



HUMAN
RIGHTS
HOUSE
ZAGREB

THEMATIC REPORT

HUMAN RIGHTS DEFENDERS: CHALLENGES AND OBSTACLES



Human Rights Defenders: Challenges and Obstacles

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Human Rights House Zagreb is a human rights organization established in 2008 as a network of civil society organizations with the goal of protecting and promoting human rights and fundamental freedoms. HRH's vision is to build a democratic, pluralistic, and inclusive society founded upon the values of human rights protection, the rule of law, social justice, and solidarity. Through research, monitoring, advocacy, and education, HRH contributes to the protection, promotion, development, and advancement of human rights and fundamental freedoms. By publishing annual overviews of the state of human rights, thematic reports, and petitions, we help create better laws and public policies.



3	Introduction
6	Methodology
9	Social and Political Participation
9	Involvement in Public Policy-Making Processes
16	Funding for Work on the Protection and Promotion of Human Rights
21	Public Support for the Work of Human Rights Defenders
21	Public Support from Decision Makers
27	Criminalization of the Work of Human Rights Defenders
27	Criminalization of Solidarity and Work of CSOs Protecting the Human Rights of Refugees
29	SLAPP Suits Against Civil Society Organizations
29	Ensuring Free Access to the Media
34	The Right to Freedom of Assembly

Introduction

'Everyone has the right, individually and in association with others, to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels.'

Article 1 of the UN Declaration on Human Rights Defenders

We are publishing the report in front of you on the occasion of the 25th anniversary of the adoption of the UN Declaration on Human Rights Defenders¹, which we will mark next year, in 2023. The Declaration on Human Rights Defenders is of great importance for human rights defenders who work to protect and promote the human rights of all people, especially those belonging to vulnerable, minority, socially excluded, and marginalized social groups. The importance of this unanimously adopted Declaration is reflected in the fact that, with it, member states recognized and acknowledged the importance that the work of human rights defenders holds for the realization, protection, and promotion of the human rights of all people across different communities, societies, countries, and the world. The Declaration codifies the standards that states should implement in order to ensure and improve the conditions in which human rights defenders operate, from public support or ending the criminalization of human rights defenders to the respect for the independence of civil society organizations and lifting restrictions on sources of funding for non-profit organizations.

We are publishing this report four years after Human Rights House Zagreb prepared the first thematic report on human rights defenders in Croatia in 2018.² That report was one of the first thematic reports concerned with the

1 UN General Assembly (1998), Declaration on the Rights and Responsibilities of Individuals, Groups and State Authorities in the Promotion and Protection of Universally Recognized Human Rights and Fundamental Freedoms, available at: <https://www.ohchr.org/sites/default/files/Documents/Issues/Defenders/Declaration/declarationCroatian.pdf>

challenges and issues faced by civil society organizations, viewed through the prism of the international standards in the field of the human right to be a human rights defender. The report identifies key issues and challenges faced by human rights defenders in Croatia at the time, such as the lack of public support from politicians and officials, public discreditation and delegitimization, exposure to threats and intimidation, criminalization of human rights work and SLAPP suits, obstructed communication with public authorities and the collapse of intersectoral cooperation, limiting the freedom of assembly through restrictive municipal regulations, weak representation of human rights issues in the media, delays in tenders, the growing administrative burden, and the lack of public funding for long-term programs of civil society organizations in the field of protection and promotion of human rights.³

In the last few years, the issues and challenges faced by human rights defenders and civil society organizations in Croatia have been covered in the work and reports from international institutions, such as the Rule of Law Reports published by the European Commission,⁴ reports from the Fundamental Rights Agency of the European Union,⁵ or recommendations received by Croatia as part of the UN Universal Periodic Review of Human Rights⁶ and in the report of the UN Special Rapporteur for Transitional Justice.⁷ In the national context, the issues and challenges

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- 2 Human Rights House Zagreb (2018), Human Rights Defenders in Croatia: Obstacles and Challenges, available at: https://www.kucaljudskihprava.hr/wp-content/uploads/2018/12/KLJP_BraniteljLjudskihPrava2.pdf
 - 3 Ibid., p. 12-13.
 - 4 European Commission (2021), Rule of Law Report 2021 - Croatia Chapter, available at: <https://eur-lex.europa.eu/legal-content/HR/TXT/PDF/?uri=CELEX:52021SC0713&from=EN>.
 - 5 EU Agency for Fundamental Rights (FRA) (2021), Protecting civic space in the EU, available at: https://fra.europa.eu/sites/default/files/fra_uploads/fra-2021-protecting-civic-space_en.pdf
 - 6 UN Human Rights Council (2020), A/HRC/46/16 Report of the Working Group on the Universal Periodic Review - Croatia, available at: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G20/348/78/PDF/G2034878.pdf?OpenElement>.
 - 7 UN Human Rights Council (2022), A/HRC/51/34/Add.1 Visit to Croatia - Report of the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence, Fabián Salvioli, available at: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G22/409/03/PDF/G2240903.pdf?OpenElement>.

faced by civil society organizations have been included in reports from ombuds offices for years and are the subject of recommendations that these independent bodies submit to institutions. In the Ombudswoman Report for 2021,⁸ human rights defenders received a separate chapter for the first time, which is important for the institutional recognition of the issues that civil society faces from a human rights perspective.

This report continues the previous work in the field of human rights defenders and complements the conclusions and recommendations from the abovementioned reports. The report shows that there has been no improvement in the past four years and that the vast majority of issues faced by human rights defenders and civil society organizations has remained the same, with the exception of the collapse of previously achieved standards on the right to public participation in the area of participation in decision-making processes. This fits into the general trend of stagnation in almost all areas of human rights in Croatia, which the Human Rights House Zagreb has been detailing in its annual reports for years.⁹

Human rights defenders and civil society organizations in Croatia are facing a narrowing of the public sphere for their work and its negative consequences for exercising the right to public participation. Appointment processes for public bodies such as working groups and committees are often non-transparent and not based on the selection of the most qualified candidates, while the participation in the work of these bodies is in many cases reduced to a formality without real opportunities for interaction and reasoned dialogue aimed at reaching the best solutions for social problems. The functioning of the Government Council for Civil Society Development is the clearest ex-

8 Ombudswoman (2022), Report of the Ombudswoman - Chapter: Human Rights Defenders, available at: <https://www.ombudsman.hr/hr/branite-lji-ljudskih-prava/>.

9 Human Rights House Zagreb (2022), Human rights in Croatia: Overview of 2021, available at: https://www.kucaljudskihprava.hr/wp-content/uploads/2022/04/KLJP_GI2021-Online_2704.pdf.

ample of the collapse of intersectoral cooperation and dialogue between the Government and civil society in Croatia, which consequently spills over into other bodies in whose work human rights defenders participate. Improving the environment for the work of human rights defenders and civil society has not been on the Government's agenda for years, which is evident from the above-mentioned challenges and the fact that Croatia has not had a national policy for civil society since 2016. At the time of the publication of this report, the policy is still being drafted without known date of adoption.

The collapse of the standard on the right to public participation is at the source of almost all problems faced by human rights defenders in Croatia in other areas and is the main reason for stagnation. Issues such as insufficient funding of civil society organizations' human rights programs, the growing administrative burden, the criminalization of human rights work and SLAPP suits against human rights defenders, issues with access to the media, underrepresentation of human rights content in public broadcasting, and in exercising the right to freedom of public assembly cannot be solved without active and meaningful participation of civil society and human rights defenders in decision-making processes and more widely in social and political life.

Croatia currently has neither a stimulating environment for the work of civil society organizations nor good conditions for the participation of human rights defenders and their organizations in decision-making processes, which is one of the more important characteristics of a democratic society that respects and protects human rights. Decisive steps need to be taken in order to change the current, unfavorable situation. The primary responsibility for this lies with the Government and state institutions which, as a first step, should encourage and ensure meaningful and purposeful participation of human rights defenders and civil society organizations in producing ideas and solutions for societal issues and challenges.

Methodology

The report on the challenges and obstacles faced by human rights defenders was prepared on the basis of qualitative research – semi-structured interviews with 19 civil society organizations and human rights defenders active in the fields of the rights of refugees, migrants, and asylum seekers, women’s human rights, free legal aid, LGBTIQ human rights, transitional justice, environmental protection, democratization, transparency and anti-corruption, the rights of persons with disabilities, social groups at risk of poverty and social exclusion.

As in the 2018 research, the interview protocol was based on international standards¹⁰ for the protection of the rights of human rights defenders, which prescribe principles for strengthening the work on the promotion and protection of human rights. Standards include the following:

- Public support for human rights defenders
- Repealing the criminalisation of human rights defenders
- Abolishing restrictions on funding non-governmental organizations
- Respecting non-governmental organizations' independence
- Avoiding legal restrictions and restrictions in the registration process
- Ending all forms of reprisals
- Abolishing arbitrary arrests and detentions
- Acknowledging dissenting views
- Ensuring free access to the media
- Enabling peaceful protests
- Fighting against impunity, showing accountability
- Uphold responsibility of business

10 Human Rights House Foundation (2018), Rights of Human Rights Defenders – Principles and Standards for Protecting and Empowering Human Rights Work, available at: <https://humanrightshouse.org/wp-content/uploads/2018/08/Rights-of-Defenders.pdf>

- Protecting women human rights defenders
- Protecting human rights lawyers
- Protecting defenders of minorities' human rights
- Protecting human rights defenders' family members

The aforementioned standards had been selected and adapted to the national context, and the focus was placed on those standards most relevant for Croatia, namely: public support for human rights defenders, ending the criminalization of human rights defenders, abolishing restrictions on funding for non-governmental organizations, respect for the independence of non-governmental organizations, acknowledging dissenting views, ensuring free access to the media, and enabling peaceful protests.

Additionally, identical to the research methodology used in 2018, the research sample consists of organizations active in different thematic areas of human rights and in different parts of Croatia. Compared to the prior research which included 11 organizations, 19 civil society organizations and human rights defenders participated in this research.

The interviews were recorded and transcribed with the consent of the participants, and the transcripts were authorized. The following organizations and persons participated in the research:

- B.a.B.e. – Be Active. Be Emancipated.
- Center for Peace, Non-Violence and Human Rights Osijek
- Centre for Peace Studies
- CESI – Center for Education, Counseling and Research
- Documenta – Centre for Dealing with the Past
- Rainbow Families Croatia
- Dragana Knezić*
- Gong
- Information Legal Centre Slavonski Brod

- Youth Initiative for Human Rights (YIHR)
 - LORI
 - MoSt
 - PaRiter
 - RODA – Parents in Action
 - Croatian Union of Associations for Autism (SUZH)
 - Tajana Tadić
 - Association for the Development of Transparency and Whistleblower Protection Razvoj
 - Zagreb Pride
 - Green Action / Friends of the Earth Croatia
- * Dragana previously worked at the Rehabilitation Center for Stress and Trauma; at the time of the interview, she spoke as a human rights defender independent from any civil society organization.
- ** Expressions used in this report, whether in masculine or feminine gender form, refer equally to all persons.

Social and Political Participation

Key issues

- *Instances of involving civil society organizations in decision-making and consultation processes are often more formal than substantive, which weakens opportunities for participation and has a negative impact on the quality of public policies.*
- *The appointment of civil society organizations to working and advisory bodies is often non-transparent in practice, while appointments through the Council for Civil Society Development do not always select the most qualified candidates, which sends the message that the Government does not care about meaningful participation of civil society in decision-making processes.*
- *Problems in exercising the right to participation are also manifested in the shortcomings in the work of the Council for Civil Society Development, which has almost completely ceased to be an actual platform for consultation and dialogue between civil society organizations and the Government, thereby increasingly failing to fulfill its role of encouraging intersectoral cooperation.*
- *E-consultations are almost always held only as a way to fulfill formal obligations, while numerous issues with this form of public consultation continue to raise concern, including the shortening of the consultation period with a lack of justification.*
- *Particularly concerning is the unavailability of public information and an apparent reluctance towards cooperation with civil society organizations working on the rights of refugees, migrants, and asylum seekers, but also those working on environmental protection.*
- *Intersectoral cooperation between refugee human rights defenders and competent institutions continues to collapse.*

Involvement in Public Policy-Making Processes

Since access to institutions and the decision-making process is key to realizing the right to participation, the process of candidacy and selection of representatives of civil society organizations for advisory or working groups commissioned by public authorities can itself be a factor that limits or encourages participation and pluralism. It is therefore worrying that human rights defenders consider the practice of candidacy and appointment of civil society organizations to working groups on proposals of acts and public policies at the national level to often be non-transparent and unsatisfactory. Of additional concern is the fact that, in some cases, members of working bodies from civil society get included subsequently, even after the policy drafting process has been completed, which effectively prevents civil society organizations from meaningful participation.

The appointment practice is most often non-transparent as some civil society organizations receive a direct invitation to working groups. Additionally, publicly exposed initiatives are sometimes given preference over organizations that may have been active in a certain field for years (or decades).

CESI

A cso member was appointed to a working group on the amendments to the Act on the Right of Access to Information behind schedule, no less than two months after the working group had been formed and after the draft act had been completed.

Gong¹¹

In some cases, we are not even aware that working groups are being established nor that representatives are being appointed – we simply suddenly realize that a working group exists. At the same time, the biggest problem is that public authorities contact organizations directly, asking them to propose their representative. Sometimes there is no public call for applications, at least in some of our recent experience.

B.a.B.e.

11 Gong (2022), Token associations shape anti-corruption laws, available at: <https://gong.hr/2022/09/09/zeton-udruge-oblikuju-zakone-protiv-korupcije/>

The procedure for electing representatives of civil society organizations into committees, advisory or other working bodies at the request of institutions is one of the most important tasks of the Government Council for Civil Society Development.⁴² The current composition of the Council is burdened by the problem of outvoting Council members from civil society by members who are representatives of state administration bodies, who mostly vote in unison. Such ‘orchestrated’ behavior and ‘bloc’ voting by members of the Council who represent institutions or are affiliated to them devalues the role of this body, which is to encourage interdepartmental cooperation between the Government and civil society. In this context, it is even more worrying that the Council with such a majority often fails to select candidates for members of working bodies and commissions based on the previous work of the organization that nominates them and the professional experience of the candidates themselves, instead appointing less qualified candidates. Such practices of the Council for the Civil Society Development send the message that the Government does not care about meaningful participation of civil society in decision-making processes.

In the Council for Civil Society Development, through which organizations nominate working group representatives, the majority is held by state administration bodies, which in itself is questionable. Representatives of ministries and other bodies actually always vote the same, in unison, which reveals that state administration is coordinated in selecting suitable civil society for working groups on the adoption of anti-corruption laws.⁴³

When something reaches the Council, and the impression is that not everything reaches the Council, (...) but even when it happens, it is according to the same principle – whoever comes forward, the Council will use the votes of the state administration body to politically appoint whoever they want, regardless of how civil society votes.

Dragana Knezić

12 Government of the Republic of Croatia, Decision on the establishment of the Council for Civil Society Development (OG 14/2021), available at: https://narodne-novine.nn.hr/clanci/sluzbeni/2021_02_14_282.html

13 Gong (2022), Token associations shape anti-corruption laws, available at: <https://gong.hr/2022/09/09/zeton-udruge-oblikuju-zakone-protiv-korupcije/>

However, the practice of this Council – which was formed in May 2020 – shows that public administration bodies all vote as one. There is no sign of pluralism among public authorities, regardless of the fact that you might logically expect each of them to represent its own area and for there to be some difference of opinion or disagreements that are then reconciled at the level of the Government, but you'd expect that everyone represents something. This happened in previous compositions, the voting results were not as unanimous as in this composition. This vote looks pro forma (...) because public authorities are the ones actually deciding (...) and this acts as an instrumentalization of civil society or a fig leaf for participation, while the public interest remains unrepresented because the Council is always pandering to what the Government wants anyway, meaning that you don't even need a body, you already have it, you can already do as you want.

Gong

In addition to the problematic and often non-transparent practice of appointing civil society organizations to working and advisory bodies, of concern is the lack of communication with public authorities, as well as flawed decision-making processes in the established authorities. Organizations that participated in the research and have experience as members of working or advisory bodies point to an inadequate quality of participation and often perceive these bodies as a formal framework for participation that remains just that – a matter of form. As a result, working and advisory bodies in which civil society organizations participate are losing their function as spaces of dialogue and participation in the process of adoption of public policies.

It is more a matter of form, just to fulfill this norm for the number of organizations that need to participate. When we participated in these meetings, it was mostly as if everything had already been agreed upon in advance. They open a kind of a discussion, what should be done, we share our comments – we agree, we don't agree. But honestly, they take very little into consideration, it's just so that they can put down in the report that ten associations participated. But if we are talking about actual joint participation, I don't think we've gotten there.

MoST

Even if someone who has something to say is elected into the working group, the question is what is the point, because there is no real dialogue that would make it possible to discuss and question anything before reaching a reasoned decision, so it really doesn't matter if the person sitting in that working group is someone elected transparently or non-transparently, someone who has something to say or doesn't, because they had not been invited to say anything substantive, to reach a decision based on participation.

Dragana Knezić

There is this committee for people with disabilities in the Republic of Croatia, everything often resembles an election campaign, where a period of time is used to promise certain things, to show understanding and all that. But, generally speaking, quality participation, cooperation, feedback, a process in which you talk to someone and they tell you – we cannot do that, we can do this – this actually never happened, I've never had this experience.

SUZAH

Organizations that are members of working groups in their area also cite the issues of certain bodies not meeting, which is consequently reflected in the ineffectiveness of these working groups in finding solutions to social challenges and improving public policies. Organizations therefore conclude that working groups are sometimes an end in themselves, rather than a tool for actual policy improvement or change. The situation in which civil society organizations are appointed to the composition of working groups but cannot actually participate in their work leads to a paradox and withdrawal of organizations from participating in formal policy-making processes.

For example, this working group for early intervention is actually devastating, because on the one hand it is an extremely important topic that we have been participating in since 2019, and I think there were two sessions and both were totally useless. So, in a way it exists as framework participation, these working groups seem to me like some kind of tool that we are forced to use as a trend that exists in Europe, but it never actually has any quality, because, as I said, it is as if the working group is an end in itself. I guess it helps that at some point when someone asks what about early intervention in Croatia, which is a hot topic, someone can say – well, we have a working group.

SUZAH

So you are appointed to a working body somewhere, you don't get any invitations to meetings because they simply haven't been held for two years, so then the question arises – what is with this – were you appointed only as a matter of form so that someone could say – here they are – but we did have a working group, for example related to public policies on climate change, and the fact is that this working group did not meet even once in two years.

Green Action/FoE Croatia

The problems with the right to participation are also manifested in the deficiencies in the work of the Council for Civil Society Development, which has almost completely lost its function as a platform for consultation and dialogue between civil society organizations and the Gov-

ernment. In addition to the already mentioned problems with the selection of working group members through the Council for Civil Society Development, organizations whose members are representatives in the Council also cite problems with putting topics on the agenda for the Council to consider, as well as the issue of the quality of discussions. Although the task of the Council is participation in the continuous monitoring and analysis of public policies that relate to and/or affect the development and operation of civil society and intersectoral cooperation, participation in giving opinions to the Government on draft regulations affecting the development of civil society, cooperation in planning the priorities of national programs for granting financial support to projects and programs for associations, the organizations point out that there is generally no space for fulfilling these tasks in the Council's discussions. The organizations further point out the worrying practice of not publishing the agenda and minutes of the Council's sessions, which they emphasize constitutes a deterioration of the previously established standards of the Council's work and transparency.

I think in the end, when I look at it as a representative of the sector of persons with disabilities, I think that there was almost never an opportunity to touch on any topic that would be at all focused. Alright, of course topics such as tenders are somewhat comprehensive, but in general, if representatives of different sectors are present, it would be great if at least a minimal space was opened to pinpoint some issues, and there was no space for such a thing at all. Neither was there any initiative nor did the agenda allow for that possibility. So the Council, in this composition of which I am now a part for the first time, generally speaking, had nothing to do with the sector or anything else.

SUZAH

And in general, the topics do not necessarily have to do with civil society, so at the last session, organizations introduced themselves – they had the opportunity to present themselves at the Council with their projects, which is not something that this format calls for, plus, for example, the Red Cross, firefighters, first aid services, I thought – how did I get here. With all the problems present in the civil sector, this is not the place where we should be listening to this. I think that the opportunity for us organizations to use the Council as a tool was significantly reduced due to Covid, and then later Covid became an excuse not to return to the previously established work models.

RODA

At the last session I noticed that there were no minutes from some earlier sessions, now I went to check again and the last minutes are from December 28, 2021. Someone who does not know that there is a page on YouTube with all the Council's sessions, does not know that they can go there and listen to the recording. I see that someone who is not a member of the Council has fewer opportunities to participate than we've had before.

RODA

In addition to the participation in working groups and similar bodies for the adoption of public policies and laws, the possibility of civil society participation should also be ensured through public consultations, which take place online through the Central Government Portal for public consultations (e-Consultation). The main purpose of e-consultation is to 'gather information about the attitudes, proposals and interests of citizens in regards to a certain public policy, in order to raise the level of understanding and acceptance of policy goals, but also to identify weaknesses and negative effects of the public policy that should be eliminated in time.'⁴⁴ However, numerous issues related to this form of public consultations remain a cause for concern, such as the shortening of the consultation period without justification, cases of non-publication of reports on conducted consultations, as well as public consultation plans not being adopted or published.⁴⁵ In addition to the aforementioned worrying trends, the experiences of civil society organizations that participate in e-consultations indicate that this form of consultations lacks significance, given that the comments of proponents addressed to public authorities in public consultations are rarely taken into account.

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- 14 Central State Office for the Development of the Digital Society, State Secretary Gršić: E-Consultation project includes our citizens in the decision-making process, available at: <https://rdd.gov.hr/vijesti/drzavni-tajnik-grsic-projektom-e-savjetovanja-ukljucujemo-nase-gradjane-u-proces-odlucivanja/1967>
 - 15 Human Rights House Zagreb (2022), Human rights in Croatia: Overview of 2021for 2021, available at: https://www.kucaljudskihprava.hr/wp-content/uploads/2022/04/KLJP_GI2021-Online_2704.pdf

I think that, especially when it comes to LGBT rights, everything is pro forma. We participated in the discussion on the Foster Care Act when it was in the phase of public consultation or when topics include life partners. The best we get is 'noted,' and mostly it's some generic comment. This is why I think that all this is done as a matter of form, with no chance for true public consultation and change, unless this is already politically in line with the decisions that had been made in advance.

Rainbow Families Croatia

I don't really see that the inputs of civil society organizations have been seriously considered. I think it is clear that not all of them can always be accepted, but I don't even see that they are taken into account, considered, that the proposed is even thought over, but is, in other words, automatically and bureaucratically rejected, so it is very difficult to even hope that e-consultations could make anything better.

Zagreb Pride

Well, nothing, it doesn't matter, what is it for anyway. I mean, I don't see the purpose of it because it exhausts the capacities of civil society organizations, and maybe we are also to blame for exhausting ourselves through it, because generally, if something is accepted, it is accepted, such as certain linguistic suggestions, and maybe it happens that in some kind of an enumeration of let's say seven things, you manage to add the eighth thing – alright, we'll throw in that eighth thing as well. These are the only examples of something changing through e-consultations that I can remember.

SUZAH

We have noticed that the response is most often – noted or not subject to change.

CZMOS

All the comments and suggestions we put in were either briefly acknowledged or rejected, so we are quite discouraged, and as far as I can see, this is their practice. I think that it is already quite apparent that this is in fact just a formal process that does not allow us to get involved in a substantial way.

RODA

All of the above points to a concerning trend of reluctance among institutions to cooperate with civil society organizations, and to consultations being held purely to fulfill formal obligations. A recent study on human rights civil society organizations also confirms that 'progressive civil society organizations have less and less opportunities for actual influence through existing institutional mechanisms

for advocacy, through participation in working groups, bodies, and consultations with the interested public.¹⁶ Additionally worrying is the unavailability of public information and the reluctance to cooperate, especially visible and problematic towards civil society organizations concerned with the rights of refugees, migrants, and asylum seekers, but also towards organizations concerned with environmental protection.

The reluctance of some institutions to cooperate is even more apparent in the context of access to information, especially when it comes to the Ministry of the Interior, where it is actually very difficult to obtain information that should be public and that is necessary for our work (...) our queries are most often unanswered, and when we request information invoking the Act on the Right of Access to Information,¹⁷ the Ministry either extends the period for reply or cites administrative reasons to avoid responding. We have noticed the consequences of this practice in, for example, the context of preparing a report for the EU Agency for Fundamental Rights, in which case the Ministry of the Interior regularly refuses to provide information to us but delivers it directly to the Agency, despite the Agency requesting otherwise and in spite of the fact that we are the subcontracted partner for Croatia.

Centre for Peace Studies

I think that the situation has changed for the worse (...) that for the past four or five years or so the very existence of civil society organizations is being all but ignored, sometimes there is almost no reaction to our actions, our comments, anything, which may be even worse than before when we at least made someone angry and made them want to engage in dialogue... They do not see us as a societal factor, and I think that the lack of dialogue, the ignoring is extremely bad. I want to mention one more thing that I think is extremely important for the work of environmental organizations, and that is the fact that it is more difficult to get information. For the past two years, it has been difficult for us to access environmental information at all, so much so that, for example, we get no response to our requests for information besides that what we are asking is not information at all, that it is not considered information, then they do not decide on it but consider it a notification, so our right to appeal to the information commissioner is also limited.

Green Action/FoE Croatia

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- 16 Centre for Peace Studies (2022), A New Beginning: Discussion on a new approach to the positioning and work of progressive human rights organizations in Croatia, available at: https://www.cms.hr/system/publication/pdf/175/NOVI_PO_ETAK_-_Podloga_za_raspravu_o_novom_pristupu_pozicioniranju_i_radu_progresivnih_ljudsko-prava_kih_organizacija_u_Hrvatskoj.pdf
- 17 Act on the Right of Access to Information (OG 25/13, 85/15, 69/22), available at: <https://www.zakon.hr/z/126/Zakon-o-pravu-na-pristup-informacijama>

Furthermore, it is of particular concern that civil society organizations that advocate for human rights in addition to providing direct support do not have access to institutions where asylum seekers and persons under international protection are housed, which further complicates the work of these organizations. This points to the continuation of the trend of deteriorating intersectoral cooperation between human rights defenders concerned with the rights of refugees and competent institutions.

The Centre for Peace Studies has not had access to Porin or detention centers since 2018, which physically makes our work impossible, or obstructs it. I believe that this was further deepened during the pandemic, when other organizations were also prevented from accessing these spaces, and the situation did not change when the pandemic calmed down.

Centre for Peace Studies

Funding for Work on the Protection and Promotion of Human Rights

Key issues

- *There is a continuing trend of non-existence or lack of national funding for programs of civil society organizations concerned with human rights, while particularly worrying is the lack of funding for watchdog, research, and advocacy activities, along with the lack or absence of tenders for financing activities of civil society organizations aimed at pressing social issues and challenges.*
- *The functioning of civil society organizations continues to be burdened with increasing administrative requirements which takes up a large portion of human and financial resources at the expense of quality preparation and implementation of program activities.*
- *The administrative requirements that organizations must meet are continuously increasing, while the financial support for ensuring sustainable administrative, financial, and operational activity for the organizations is not proportional to these requirements.*
- *Insufficient funding from national sources for the organizational development of smaller and new civil society organizations is often a major obstacle to continuous and sustainable work on the protection and promotion of human rights, especially for organizations operating outside of larger urban areas.*
- *Although still prevalent, one-time one-year projects are not suitable models for funding long-term support programs that civil society organizations provide to citizens, such as free legal aid or psychological counseling, unnecessarily burdening organizations and public authorities with administrative requirements.*
- *Delays in publishing announced tenders and the lengthy process of evaluation and publication of tender results remain an issue when it comes to the European Social Fund and local tenders, while there was a cut in financial*

resources in the case of tenders financed from the state budget compared to the originally requested amount, which negatively affects the planning, development, and financial viability of civil society organizations and their work on the protection and promotion of human rights.

Ensuring free access to sources of funding for the activities of civil society organizations is an important prerequisite for human rights defenders to be able to work on the protection and promotion of human rights and exercise the right to freedom of association. For this reason, hindering and limiting access to funding has been observed in many European countries as a dangerous trend towards limiting the space for civil society's activities. In the case of Croatia, concerning is the absence and lack of national funding (tenders from ministries, the European Social Fund, and government bodies) for the programs of civil society organizations concerned with human rights. The lack of funding for watchdog, research, and advocacy activities is particularly apparent, as well as the lack of tenders for funding the activities of civil society organizations aimed at pressing social challenges and issues – for example, anti-corruption, sexual and reproductive rights, civic education, gender equality, the right to health with access to health care, anti-discrimination, LGBTIQ rights or human rights and democracy in the digital environment.

I would say that our problem is that we don't actually have national sources of funding for many important areas that we focus on, including anti-corruption (...). On the one hand, we have, we have recognized corruption as a big problem with many indicators, in addition to witnessing ministers being arrested, corruption at the very top of the government, not only at a local level, and at the same time, we do not have tender opportunities that would allow us to deal with fighting against corruption at all. I really see this as a problem.

Gong

Reducing civil society, even that which directly provides services, to a humanitarian and charitable aspect, to putting out fires, closed channels for funding that enable any kind of breakthrough – offering something new, piloting, testing out, offering new solutions, we don't have that anymore (...). Project tenders are designed like tenders for services, like subcontracting services, not calls for projects. And as far as human rights protection is concerned, this is very rare, and perhaps at a local level somewhere, small amounts of money are provided for it.

Dragana Knezić

Some topics within human rights have been completely disregarded, for example women's rights and specifically sexual and reproductive rights.

CESI

Funding at the national level is not at all directed towards organizations concerned with human rights.

RODA

I would not say that there is any space for LGBTIQ organizations to apply for projects unless they are going to bend over backwards and invent a story that fits into the announced tender. But as far as I'm aware there is no strategy or program that would support gender equality, that would support, for example, sexual education, that would support the promotion and protection of the human rights of citizens based on their sexual orientation, gender identity, gender expression, characteristics that are, after all, specified in the Anti-Discrimination Act and other documents.

Rainbow Families Croatia

Tenders are delayed or missing altogether. When it comes to our area of LGBTIQ rights, tenders are almost non-existent. Access to funding for our work is certainly difficult, inadequate, funds are not allocated and tenders are not released, and not all important social topics are covered.

LORI

At the national level, there are practically no tenders for human rights organizations. One of the core activities of IPC is the provision of free legal aid, which is financed exclusively from the State Budget by the Ministry of Justice and Public Administration (...) The funds provided to civil society organizations are not nearly sufficient for organizations providing primary legal aid to be sustainable.

IPC

In addition to the fact that organizations clearly indicate insufficient national funding for research and advocacy work on the protection and promotion of human rights, and for a number of current issues in society, there is additionally the problem of the lack of certain types of support. Namely, there is very little support that would secure resources for organizational development and a lack of support that would sustainably fund administrative and financial operations of organizations, while the administrative requirements that organizations must meet are growing. There is also insufficient funding to cover the costs of core operations such as utilities, telecommunications, etc., which are continuously increasing. The lack of national tenders that would enable organizational development for smaller and new civil society organizations is often a major obstacle, especially for organizations operating outside larger urban areas.

There is a lack of ad hoc funding and funding for organizational development and stability.

PaRiter

I mean, it's actually devastating that you see people who want to potentially make some changes in their community, they want to advocate for a certain population and supplement services that are missing, and there is no support, in the area of human rights: the right to health and healthcare, the right to basic social services, the right to rest, the right to sport and culture, the right to some kind of leisure. This is what organizations often provide, but they have a significant problem of having to tell them – maybe in six years you will be able to apply for Erasmus. For everything else that you recommend, you are afraid that people will waste their own capacities on paperwork, and in fact we don't have a pool of easily accessible and easily implementable tender opportunities (...) I mean, people hire occupational therapists, but that's not it, and it's carried out on a voluntary basis, but hiring a person with a clear goal, growing the organization, there is no such thing.

SUZAH

Another problem is that a growing number of projects that we carry out cover only a small portion of our core costs. This means that we can't have a pool of easily accessible and easily implementable tender opportunities (...). And I think that this is a general trend, so we have to improvise a lot.

Documenta

In the context of financial sustainability, local funding is fragmented and more symbolic than substantial.

PaRiter

National and local funding of civil society organizations is often focused on one-year projects. While this type of funding can be effective and useful for some types of activities, it is not suitable for long-term support programs that organizations provide, including free legal aid or psychological counseling. Such activities, however, are often funded as one-year projects, whereby civil society organizations re-tender for their activities every year, which is a practice of questionable sustainability that produces an additional administrative burden for both the organizations and public authorities.

A change for the better would be if funds were not provided for the project for a single year, if projects didn't have a maximum duration of one year, but if funds were provided for, for example, two years. This gives you more security and financial stability than writing project applications year after year. Specifically, we have a project of the Ministry

of Justice through which we provide free legal aid, and it really does not make sense to reapply every year. It would be much simpler for both parties to grant financial support for, for example, three years.

B.a.B.e.

And all these are now one-year projects and after that, even though you did something good for the community, you are out of resources, and if you don't have resources, it all goes down the drain.

MoST

Administrative burden is one of the problems in funding for civil society organizations, one that is continuously present and significantly hinders the work of organizations.¹⁸ Civil society organizations repeatedly warn about excessive and inefficient administrative requirements, which are increasing while there is a trend of decreasing the share of project funding for the jobs needed to administer the project. The trend of excessive and ineffective administrative requirements is most evident in the case of the European Social Fund, which is exhausting resources with project monitoring that requires more attention to be paid to administration, form, and quantity of implementation at the expense of the quality of implementation of project goals and solving social issues. In this way, excessive bureaucratization and administration weakens the quality of work and civil society organizations' ability to operate.

The rigidity of implementation in terms of budget changes and the burden of administration and crazy requirements does weigh civil society organizations down.

PaRiter

There is so much paperwork that the non-governmental sector is actually losing its essence and purpose. Change is what gives me the incentive to keep doing what I do. Not – we have met the formal requirements and sent the report for the project. And it amounts to that more and more often.

MoST

Worrying about the administrative aspect and reporting sometimes takes more energy than the planning itself, and I would perhaps even go a step further and say that reporting is already an integral part of planning – if we would not be able to meaningfully report on it, we

18 Human Rights House Zagreb (2020), Access to funding for civil society organizations in Croatia, available at: https://www.kucaljedskihprava.hr/wp-content/uploads/2021/03/Pristup-financiranju-za-organizacije-civilnog-drustva-u-Hrvatskoj_web.pdf

wouldn't be able to implement it, and this is a disaster, the creative and activist aspect of organizations is being systemically destroyed by project funding.

YIHR

I think that now, basically every civil society organization must have at least one, preferably more, people who have this administrative knowledge, because projects are becoming more and more demanding in this sense and I think that it is very burdensome.

Green Action/FoE Croatia

It is of further concern that issues with announcing tenders and publishing the tender results continue. In the case of national tenders, organizations cited the problems of a significant cut in financial resources compared to the originally requested amounts, while the challenges with European Social Fund tenders include the lengthy evaluation processes and delays in announcing planned tenders. The issues with the long evaluation process and the publication of tender results are also present in the local funding of civil society organizations. All of the above has a significantly negative impact on the planning, development, and financial sustainability of civil society organizations.

The problem is the extremely broad timeframe for publishing results, which puts organizations in an unfavorable position in terms of difficult planning of work and project application, which is why they are continuously under pressure and in crisis due to the inability to secure funds in time and ensure continuity of work.

PaRiter

[Regarding local financing] You specify the start of project implementation, but the project is approved six months later, and then you actually have to carry out all the activities in two months instead of eight as planned.

B.a.B.e.

We now have an example of the so-called Covid tenders released in December 2020 – the decisions on funding were published in July 2022, and now we will work on the needs of the community related to the pandemic and the corona crisis. It's so absurd.

LoRi

Public Support for the Work of Human Rights Defenders

Key issues

- *Public support from politicians and other officials for human rights defenders and their organizations continues to be lacking, while public support from institutions at the national level, with the exception of ombuds offices, is almost exclusively declarative or non-existent.*
- *Public discrediting and delegitimization of human rights defenders by ultra-conservative and populist politicians continue to be a problem, while cases of discrediting human rights defenders by the highest state officials – the president and prime minister – are of particular concern, which further complicates the work of human rights defenders and relativizes the value of human rights in a democratic society.*
- *We continue to witness a negative public perception of human rights defenders, especially those concerned with the human rights of marginalized or vulnerable social groups, such as LGBTIQ persons, refugees and asylum seekers, members of national minorities, victims of domestic or gender-based violence or those in the field of dealing with the past, who continue to face intimidation and verbal threats.*
- *Of particular concern are the threats received by human rights defenders when they focus on politically current and socially polarizing topics, which negatively affects not only the work of human rights defenders, but also the wider community of beneficiaries and members of human rights organizations, as well as victims of human rights violations.*
- *Politicians and officials continue to fail to clearly and unequivocally condemn acts of threatening and discrediting human rights defenders, thereby sending an indirect message to the public that such behavior is approved, which leads to the social normalization and acceptance of a certain level of hate speech and intimidation, as these are condemned only when they reach extremes.*

Public Support from Decision Makers

In order for human rights defenders to act effectively and in a safe environment, it is important that political and social actors and decision-makers recognize their work on the protection and promotion of human rights—and publicly support it. There is still a lack of public support for human rights defenders and their organizations from politicians and representatives of institutions. The organizations that participated in the research cite ombuds offices as institutions that offer them real support in their work, while the public support from other institutions at the national level is almost exclusively declarative or non-existent. Additionally concerning is the portrayal of human rights defenders and civil society organizations as budget spenders, idlers, and harmful for the interests of the state.

I believe that politicians' support is limited. As far as institutions are concerned, I think that the only support we received in the past four years was from the Ombudswoman. Not only was there no support from the others, but cooperation was also absent precisely because we are human rights defenders.

Centre for Peace Studies

I don't think there is anything favorable regarding the politicians in power, the Prime Minister and the President, I don't think that human rights organizations are treated and portrayed well. In fact, I think that institutions often attack and call them out. (...) They are almost portrayed as, how should I say, breadtakers. Like those who suck resources from the budget and don't contribute, or like, as Prime Minister Plenković called us, professional applicants, let's say.

Gong

I don't see any significant support here, except in the context of some potential photo opportunities, from time to time. A very symptomatic example for us was Bandić, who regularly came to mark the World Autism Awareness Day, who openly lied that a new center for autism would be built. Which, as the alliance investigated, contained a basis for corruptive actions during his first mandate including land exchange and such things, where in fact the lot he advertised was actually given to the city through exchange for a much better lot. So in that sense, it is an ugly example that includes cooperation with politicians, where in fact the organization was used and some of the organization's events

were used to gain political points, even though nothing or worse will happen in the end, someone literally used this topic for corruption but is now throwing dust in people's eyes.

SUZAH

There is support from some bodies, namely international organizations and offices that do some type of ombuds work, be it national, supra-national or, in this context, at the European level, the United Nations. That type of support that manifests itself in the form of adopting our comments, recommendations, advice, objections, complaints, in annual reports, in state recommendations, in various types of interventions towards decision makers, it exists and it is also the only support we have in our work, and as for the decision-makers directly, that support is poor.

YIHR

Human rights defenders are still exposed to discrediting and delegitimization in public, especially by ultra-conservative and populist politicians and media associated with the right-wing political spectrum. Of particular concern are cases of discrediting human rights defenders by the highest state officials – the president and prime minister – which further hinders the work of human rights defenders and relativizes the value of human rights in a democratic society.

Another thing that happened to us this year was in the case of Mirela Čavajda, when we were the initiators of the Enough! initiative and actively participated in promoting Mirela's right to terminate her pregnancy in Croatia just like other women who find themselves in that situation, when certain portals slandered us and called us all but baby-killers and murderers, which we did not want to pay attention to publicly, nor defend ourselves in public, but we are considering filing a lawsuit against one portal, along with several other organizations that have been called out for promoting the killing of unborn children.

RODA

Both the general public and the narrow political circle tend to speak based on existing prejudices without any real interest in our work (...) Specifically, when it comes to President Milanović, he simply rambles on in his statements and does not know when to stop (...) he makes statements based on personal opinion based on prejudice and stereotypes, completely without basis. And of course, after our response, he does not admit his mistake but continues on. He is certainly not alone in this, because often when talking negatively about women's organizations, 'those hags'z2o is used, which is sometimes directly aimed at us, and sometimes others who do similar or the same work as us are identified with our name.

B.a.B.e.

20 B.a.b.e. (from Croatian: babe, meaning 'hags') is an abbreviation of Be active. Be emancipated.

And the third thing that comes to mind is that the very top of the government and the Prime Minister often calls those he wants to discredit in this way – namely those who oppose him – activists, implying that organizations are a breeding ground for his political opponents and those who want to politically destroy this country (...) He completely redefined the terms activism and activist and put them in a negative context and that serves him, as far as I can see, he is constantly pulling it out of his sleeve. As if it was illegitimate for someone to actively work in an organization and then throw themselves into politics, while the fact that a bunch of gynecologists and doctors have their own private practices and then go in as politicians and shape public policies, he doesn't have a problem with that. So, I think that organizations are smeared in different ways and that those who should take care to protect the reputation of organizations are not doing their job, while organizations are too busy with their activities and reports to defend themselves, and besides, why should they defend themselves.

RODA

A concrete example was when most representatives announced a lawsuit that has not yet been filed against Zagreb Pride because of our public reaction, we see it as a form of political pressure and even an attempt to silence us, and in general on one part of the political spectrum, LGBT organizations in general along with Zagreb Pride, are falsely called out for things like propagating certain things that we do not propagate and so on.

Zagreb Pride

Negative Perception, Threats and Intimidation of Human Rights Defenders

We continue to witness a negative public perception of human rights defenders. Of particular concern is the case of years-long intimidation aimed at environmental defender Nikola Tesla, who was exposed to various pressures in his local community due to his commitment to a clean and healthy environment. In an effort to ensure a healthy environment, Tesla also lost a lawsuit against the municipality, which resulted in huge court costs that the municipality and the utility company did not want to waive, even though his request to close the landfill was justified. This example negatively affects the work of human rights defenders because it has a deterrent effect on advocacy for public interest and human rights, which is not rewarded, but punished.²¹

21 Green Action/FoE Croatia (2022), Charity action: Donate for Nikola Tesla – Defender of the environment!, available at: <https://zelena-akcija.hr/hr/vijesti/dobortvorna-akcija-doniraj-za-nikolu-teslu-branitelj-oko-lisa>.

Work on the human rights of marginalized or vulnerable social groups, such as LGBTIQ persons, refugees and asylum seekers, members of national minorities or victims of domestic or gender-based violence, and in the field of dealing with the past, is discredited in part of the public sphere and portrayed as opposed to traditional values, national interests, and religious beliefs of the majority. Human rights defenders and their organizations face intimidation, verbal threats in the form of phone calls, anonymous letters, internet comments, on organizations' social media channels and under articles on web portals.

I believe that our position in the public sphere has certainly not been positive in the last four years, at least in the context of migration, (...) I would say that this is visible in the number of negative comments after media appearances, where there is often hate speech addressed to the person who spoke in the media. For women, this is very often the threat of sexual violence. There is a certain fixation on that, but in general it is apparent that there is no substantial support, which I think was further threatened during the local elections by the smear campaign of the right, which, although crazy and without grounds, harmed civil society as such.

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Being exposed to provocations, at the very least, and the fact that the ratio of police officers guarding a group of ten people, it seems as if the very presence of a repressive authority in a ratio of fifty police officers to the ten of us, produces a difficult feeling. As for the threats in the last four years, there weren't really any death threats, but there are those situations, I would say more hate speech than threats in the sense of a criminal offense.

YIHR

Yes, and hate speech, meaning direct incitement to violence and discrimination and certain other forms of offensive, vulgar speech are continuously directed at the activities of Zagreb Pride. We receive threats, insults, and various other vulgar comments and messages through e-mail and social networks. Offline, it is known that rainbow flags are continuously damaged and removed in May and June, so in a physical sense, the activity of the organization is exposed to direct vandalism. In this case not from politicians but from citizens.

Zagreb Pride

Of particular concern are threats received by human rights defenders when they focus on politically current and socially polarizing topics. Threats and insults not only negatively affect the work of human rights defenders, but also the wider community of beneficiaries and members

of human rights organizations and victims of human rights violations.

The very last time, when we were doing research on disinformation, we received some very serious threats and we reported it to the police. So, the topic was research on one of our projects concerning Covid and anti-vaxxers after which we received specific threats on Facebook and on e-mail that were serious enough to report to the police.

Gong

Each case is considered separately and only what we judge to be potentially the most dangerous or which is simply the most disturbing for any subjective reason, those things are reported. In other words, there is, in a way, already a high tolerance for this type of communication and it is dealt with only in the most extreme cases. That is, it is reported to the police, and so on. (...) In the last four years, we had three reports. (...) I think that the police, in a purely procedural sense, is very correct, ok, but there it never leads anywhere. It never resulted in anything much. Things are noted and that's it.

Documenta

We receive threats, they call for our death and murder, and I think – on the one hand we understand, these are anonymous commentators online and possible trolls – but people are afraid, our members see it, for example lesbian couples with children, who then simply don't want to come to Rainbow Families' public events anymore because they are afraid of what could happen if one of those commentators is there and actually does something? Therefore, we have two categories of events, closed events for our community and open events for the general public. Ideally, we wouldn't have to separate them... but we do, because people are afraid that someone will attack them, LGBTIQ people come with children, and they are primarily afraid of someone attacking their children.

Rainbow Families Croatia

Absence of Public Condemnation of Threats

The absence of clear and unambiguous condemnation, i.e., missing the opportunity to publicly and directly condemn all threats and instances of discrediting human rights defenders, sends an indirect message to the public that such behavior is accepted. Instead of taking responsibility for preventing threats and pressures against human rights defenders and giving legitimacy to their work, politicians and officials miss the opportunity to build an open and democratic society based on respect for human rights without violence and discrimination. Particularly worrying is the normalization and acceptance of a certain level of

hate speech, violence, threats, which are met with condemnation only when they reach extremes.

I wouldn't say that there is loud support. I would say that, in principle, everyone will condemn threats as such, but someone coming to the defense of a human right defender, I wouldn't say that.

Gong

I think that politicians and/or representatives of public authorities do not publicly condemn attacks on human rights defenders, therefore indirectly only supporting the uncertain reality in which human rights defenders live.

LORI

In terms of politicians, the authorities react only when things get extreme... All the rest, which may not have resulted in violence, is not only ignored, but has begun to be understood as normal, expected, it is no longer seen as something that needs to be continuously pointed out, such as, for example, the destruction of flags.

Zagreb Pride

Criminalization of the Work of Human Rights Defenders

Key issues

- *Human rights defenders and civil society organizations remain exposed to attempts of intimidation and criminalization of their work when they strive to help refugees, migrants, and asylum seekers by facilitating access to asylum procedures, which has resulted in accusations and adjudications for ‘assisting in illegal border crossing.’*
- *The criminalization of the work of organizations that protect the rights of refugees, migrants and asylum seekers, in addition to direct negative consequences on the work and lives of human rights defenders, also has a direct negative impact on the work of other human rights organizations and a deterrent effect on expressing public criticism and pointing out human rights violations.*
- *Environmental protection organizations continue to face SLAPP suits, which are intended to intimidate, censor, and silence the work of human rights defenders in the field of environmental protection, through proceedings whose stalling leads to problems in the form of a financial burden and the consumption of time and capacities of civil society organizations.*

Criminalization of Solidarity and Work of CSOs Protecting the Human Rights of Refugees

In the context of the criminalization of the work of defenders of the human rights of refugees and persons seeking international protection, in the observed period, there were instances of putting pressure on human rights defenders and organizations that protect the rights of refugees, migrants, and asylum seekers. The pressures to which

human rights defenders are exposed were also confirmed by the judgment of the European Court of Human Rights in the case of *M.H. v. Croatia*,²² which found violations of the human rights of the Hussiny family and that pressure was put on the family's lawyer and the activists who helped refugees, in order for them to give up support for the family.

In 2021, there was another case of an attempt to intimidate and criminalize the work of civil society organizations that protect the rights of refugees and persons seeking international protection. An activist from the organization *Are You Syrious* was fined 60,000 HRK and 1,300 HRK in court costs for 'helping the Hussiny family from Afghanistan cross the border illegally' in 2018 in the verdict of the Misdemeanor Court in Vukovar, even though his intention was to facilitate access to asylum procedures.²³

*Dragan's case*²⁴ clearly shows that it is criminalized. So, in that particular case, on the basis of accusations against a private person, sanction was initially sought for a legal entity – the organization he volunteered in – from which it is clear that it was an attempt to obstruct the work or at least influence the work of a civil society organization.

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The case of putting pressure on the family and the harassment of refugee human rights defender Tajana Tadić is particularly worrying. Her partner, Iraqi citizen Omer Essa Mahdi, who was granted international protection in 2018, had his refugee status revoked by the Ministry of the Interior in 2020 because he was declared a threat to national security. He believes that the reason for this was his refusal to act as an SOA informant, as well as his

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

23 Human Rights House Zagreb (2022), *Human rights in Croatia: overview of 2021*, available at: https://www.kucaljudskihprava.hr/wp-content/uploads/2022/04/KLJP_GI2021-Online_2704.pdf

24 It refers to the above-described case of the activists from the organization *Are You Syrious*.

partner's activist engagement. Proceedings are ongoing before the Constitutional Court in connection with contesting the withdrawal of international protection, while Omer Essa Mahdi, fearing deportation, has left Croatia and sought safety in another European country.²⁵

The pressure is manifested in the court process, which has lasted for two and a half years, and in which the institution and the judiciary did not take into account any of the evidence that we have submitted, which is in our favor. Due to the alleged secrecy of the information, we were not informed nor could comment on the charges that my partner was facing, and which led to his asylum being revoked. Furthermore, in its ruling, the High Administrative Court rejected the proposal to issue a temporary measure, that is, to suspend the Ministry of the Interior's order on leaving the European Economic Area until the final decision on the appeal is made. Given that the measure was decided on a year and a half after the occurrence of harmful circumstances, our attorney Sanja Bezbradica Jelavić interprets it as a violation of the right to a trial, i.e., to a trial without unnecessary delay. In addition, unreasonable time for deciding on emergency measures also constitutes a potential violation of the right to life or potentially inhumane treatment.

Tajana Tadić

In addition to the direct negative consequences of criminalization on the work and life of human rights defenders and civil society organizations, these procedures are also used as a means of delegitimizing and discrediting the work of human rights defenders in the public eye. Such pressures have a direct negative impact on the work of other human rights organizations and a deterrent effect on expressing public criticism and pointing out human rights violations.

The aforementioned pressures certainly lead to increased caution in work, which has caused some organizations to go completely silent in the public sphere, i.e., to stop warning of illegal conduct and violations of human rights.

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25 Human Rights House Zagreb (2022), Human rights in Croatia: Overview of 2021, available at: https://www.kucaljudskihprava.hr/wp-content/uploads/2022/04/KLJP_GI2021-Online_2704.pdf

SLAPP Suits Against Civil Society Organizations

Legal actions taken by investors against environmental organizations or SLAPPS (strategic lawsuits against public participation) aimed at censoring, intimidating, and silencing human rights defenders are still a major problem faced by organizations concerned with environmental protection. In 2017, such a procedure was initiated against Green Action (FoE Croatia), specifically three responsible persons, in the case of the construction of a golf resort on hill Srđ above Dubrovnik, which is still ongoing. A private investor initiated a criminal procedure for the criminal offense against honor and reputation and a civil procedure for damages, in which the sum of claims (without interest and court costs) amounts to about HRK 200,000. At the same time, the investor requested the Commercial Court to adopt a temporary measure that would prohibit Green Action's activist activities and its right to freedom of expression during the realization of the Srđ project. Stalling of the procedure in this case entails problems in the form of a financial burden, consumption of the organization's time and capacities, as well as a negative perception of the organization in the public eye.

I think here it is important to mention that in essence, these types of investors have a lot of support from the authorities at all possible levels, because no one has protected us at any point in this procedure or taken a position that these procedures may be conducted for their own sake and not because we actually did something. This has been going on since 2017, and the prosecutor has not even taken any steps to prove what it is that we did exactly, what kind of damage we allegedly caused.

Green Action/FoE Croatia

Ensuring Free Access to the Media

Key issues

- *Although the organizations emphasize good cooperation with some media and journalists, human rights are still poorly represented in the mainstream media, which scarcely cover systemic problems and policy proposals concerning the respect and protection of human rights proposed by civil society organizations, while some human rights areas, such as LGBT rights and the topic of gender-based and domestic violence, are approached in an opportunistic and sensationalist manner.*
- *Access to key political and social public television programs remains difficult for human rights defenders. Topics related to the rights of marginalized or vulnerable social groups, such as LGBTIQ persons, refugees, and asylum seekers, and to the field of dealing with the past are still scarcely featured on main public television programs.*
- *Although extremely important for the promotion and protection of human rights and of special importance for human rights defenders, Croatia still lacks strong and sustainable non-profit media outlets whose role has been further weakened in recent years by the lack of sustainable funding and limited space for their activities.*

The media, as intermediaries in providing information, play a key role for successful human rights protection and advocacy and are an important factor in creating a safe environment for the activities of civil society organizations. Human rights defenders cite the weak interest of the media in human rights issues as a general problem – systemic problems and policy solutions proposed by civil society organizations are particularly poorly addressed. In addition, the media often approach some human rights, such as the rights of LGBT persons or the topics of gender-based and domestic violence, in an opportunistic and sensationalist manner aimed at making the media content highly clickable and gaining profit from advertising.

Interest is often reduced to sensationalism, which we fought 20 years ago, but it seems to be having a comeback. (...) In addition, there is less and less space in the media for the facts that we encounter in our work in the field of human rights protection and cooperation with public authorities and similar as defenders of LGBTIQ rights.

LORI

It is different in June when it's Pride Month and everyone suddenly remembers LGBTIQ people and their rights, it is much less present during the rest of the year (...) Everyone reports the news when it is bombastic, when a law changes, religious fundamentalists start a petition to ban us or incite violence, or something like that. Positive news about LGBTIQ people is largely ignored.

Rainbow Families Croatia

While the majority of commercial media in Croatia, which in most part fall on the left-liberal spectrum, show great interest in these topics on two levels, in one part this interest is open, they are really interested in human rights and LGBT issues, but there is a negative trend of tabloidization and commercialization because LGBT topics are very clickable. In this sense, we see that the commercial media, which devote a lot of space to LGBT topics, are more and more slipping into that clickability, and away from true interest, partly precisely because it is known that LGBT topics attract the readership's interest and a large number of both negative and positive reactions.

Zagreb Pride

Occasionally. Meaning, when a woman is killed, when a woman is raped, on International Women's Day, on the International Day for the Elimination of Violence Against Women, then it's talked about. Outside of that, barely.

B.a.B.e.

When it comes to migration, mainstream media access is still very limited in the context of migration, because the focus is on sensationalism, and people on the move are often dehumanized. However, persistent efforts of some journalists in 2021 did lead to evidence of the illegal treatment of refugees and other migrants by the Croatian police being featured on tv, both in Croatia and throughout Europe.

Centre for Peace Studies

The media rarely listens to systemic stories. Rarely goes into how long things take, how poorly the state administration does its part. Systemic problems, those are not really mentioned, there are mentions of situations when one person has a problem, then the article possibly expands onto why that one person has the problem, but actual systemic analyses of certain areas or something like that, we rarely get that.

SUZAH

But we actually have very few serious investigative journalists, serious analytical, investigative programs, no one is interested in that anymore. (...) but again, we can't talk about solutions, when it comes to solutions, you have a hard time being on air. (...) it is a global trend linked to social media and this competition for attention, for increasingly short-term and variable attention, of the media maybe even competing, by

reporting that some organization created a feasibility model for the universal availability of social services instead of the headline... catastrophic numbers, terrible images of how everything is horrible, that will prompt someone to click on that headline and not on another one.

Dragana Knezić

So, these topics are extremely present in the public sphere, but the way they are dealt with, the things that are emphasized, the messages that are sent are actually something we want to work on changing. There is first of all simplification, problems are articulated tendentiously, from a specific angle, which diminishes the complexity of the problem and does not actually provide, let's say, another perspective. The perspective of another community, be it the perspective of an ethnic minority or any other minority. The emphasis is therefore primarily on Croatian victimization, that is, on the Croatian just and holy struggle against the occupiers and so on.

Documenta

The trend of weakening the representation of human rights defenders in public television programs continues, which is manifested in a smaller number of invitations to participate in key socio-political programs, which results in the absence of critical opinion in key public television programs. Access to public television is also difficult due to the fact that it often does not cover topics from the human rights perspective that civil society organizations are concerned with, whereby it especially scarcely features analyses or presentations of solutions to social issues, as well as topics related to the rights of marginalized or vulnerable social groups such as LGBTIQ persons, refugees and asylum seekers, and to the field of dealing with the past.

In our experience, the public media had very weak coverage of the topics (especially HRT1 and HRT2). Coverage was clear and extensive on HRT4. Private media covered most of the topics.

Association for the Development of Transparency and Protection of Whistleblowers Razvoj

Public television coverage is poor – we are practically never invited as guests and have practically no access to public television. It's a bit better with other media. In general, we are quite present in some media outlets, but we also produce a lot, but how can I say, we will end up in the media if a politician attacks us and we respond. But for more complex topics it is much more difficult to get on air.

Gong

We did not get the impression that public television is putting in efforts to discuss these topics, maybe an initiative, goodwill, but even then

it's crammed into a schedule or feature, a program. There are journalists at HRT who want to work on these kinds of topics, but we have a feeling that it is cut when it reaches a higher instance. We used to say that we are good for HRT3 and 4, but we are not good for HRT1 and 2. (...) the situation is such that you can see that HRT is now moderately conservative, and these other private companies are more cooperative and it's much easier to work with them.

Rainbow Families Croatia

In the context of migration, both our visibility and the visibility of the human rights approach to reporting on migration and access to asylum are extremely rare on public television.

Centre for Peace Studies

Well, the media coverage of the topic, in general, not only the content produced by the Initiative, but also by other civil society organizations and other actors in the field of dealing with the past and transitional justice, is actually quite low – the visibility of the topic is low in public broadcasting. As far as our experience is concerned, if we are talking about national television, that is, if we are talking about HRT, then that cooperation is great, but only with one type of program – that is, multinational programs, and editors and journalists who specifically focus on a topic that relates to some type of multi-ethnic multinational bilateral, regional cooperation, through cultural content, that's how I would put it, that aspect will be covered, but all that is more politically controversial and that does not fit into what needs to be observed, what is ultimately prescribed as a way to observe these war events, television has no interest there, there are also some sparks of change, but we cannot talk about continuous change.

YIHR

Human rights defenders in non-profit and independent media recognize media outlets that continuously and affirmatively monitor violations and challenges in exercising the rights of marginalized and underrepresented social groups. They are also important actors who contribute to the democratization of society through investigative journalism and critical thinking, and are an important corrective to the government. Despite their importance, non-profit media in Croatia continue to face the same problems as civil society organizations – lack of sustainable funding, lack of understanding of their role in society, and limited space for their activities. For this reason, civil society organizations emphasize good cooperation with non-profit media, but also warn that there is a lack of strong and sustainable non-profit media outlets, and that their role in recent years has been weakened.

Yes, there is a need for more non-profit media outlets. Public television is politically trapped and it should be the one protecting the public interest. In commercial media, public interest is often used for clicks or by advertisers or state advertising, so again there is pressure from the state. Of course, despite this, we push some topics, we have good cooperation with journalists, but generally speaking, we lack non-profit media.

Gong

As for non-profit media outlets, they are valuable and important partners to us, the only platform in the public sphere that we actually have thanks to journalists who research the topics we focus on and are happy to report some of the content that we provide – announcements and similar. I would rate our cooperation with non-profit media as very positive and inspiring, I hope on both levels, to mutual satisfaction. I think that without non-profit media outlets, our visibility would be almost non-existent.

YIHR

On the other hand, independent and progressive media outlets are not funded and are in the position of having to choose whether they will be funded and pander to those who finance them or remain independent and fail because they do not have the resources. This is generally a problem for non-profit organizations in this country.

RODA

The Right to Freedom of Assembly

Key issues

- *Difficulty gathering at St. Mark's Square prevents citizens from exercising their right to public expression and protest in a location of utmost political relevance where they can be heard and seen by elected democratic representatives and officials, i.e., those being addressed.*
- *Still present are public attempts to depoliticize some public gatherings in a way that they are treated as manifestations in order for them to fall under different rules than those applied in the case of protests, thereby creating a financial burden for the organizers of the assembly, which can have a deterrent effect on the realization of the freedom of assembly.*

The main issue for the freedom of public assembly highlighted by the organizations is the restriction on assemblies at St. Mark's Square that has been in force for two years. Namely, public assemblies can be organized at St. Mark's Square with prior notice, while access is possible only through police checkpoints introduced²⁶ after the shooting at the government offices in late 2020. This has made public assembly very difficult, hindering the exercise of the citizens' right to public expression and protest at a location of utmost political relevance where citizens can be heard and seen by elected democratic representatives and officials, i.e., those being addressed.

When it comes to public assemblies, I would mention the closing and fencing of St. Mark's Square as an example of an ugly image for democracy – I would say that the image of the square is the image of a police state, which Croatia is not, despite many issues in its democracy and its decline.

Gong

26 Government of the Republic of Croatia, Regulation amending the Regulation on the Determination of Protected Persons, Facilities and Spaces and the Implementation of their Protection and Security (OG 131/2020), available at: https://narodne-novine.nn.hr/clanci/sluzbeni/2020_11_131_2490.html

I believe that the closing of St. Mark's Square after that attack was used to prevent public gatherings and general access to the Parliament and the Government in the long term.

Centre for Peace Studies

The only thing I would point out is this inability to protest at St. Mark's Square—it's a disaster, this is a location that must be open to people, citizens, for them to say what they think in the immediate vicinity of the institutions and persons they are addressing.

YIHR

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

I see something, a trend, that, from our perspective, has existed before and still exists, and those are efforts from city authorities or police authorities, made through formal or informal channels of communication, to qualify protests that clearly have a socio-political character as events, manifestations, festivals and then consequently charge for public services such as, for example, insurance or road closures or another service as if they were commercial events that the organizer may or may not profit from. This didn't happen to us, but there were attempts in the past that we responded to with complaints, objections, even lawsuits. This trend to reclassify as many protests as possible into events is visible, which has two negative consequences. One is an attempt to depoliticize public gatherings, and the other is to put pressure on the organizers to provide financial resources for paying for such public services related to the organization of events and manifestations in contrast to public protests, which must always be free and accessible to citizens by the laws and the constitution.

Zagreb Pride



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