects of its (non)implementation and the need for its improvement. In accordance with ECRI conclusion³¹, Croatian authorities should ensure a comprehensive and consistent initial and continuous training for educators to acquire skills necessary to teach human rights.

- **Recommendation number 137.55**

Continue to promote the national reconciliation process, to further raise societal awareness regarding minority rights, especially lesbian, gay, bisexual, transgender, queer and intersex rights, and to combat hate speech, online and offline (Germany);

Status of recommendation: Accepted, in the course of implementation

Field: Anti-discrimination, hate crime and hate speech

HRHZ's analysis of Croatian Government's actions undertaken to implement the recommendation (legislation, policies, programmes):

On a general level, combating discrimination and hate speech in Croatia is adversely affected by the lack of adequate policy framework concerning protection of human rights and fighting discrimination. After the majority of policy documents expired several years ago³², Croatia is still without main national policies concerning human rights protection.

Although the National Plan for Combating Discrimination 2017-2022 is still in force, the Action Plan for the period 2020-2022 was not adopted due to the Government decision to create a new strategic document - the National Plan for the Protection and Promotion of Human Rights and Combating Discrimination for the period from 2021 to 2027. The National Plan was expected to be adopted in the first part of 2021, but its adoption was still being awaited in the mid-2022.

³¹ ECRI Conclusions on the Implementation of the Recommendations in Respect of Croatia Subject to Interim Follow-Up, Adopted on 30 March 2021, available at: <https://rm.coe.int/ecri-conclusions-on-the-implementation-of-the-recommendations-in-respe/1680a277b2>

³² 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.



Adoption of policy documents aimed at protection and promotion of rights of vulnerable groups is also often late and inconsistent.

Regarding gender equality, Croatia has not had a valid public policy on gender equality since 2015. The National Plan on Gender Equality for the period 2021-2027 has undergone drafting in 2021 but has not yet been adopted.

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.³³

Regarding refugees and migrants, Croatia does not have a valid migration nor integration policy in place.³⁴ Following the expiration of the Action plan for integration of persons who have been granted international protection for the period from 2017 to 2019, Croatia has not had active measures to manage the process of integration for more than two years.

Regarding LGBTIQ community, there are no specific active measures in place aimed at combating discrimination and hate speech considering the delays in adoption of the National Plan for the Protection and Promotion of Human Rights and Combating Discrimination.

Croatia is characterized by the public debate on national minorities dominated by anti-minority rhetoric and prejudice, affecting members of the Serb and Roma national minorities the most, while historical revisionism affects the Serb, Roma and Jewish minorities. Although governing institutions continue to support the promotion of the cultural autonomy of national minorities and have increased state support in this regard, the CoE Report warns that more needs to be done to ensure that the needs of all national minorities, including numerically smaller minorities, are effectively addressed.

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

³³ Council of Europe, Advisory Committee of the Framework Convention for the Protection of National Minorities, 5th report for Croatia, February 2021, available at: <https://rm.coe.int/5th-op-croatia-hr/1680a2cb50>

³⁴ The Migration Policy of the Republic of Croatia for 2013-2015 expired in 2015. The Action Plan for integration of persons who have been granted international protection for the period from 2017 to 2019 expired in 2019.

violence. Hate speech, extremist messages and historical revisionism are still present in a number of marginal media outlets, reader comments on news portals and posts on social networks, as well as in the form of graffiti.

Despite the frequency of hateful occurrences, Croatia does not have an effective monitoring tool for recording the data on the hate speech and hate crime related incidents which in turn leads to lack of institutional knowledge and procedures for combating them and contributes to the problem of relativisation, data manipulation and 'underreporting'. The prevention and sanctioning of hate related offences is hampered by the lack of a holistic and systemic public policy dedicated to combating hate speech and hate crime in Croatia.³⁵

New Protocol on Procedures in Cases of Hate Crime 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 deficiencies 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.³⁶

HRHZ's recommendations for future action:

Croatian Government should without delay adopt the National Plan for the Protection and Promotion of Human Rights and Combating Discrimination and the National Plan on Gender Equality.

Croatian Government should adopt a comprehensive action plan that would cover all forms of hateful occurrences and measures to address them, which would have 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. A comprehensive plan should foresee capacity building and ensure that all parts of the criminal justice system recognize, properly classify, and treat with appropriate seriousness bias-motivated crimes.

³⁵ 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

³⁶ Rule 9.2 Communication concerning *Secic group of cases v. Croatia* No. 40116/02 from Human Rights House Zagreb and Centre for Peace Studies, available at: [https://hudoc.exec.coe.int/eng#%22EXECIdentifier%22:\[%22DH-DD\(2019\)1230E%22\]](https://hudoc.exec.coe.int/eng#%22EXECIdentifier%22:[%22DH-DD(2019)1230E%22])



Ministry of the Interior (Police Academy) and Ministry of Justice and Public Administration (Judicial Academy) should 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.

Croatian Government (Office for Human Rights and Rights of National Minority) should develop standards for a common methodology for reporting and monitoring data related to hate crimes and public incitement to violence and hatred. Hate crime data disaggregated by bias motivation should be made publicly available and published in a timely manner.

Croatian Government shall include the goal of promoting inter-ethnic dialogue and an inclusive society in the National Plan for the Protection and Promotion of Human Rights and Combating Discrimination, as suggested by the Ombudswoman of the Republic of Croatia in her annual report for 2021.

Croatian authorities shall take into consideration the CoE recommendation to further develop and implement intercultural education in all schools and for all students about the contribution of national minorities to Croatian society, as well as their history and culture, as a part of the curricula of history, music and civic education.

In order to foster pluralism, tolerance and democratic values in the society, Croatian authorities should conduct evaluation of the implementation of civic education in order to assess the effects of its (non)implementation and the need for its improvement. In accordance with ECRI conclusion³⁷, Croatian authorities should ensure a comprehensive and consistent initial and continuous training for educators to acquire skills necessary to teach human rights.

³⁷ ECRI Conclusions on the Implementation of the Recommendations in Respect of Croatia Subject to Interim Follow-Up, Adopted on 30 March 2021, available at: <https://rm.coe.int/ecri-conclusions-on-the-implementation-of-the-recommendations-in-respe/1680a277b2>

- **Recommendation number 137.86**

Further increase public funding for organizations providing free legal aid and ensure the availability of free legal aid at all stages of criminal proceedings (Austria);

Status: Accepted.

Field: Administration of justice

HRHZ's analysis of Croatian Government's actions undertaken to implement the recommendation (legislation, policies, programmes):

No significant efforts were made in 2021 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 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. Although civil society organizations and legal clinics recorded an increase in provided free primary legal aid, their financial resources for the provision of legal aid were reduced to only HRK 7,916.66 per month, which is certainly insufficient to ensure the continuity of work of authorized providers.³⁸

As in previous years, appeal proceedings concerning free secondary legal aid continue to take too long, beyond the time limit laid down by the Free Legal Aid Act. Namely, appeals are on average resolved within three years while the Ministry of Justice and Public Administration has a legal obligation to decide on appeals within eight days from the date of receipt. The inertness and length of the procedure defeat the purpose of free legal aid because they prevent citizens from accessing justice and consequently from exercising adequate protection of their rights.³⁹

According to civil society organizations, the conduct of individual county administrative bodies in approving requests for secondary free legal aid (assistance of attorneys in representation) remains a matter of concern. In some cases, citizens are required to, in advance, obtain the consent of the attorney in representation for the administrative bodies to grant free legal aid. This is a significant problem in smaller towns where only a few attorneys work. However, in cases in which attorneys are unable to provide the service due to overload, citizens are forced

³⁸ Human Rights House Zagreb, Human Rights in Croatia: Overview of 2021, available at https://www.kucaljudskihprava.hr/wp-content/uploads/2022/07/KLJP_GI2021-EN_Online.pdf

³⁹ Ibid.



to seek attorneys in larger cities and personally bear the travel costs of the attorney traveling to the hearing, as the payment of travel expenses is not approved to the parties.⁴⁰

Uneven access to free legal aid remains an issue. Authorized providers of primary free legal aid operate in 13 counties, while there are none in the other 8 or their activities are only sporadic. Particularly problematic are rural areas and islands where citizens have difficulty exercising their right to 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 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. However, such funding is generally absent.

HRHZ's recommendations for future action:

Croatia should encourage local and regional authorities to provide public funding for organizations providing free legal aid.

Ministry of Justice and Administration should engage in the promotion of free legal aid and inform citizens about the possibilities of obtaining free legal aid, particularly through the media, promotional materials and activities.

Croatian Government should provide additional funds for providers of free legal aid, especially in decentralized areas and areas affected by the earthquake.

Croatian Bar Association should update the lists of lawyers for providing secondary free legal aid on islands and other isolated areas, as recommended by the Ombudswoman.

⁴⁰ Ibid.

- **Recommendation number 137.41**

Provide training on human rights and on combating discrimination and violence, including based on sexual orientation and gender identity, to health personnel, members of the judiciary, police forces and prison officers (Portugal);

Status of recommendation: Accepted, in the course of implementation

Field: LGBTIQ

HRHZ's analysis of Croatian Government's actions undertaken to implement the recommendation (legislation, policies, programmes):

On a general level, combating discrimination and hateful occurrences in Croatia is adversely affected by the lack of adequate policy framework concerning protection of human rights and fighting discrimination. After the majority of policy documents expired several years ago⁴¹, Croatia is still without main national policies concerning human rights protection.

Although the National Plan for Combating Discrimination 2017-2022 is still in force, the Action Plan for the period 2020-2022 was not adopted due to the Government decision to create a new strategic document - the National Plan for the Protection and Promotion of Human Rights and Combating Discrimination for the period from 2021 to 2027. The National Plan was expected to be adopted in the first part of 2021, but its adoption was still being awaited in the mid-2022.

Croatia has still not addressed the presence of homophobia, biphobia and transphobia in schools, despite the adoption of the Action Plan for the Prevention of Violence in Schools for the period 2020-2024, which recognizes the importance of including the prevention of homophobic, transphobic and gender-based violence in school programs.

Regarding LGBTIQ community, there are no specific active measures in place aimed at combating discrimination and hate speech considering the delays in adoption of the National Plan for the Protection and Promotion of Human Rights and Combating Discrimination.

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

⁴¹ 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.

violence. Despite the frequency of hateful occurrences, Croatia does not have an effective monitoring tool for recording the data on the hate speech and hate crime related incidents which in turn leads to lack of institutional knowledge and procedures for combating them and contributes to the problem of relativisation, data manipulation and 'underreporting'. The prevention and sanctioning of hate related offences is hampered by the lack of a holistic and systemic public policy dedicated to combating hate speech and hate crime in Croatia.⁴²

New Protocol on Procedures in Cases of Hate Crime 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 deficiencies 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.⁴³

HRHZ's recommendations for future action:

Croatian Government should without delay adopt the National Plan for the Protection and Promotion of Human Rights and Combating Discrimination and the National Plan on Gender Equality.

Croatian Government should adopt a comprehensive action plan that would cover all forms of hateful occurrences and measures to address them, which would have 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. A comprehensive plan should foresee capacity building and ensure that all parts of the criminal justice system recognize, properly classify, and treat with appropriate seriousness bias-motivated crimes.

Ministry of the Interior (Police Academy) and Ministry of Justice and Public Administration (Judicial Academy) should 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.

⁴² 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

⁴³ Rule 9.2 Communication concerning *Secic group of cases v. Croatia* No. 40116/02 from Human Rights House Zagreb and Centre for Peace Studies, available at: [https://hudoc.exec.coe.int/eng#f{%22EXECIdentifier%22:\[%22DH-DD\(2019\)1230E%22\]}](https://hudoc.exec.coe.int/eng#f{%22EXECIdentifier%22:[%22DH-DD(2019)1230E%22]})

Croatian Government (Office for Human Rights and Rights of National Minority) should develop standards for a common methodology for reporting and monitoring data related to hate crimes and public incitement to violence and hatred. Hate crime data disaggregated by bias motivation should be made publicly available and published in a timely manner.

Croatia should address the presence of homophobia, biphobia and transphobia in schools and introduce preventive measures with that regard, especially taking into consideration the Action Plan for the Prevention of Violence in Schools for the period 2020-2024 which recognizes the importance of including the prevention of homophobic, transphobic and gender-based violence in school programs.

In order to foster pluralism, tolerance and democratic values, Croatian authorities should conduct evaluation of the implementation of civic education in order to assess the effects of its (non)implementation and the need for its improvement. In accordance with ECRI conclusion⁴⁴, Croatian authorities should ensure a comprehensive and consistent initial and continuous training for educators to acquire skills necessary to teach human rights.

- **Recommendation number 137.46**

Increase efforts to end stereotyping and prejudice against lesbian, gay, bisexual and transgender persons, through increased awareness-raising campaigns and targeted training for public officials (Ireland);

Status of recommendation: Accepted, in the course of implementation

Field: LGBTIQ

HRHZ's analysis of Croatian Government's actions undertaken to implement the recommendation (legislation, policies, programmes):

On a general level, combating discrimination and hateful occurrences in Croatia is adversely affected by the lack of adequate policy framework concerning protection of human rights and

⁴⁴ ECRI Conclusions on the Implementation of the Recommendations in Respect of Croatia Subject to Interim Follow-Up, Adopted on 30 March 2021, available at: <https://rm.coe.int/ecri-conclusions-on-the-implementation-of-the-recommendations-in-respe/1680a277b2>



fighting discrimination. After the majority of policy documents expired several years ago⁴⁵, Croatia is still without main national policies concerning human rights protection.

Although the National Plan for Combating Discrimination 2017-2022 is still in force, the Action Plan for the period 2020-2022 was not adopted due to the Government decision to create a new strategic document - the National Plan for the Protection and Promotion of Human Rights and Combating Discrimination for the period from 2021 to 2027. The National Plan was expected to be adopted in the first part of 2021, but its adoption was still being awaited in the mid-2022.

Croatia has still not addressed the presence of homophobia, biphobia and transphobia in schools, despite the adoption of the Action Plan for the Prevention of Violence in Schools for the period 2020-2024, which recognizes the importance of including the prevention of homophobic, transphobic and gender-based violence in school programs.

Regarding LGBTIQ community, there are no specific active measures in place aimed at combating discrimination and hate speech considering the delays in adoption of the National Plan for the Protection and Promotion of Human Rights and Combating Discrimination.

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 the hate speech and hate crime related incidents which in turn leads to lack of institutional knowledge and procedures for combating them and contributes to the problem of relativisation, data manipulation and 'underreporting'. The prevention and sanctioning of hate related offences is hampered by the lack of a holistic and systemic public policy dedicated to combating hate speech and hate crime in Croatia.⁴⁶

New Protocol on Procedures in Cases of Hate Crime 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 deficiencies 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

⁴⁵ 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.

⁴⁶ Hate Speech and Euroscepticism - Report for Croatia, Human Rights House Zagreb, March 2022

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.⁴⁷

HRHZ's recommendations for future action:

Croatian Government should without delay adopt the National Plan for the Protection and Promotion of Human Rights and Combating Discrimination and the National Plan on Gender Equality.

Croatian Government should adopt a comprehensive action plan that would cover all forms of hateful occurrences and measures to address them, which would have 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. A comprehensive plan should foresee capacity building and ensure that all parts of the criminal justice system recognize, properly classify, and treat with appropriate seriousness bias-motivated crimes.

Ministry of the Interior (Police Academy) and Ministry of Justice and Public Administration (Judicial Academy) should 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.

Croatian Government (Office for Human Rights and Rights of National Minority) should develop standards for a common methodology for reporting and monitoring data related to hate crimes and public incitement to violence and hatred. Hate crime data disaggregated by bias motivation should be made publicly available and published in a timely manner.

Croatia should address the presence of homophobia, biphobia and transphobia in schools and introduce preventive measures with that regard, especially taking into consideration the Action Plan for the Prevention of Violence in Schools for the period 2020-2024 which recognizes the importance of including the prevention of homophobic, transphobic and gender-based violence in school programs.

Croatian authorities should conduct evaluation of the implementation of civic education in order to assess the effects of its (non)implementation and the need for its improvement. In

⁴⁷ Rule 9.2 Communication concerning *Secic group of cases v. Croatia* No. 40116/02 from Human Rights House Zagreb and Centre for Peace Studies, available at: [https://hudoc.exec.coe.int/eng#%22EXECIdentifier%22:\[%22DH-DD\(2019\)1230E%22\]}](https://hudoc.exec.coe.int/eng#%22EXECIdentifier%22:[%22DH-DD(2019)1230E%22]})

accordance with ECRI conclusion⁴⁸, Croatian authorities should ensure a comprehensive and consistent initial and continuous training for educators to acquire skills necessary to teach human rights.

- **Recommendation number 137.52**

Conduct awareness-raising and educational campaigns aimed at the general public and provide appropriate training to public officials to combat stereotypes, prejudices and hate speech against lesbian, gay, bisexual, transgender and intersex persons, and ensure that acts of violence against them are effectively investigated and the perpetrators prosecuted and sanctioned (Belgium);

Status of recommendation: Accepted, in the course of implementation

Field: LGBTIQ

HRHZ's analysis of Croatian Government's actions undertaken to implement the recommendation (legislation, policies, programmes):

On a general level, combating discrimination and hate speech in Croatia is adversely affected by the lack of adequate policy framework concerning protection of human rights and fighting discrimination. After the majority of policy documents expired several years ago⁴⁹, Croatia is still without main national policies concerning human rights protection.

Although the National Plan for Combating Discrimination 2017-2022 is still in force, the Action Plan for the period 2020-2022 was not adopted due to the Government decision to create a new strategic document - the National Plan for the Protection and Promotion of Human Rights and Combating Discrimination for the period from 2021 to 2027. The National Plan was expected to be adopted in the first part of 2021, but its adoption was still being awaited in the mid-2022.

Croatia has still not addressed the presence of homophobia, biphobia and transphobia in schools, despite the adoption of the Action Plan for the Prevention of Violence in Schools for the

⁴⁸ ECRI Conclusions on the Implementation of the Recommendations in Respect of Croatia Subject to Interim Follow-Up, Adopted on 30 March 2021, available at: <https://rm.coe.int/ecri-conclusions-on-the-implementation-of-the-recommendations-in-respe/1680a277b2>

⁴⁹ 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.

period 2020-2024, which recognizes the importance of including the prevention of homophobic, transphobic and gender-based violence in school programs.

Regarding LGBTIQ community, there are no specific active measures in place aimed at combating discrimination and hate speech considering the delays in adoption of the National Plan for the Protection and Promotion of Human Rights and Combating Discrimination.

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 the hate speech and hate crime related incidents which in turn leads to lack of institutional knowledge and procedures for combating them and contributes to the problem of relativisation, data manipulation and 'underreporting'. The prevention and sanctioning of hate related offences is hampered by the lack of a holistic and systemic public policy dedicated to combating hate speech and hate crime in Croatia.⁵⁰

New Protocol on Procedures in Cases of Hate Crime 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 deficiencies 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.⁵¹

HRHZ's recommendations for future action:

Croatian Government should without delay adopt the National Plan for the Protection and Promotion of Human Rights and Combating Discrimination and the National Plan on Gender Equality.

Croatian Government should adopt a comprehensive action plan that would cover all forms of hateful occurrences and measures to address them, which would have direct impact on human rights and equal treatment through the prevention of discrimination based on race, ethnic origin,

⁵⁰ 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

⁵¹ Rule 9.2 Communication concerning *Secic group of cases v. Croatia* No. 40116/02 from Human Rights House Zagreb and Centre for Peace Studies, available at:

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



religion or belief, gender/sex, disability, age, sexual orientation or gender identity. A comprehensive plan should foresee capacity building and ensure that all parts of the criminal justice system recognize, properly classify, and treat with appropriate seriousness bias-motivated crimes.

Ministry of the Interior (Police Academy) and Ministry of Justice and Public Administration (Judicial Academy) should 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.

Croatian Government (Office for Human Rights and Rights of National Minority) should develop standards for a common methodology for reporting and monitoring data related to hate crimes and public incitement to violence and hatred. Hate crime data disaggregated by bias motivation should be made publicly available and published in a timely manner.

Croatia should address the presence of homophobia, biphobia and transphobia in schools and introduce preventive measures with that regard, especially taking into consideration the Action Plan for the Prevention of Violence in Schools for the period 2020-2024 which recognizes the importance of including the prevention of homophobic, transphobic and gender-based violence in school programs.

Croatian authorities should conduct evaluation of the implementation of civic education in order to assess the effects of its (non)implementation and the need for its improvement. In accordance with ECRI conclusion⁵², Croatian authorities should ensure a comprehensive and consistent initial and continuous training for educators to acquire skills necessary to teach human rights.

⁵² ECRI Conclusions on the Implementation of the Recommendations in Respect of Croatia Subject to Interim Follow-Up, Adopted on 30 March 2021, available at: <https://rm.coe.int/ecri-conclusions-on-the-implementation-of-the-recommendations-in-respe/1680a277b2>

- **Recommendation number 137.77**

Continue its efforts to investigate the fate and whereabouts of all the unresolved cases of persons missing during the armed conflict in the former Yugoslavia in 1991–1995 (Bulgaria);

Status of recommendation: Accepted, in the course of implementation.

Field: Issues pertaining to the Homeland War

HRHZ's analysis of Croatian Government's actions undertaken to implement the recommendation (legislation, policies, programmes):

There has been a decrease in the number of prosecutions and trials following Croatia's EU accession in 2013. In December 2021, the UN Special Rapporteur on Truth, Justice, Compensation and Guarantee of Non-Repitition signalled that progress in investigating and prosecuting war crimes appears to have stalled in the last 7 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.⁵³

In absentia trials are creating a high risk of re-opening proceedings. Very limited regional judicial cooperation regarding prosecution of war crimes is causing lack of exchange of information and evidence. Another concern related to prosecution of war crimes represents the issue that responsible County State attorneys are lacking capacity for reviewing and investigating dormant war crimes cases. 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. In addition, accounting on missing persons has not been updated since 2015 and is not transparent. The UN Special Rapporteur on Truth, Justice, Compensation and Guarantee of Non-Repitition noted the rise of political interference in the prosecution of war crimes in Croatia.⁵⁴

⁵³ Documenta – Center for Dealing with the Past, Slow Approach to Justice, February 2021, available at: <https://documenta.hr/novosti/sporo-priblizavanje-pravdi/>

⁵⁴ EIN Civil Society Briefing September 2022: Republic of Moldova, Turkey, Hungary and Croatia, available at: <https://www.einnetwork.org/blog-five/2022/9/15/ein-civil-society-briefing-september-2022>

HRHZ's recommendations for future action:

In line with the communication⁵⁵ to the Council of Europe submitted by Documenta and Human Rights House Zagreb in September 2022 in accordance with Rule 9.2. of the Rules of the Committee of Ministers regarding the supervision of the execution of judgments and of terms of friendly settlements concerning the group of cases SKENDZIC AND KRZNDARIC v. Croatia, it is recommended that Croatia should:

- conduct regular training for the War Crimes Chambers judges at designated courts in order to contribute to the objective and qualitative war crimes prosecution. Croatia should increase the capacity of county prosecutor's offices in Osijek, Rijeka, Split and Zagreb to process "dormant cases". Training on war crimes prosecution should be provided to newly appointed judges and prosecutors.
- unambiguously investigate and prosecute war crimes without ethnic profiling. Croatia should ensure that investigations, prosecutions and trials are carried out without ethnic bias (regardless of the ethnicity of the perpetrators) - in order to ensure that all perpetrators are brought to justice under equal standards.
- unambiguously condemn applying mitigating circumstances while sentencing accused members of Croatian forces in order to ensure standardized non-discriminatory legal framework while sentencing.
- increase the efficiency in finding missing persons, locating burial sites and identifying exhumed remains. Croatia should update the accounting on missing persons and ensure it is accessible to the public.
- increase efforts to bring outgoing investigations into war crimes to an end.
- take steps to increase regional cooperation, exchange of information and evidence across borders and take all necessary efforts to ensure in person trials.
- put an end to any political interference in the investigation, prosecution and trials of war crimes.

⁵⁵ Ibid.

- **Recommendation number 137.92**

Further expedite the prosecution of war crimes and crimes against humanity and ensure that all such cases are prosecuted in a non-discriminatory manner, regardless of the perpetrator's ethnicity (Czechia);

Status of recommendation: Accepted.

Field: Issues pertaining to the Homeland War

HRHZ's analysis of Croatian Government's actions undertaken to implement the recommendation (legislation, policies, programmes):

There has been a decrease in the number of prosecutions and trials 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-Repitition signalled that progress in investigating and prosecuting war crimes appears to have stalled in the last 7 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.⁵⁶

In absentia trials are creating a high risk of re-opening proceedings. Very limited regional judicial cooperation regarding prosecution of war crimes is causing lack of exchange of information and evidence. Another concern related to prosecution of war crimes represents the issue that responsible County State attorneys are lacking capacity for reviewing and investigating dormant war crimes cases.⁵⁷

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. In addition, accounting on missing

⁵⁶ Documenta – Center for Dealing with the Past, Slow Approach to Justice, February 2021, available at: <https://documenta.hr/novosti/sporo-priliczavanje-pravdi/>

⁵⁷ EIN Civil Society Briefing September 2022: Republic of Moldova, Turkey, Hungary and Croatia, available at: <https://www.einnetwork.org/blog-five/2022/9/15/ein-civil-society-briefing-september-2022>

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 the prosecution of war crimes in Croatia.⁵⁸

HRHZ's recommendations for future action:

In line with the communication⁵⁹ to the Council of Europe submitted by Documenta and Human Rights House Zagreb in September 2022 in accordance with Rule 9.2. of the Rules of the Committee of Ministers regarding the supervision of the execution of judgments and of terms of friendly settlements concerning the group of cases SKENDZIC AND KRZNARIC v. Croatia, it is recommended that Croatia should:

- conduct regular training for the War Crimes Chambers judges at designated courts in order to contribute to the objective and qualitative war crimes prosecution. Croatia should increase the capacity of county prosecutor's offices in Osijek, Rijeka, Split and Zagreb to process "dormant cases". Training on war crimes prosecution should be provided to newly appointed judges and prosecutors.
- unambiguously investigate and prosecute war crimes without ethnic profiling. Croatia should ensure that investigations, prosecutions and trials are carried out without ethnic bias (regardless of the ethnicity of the perpetrators) - in order to ensure that all perpetrators are brought to justice under equal standards.
- unambiguously condemn applying mitigating circumstances while sentencing accused members of Croatian forces in order to ensure standardized non-discriminatory legal framework while sentencing.
- increase the efficiency in finding missing persons, locating burial sites and identifying exhumed remains. Croatia should update the accounting on missing persons and ensure it is accessible to the public.
- increase efforts to bring outgoing investigations into war crimes to an end.
- take steps to increase regional cooperation, exchange of information and evidence across borders and take all necessary efforts to ensure in person trials.
- put an end to any political interference in the investigation, prosecution and trials of war crimes.

⁵⁸ Ibid.

⁵⁹ Ibid.



- **Recommendation number 137.91**

Take concrete steps to expedite the prosecution of cases of war crimes and crimes against humanity and ensure that all such cases are prosecuted in a non-discriminatory manner, regardless of the perpetrator's ethnicity (Belgium);

Status of recommendation: Accepted, in the course of implementation.

Field: Issues pertaining to the Homeland War

HRHZ's analysis of Croatian Government's actions undertaken to implement the recommendation (legislation, policies, programmes):

There has been a decrease in the number of prosecutions and trials 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-Repitition signalled that progress in investigating and prosecuting war crimes appears to have stalled in the last 7 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.⁶⁰

In absentia trials are creating a high risk of re-opening proceedings. Very limited regional judicial cooperation regarding prosecution of war crimes is causing lack of exchange of information and evidence. Another concern related to prosecution of war crimes represents the issue that responsible County State attorneys are lacking capacity for reviewing and investigating dormant war crimes cases.⁶¹

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

⁶⁰ Documenta – Center for Dealing with the Past, Slow Approach to Justice, February 2021, available at: <https://documenta.hr/novosti/sporo-priblizavanje-pravdi/>

⁶¹ EIN Civil Society Briefing September 2022: Republic of Moldova, Turkey, Hungary and Croatia, available at: <https://www.einnetwork.org/blog-five/2022/9/15/ein-civil-society-briefing-september-2022>

investigating and indicting members of Croatian forces. In addition, accounting on missing persons has not been updated since 2015 and is not transparent. The UN Special Rapporteur on Truth, Justice, Compensation and Guarantee of Non-Repitition noted the rise of political interference in the prosecution of war crimes in Croatia.⁶²

HRHZ's recommendations for future action:

In line with the communication⁶³ to the Council of Europe submitted by Documenta and Human Rights House Zagreb in September 2022 in accordance with Rule 9.2. of the Rules of the Committee of Ministers regarding the supervision of the execution of judgments and of terms of friendly settlements concerning the group of cases SKENDZIC AND KRZNARIC v. Croatia, it is recommended that Croatia should:

- conduct regular training for the War Crimes Chambers judges at designated courts in order to contribute to the objective and qualitative war crimes prosecution. Croatia should increase the capacity of county prosecutor's offices in Osijek, Rijeka, Split and Zagreb to process "dormant cases". Training on war crimes prosecution should be provided to newly appointed judges and prosecutors.
- unambiguously investigate and prosecute war crimes without ethnic profiling. Croatia should ensure that investigations, prosecutions and trials are carried out without ethnic bias (regardless of the ethnicity of the perpetrators) - in order to ensure that all perpetrators are brought to justice under equal standards.
- unambiguously condemn applying mitigating circumstances while sentencing accused members of Croatian forces in order to ensure standardized non-discriminatory legal framework while sentencing.
- increase the efficiency in finding missing persons, locating burial sites and identifying exhumed remains. Croatia should update the accounting on missing persons and ensure it is accessible to the public.
- increase efforts to bring outgoing investigations into war crimes to an end.
- take steps to increase regional cooperation, exchange of information and evidence across borders and take all necessary efforts to ensure in person trials.
- put an end to any political interference in the investigation, prosecution and trials of war crimes.

⁶² Ibid.

⁶³ Ibid.