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#rolreport2025

**LIBERTIES**

**RULE OF LAW REPORT**

**2025**



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**CROATIA**



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# FOREWORD

This country report is part of the Liberties Rule of Law Report 2025, which is the sixth annual report on the state of rule of law in the European Union (EU) published by the Civil Liberties Union for Europe (Liberties). Liberties is a non-governmental organisation (NGO) promoting the civil liberties of everyone in the EU, and it is built on a network of national civil liberties NGOs from across the EU. Currently, we have member organisations in Belgium, Bulgaria, the Czech Republic, Croatia, Estonia, France, Germany, Hungary, Ireland, Italy, Latvia, Lithuania, Malta, the Netherlands, Poland, Romania, Slovakia, Slovenia, Spain and Sweden, as well as a contributing partner organisation in Greece.

Liberties, together with its members and partner organisations, carries out advocacy, campaigning and public education activities to explain what the rule of law is, what the EU and national governments are doing to protect or harm it, and gathers public support to press leaders at EU and national level to fully respect, promote and protect our basic rights and values.

The 2025 report was drafted by Liberties and its member and partner organisations, and it covers the situation during 2024. It is a ‘shadow report’ to the European Commission’s annual rule of law audit. As such, its purpose is to provide the European Commission with reliable information and analysis from the ground to feed its own rule of law reports, and to provide an independent analysis of the state of the rule of law in the EU in its own right.

Liberties’ report represents the most in-depth reporting exercise carried out to date by an NGO network to map developments in a wide range of areas connected to the rule of law in the EU. The 2025 report includes 21 country reports that follow a common structure, mirroring and expanding on the priority areas and indicators identified by the European Commission for its annual rule of law monitoring cycle. Over forty member and local partner organisations contributed to the compilation of these country reports.

**[Download the full Liberties Rule of Law Report 2025 here.](#)**

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# **CROATIA**

## **ABOUT THE AUTHORS**

Centre for Peace Studies



Centre for Peace Studies (Croatian abbreviation: CMS; English abbreviation: CPS) is a civil society organisation that protects human rights and pursues social change based on the values of democracy, anti-fascism, nonviolence, peacebuilding, solidarity and equality using activism, education, research, advocacy and direct support.

## KEY CONCERNS

### *Judicial System*

The integrity and independence of the justice system were significantly undermined by controversies surrounding the selection of the State Attorney General, particularly in light of his conflict with the European Public Prosecutor's Office (EPPO).

The state improved judicial remuneration per European standards. Still, it appointed a State Attorney General linked to corruption suspects and in conflict with the EPPO, undermining anti-corruption efforts and rendering this recommendation's implementation unsatisfactory.

### *Anti-Corruption Framework*

The overall picture regarding the anti-corruption framework compared to last year, shows no progress in the assessed areas.

Some progress has been made regarding the adoption of e-legislation in the area of lobbying.

No progress has been made in revising the Criminal Procedure Code and the Law on the Office for the Suppression of Corruption and Organised Crime.

### *Media Environment and Media Freedom*

Amendments to the Criminal code have been introduced that open the possibility of sanctioning whistleblowers. There has been no progress in the implementation of the Anti-SLAPP Directive.

There has been no significant progress in stepping up efforts to strengthen the legal framework and oversight mechanisms to ensure a fair and transparent allocation of state advertising at a national, regional and local level, including the public tender procedure. There has been no significant progress in addressing the issue of strategic lawsuits against public participation targeted at journalists, including by reviewing the legal provisions on defamation and encouraging wider use of procedural rules that allow dismissing groundless lawsuits, taking into account the European standards on the protection of journalists.

### *Checks and Balances*

The stagnation continues in 2024 as the position of the independent institutions, such as the ombuds offices continues to be worrisome, as their reports for 2022 and 2023 are not yet discussed in the Parliament and the recommendations are still insufficiently implemented by the government and other competent actors.

There was no progress made in relation to the percentage of Ombudsperson's general recommendations that were fully or partially implemented. The Ombudsperson's reports for 2022 and 2023 have still not been discussed by the Croatian Parliament.

### *Civic Space*

The situation of the civil society organisations remained the same in 2024. The National Plan for Creating an Enabling Environment for the Development of the Civil Society has still not been developed, and the financing framework







for CSOs hasn't been implemented. There were instances of intimidation, SLAPPs and attacks against civil society organisations. Public consultations were made less accessible for the CSOs, and St. Mark's Square is still not open to the public.

***Disregard of Human Rights Obligations and Other Systemic Issues Affecting the Rule of Law Environment***




The persisting lack of efficient investigations into human rights violations continues to undermine the rule of law and the functioning of the legal state.

There has been no significant progress in revising the Criminal Procedure Code and the Law on the Office for the Suppression of Corruption and Organized Crime in line with the Anti-Corruption Strategy, keeping the efficiency of investigations and prosecution of corruption offences unchanged. The Commission's country-specific recommendations also continued to overlook the disregard for human rights and other systemic issues.

**State of play** (versus 2024)

-  Justice system
-  Anti-corruption framework
-  Media Environment and Media Freedom
-  Checks and balances
-  Civic Space
-  Human Rights

Legend

- |   |   |   |
|---|---|---|
| <b>Regression</b>   | <b>No progress</b>  | <b>Progress</b>   |
|  |  |  |

## JUSTICE SYSTEM

### Key recommendations

- *Take all necessary measures to enhance the efficiency of the justice system and reduce the duration of proceedings in Croatian courts, with particular emphasis on first-instance cases.*
- *Amend Croatia's Law on the Implementation of the Council Regulation on the Establishment of the EPPO in line with the analysis commissioned by the European Commission, which concluded that jurisdictional disputes should be resolved by an independent court rather than a national prosecutor, whose impartiality may be compromised.*
- *Align the financial eligibility criteria for accessing secondary legal aid with the rising costs of legal services and the minimum wage, thereby making free legal aid more accessible to a greater number of citizens.*

### Judicial independence

#### **Appointment and selection of judges, prosecutors and court presidents**

In January 2024, the process of selecting a new State Attorney General commenced, marked by controversies and breaches of the security

check requirements mandated by the Law on the State Attorney's Office<sup>1</sup> as well as GRECO's recommendations<sup>2</sup> made in 2018 and European standards.<sup>3</sup>

Following legal procedures, the State Attorney's Council submitted four candidates to the government, including Ivan Turudić, a

1 The Law on the State Attorney's Office (Official gazette, No. 67/2018, 21/2022), available at: [https://narodne-novine.nn.hr/clanci/sluzbeni/2018\\_07\\_67\\_1358.html](https://narodne-novine.nn.hr/clanci/sluzbeni/2018_07_67_1358.html)

2 GRECO in its 2018 Evaluation Report stressed that despite the 2018 legislative amendments "further transparency and objectivity assurances are to be infused in the system of selection and appointment of the Prosecutor General". GRECO stated that it "specifically called for decisive involvement of the State Prosecutorial Council. With the new law, the State Prosecutorial Council is merely given a depositary role." GRECO also encouraged the authorities to "further advance in their efforts to increase the transparency and minimise risks of improper political influence in the appointment of the Prosecutor General."

3 Turudić's appointment violated European standards, which emphasize the need for a Public Prosecutor General to inspire public confidence and respect within the judiciary and legal professions.

former High Criminal Court judge. Shortly after his candidacy was announced, leaked media reports<sup>4</sup> revealed hundreds of messages exchanged between Turudić and Josipa Rimac, a former HDZ (leading party) state secretary accused of influence peddling, bribery, and abuse of authority. The leaked messages cast doubt on Turudić's independence and professional integrity. Compounding the controversy, Rimac, in her messages to other high-ranking politicians, also referred to large projects now under indictment and mentioned a figure identified by the initials "A.P."—corresponding to Prime Minister Andrej Plenković.<sup>5</sup> Moreover, leaked information (and a video) uncovered that Turudić, while he was an acting President of the County Court) met fugitive criminal

Zdravko Mamić when he came out of the pre-trial detention.<sup>6</sup>

Under Article 22 of the Law on the State Attorney's Office, candidates for the position of State Attorney General must meet specific criteria, including passing a detailed security check.<sup>7</sup> Despite the emergence of compromising information raising questions about Turudić's eligibility, the government did not request an updated security check, falsely claiming it was not authorised to do so.

On 7 February 2024, Turudić was elected as State Attorney General with 78 votes in favor, 60 against, and two abstentions. This decision was met with widespread criticism. On 13 February, President Zoran Milanović condemned

4 Media reports available at: <https://www.zakon.hr/z/1051/Zakon-o-Dr%C5%BEavnoodvjetni%C4%8Dkom-vije%C4%87u>; <https://vijesti.hrt.hr/hrvatska/objavljene-poruke-koje-je-turudic-razmjenivao-s-rimac-nizu-se-reakcije-11336350>; <https://www.jutarnji.hr/vijesti/hrvatska/imamo-stotine-poruka-turudica-i-josipe-rimac-kandidat-za-sefa-dorh-a-presutio-sastanke-napravi-mi-ono-15422917> and various other media.

5 See: <https://www.telegram.hr/politika-kriminal/telegram-otkriva-sve-poruke-u-kojima-su-rimac-i-zalac-spominjale-dogovore-s-ap-i-zasto-je-nesporno-da-je-to-andrej-plenkovic/>.

6 <https://www.nacional.hr/mamic-se-tijekom-tajne-nocne-voznje-zalio-turudicu-na-nesretnu-sudbinu-a-on-ga-je-pitao-zasto-se-bojis/>

7 Article 58 of the Law on the State Attorney's Council (Official Gazette, No. 67/18, 126/19, 80/22, 155/23); specifies that such checks are mandatory for candidates who have not previously served as Deputy State Attorney General. Turudić, who did not hold this position at the time of his candidacy, was last vetted in 2019 when he became a judge of the High Criminal Court. Even so, the law prescribes different levels of security checks for State attorneys and judges. According to the Law on the State Attorney's Office (Official gazette, No. 67/2018, 21/2022), the Law on the State Attorney's Council (Official Gazette, No 67/18, 126/19, 80/22, 155/23), and the Law on Security Checks (Official Gazette, No. 85/08, 86/12), security checks are mandatory for individuals employed in specialized bodies combating organized crime and corruption. State Attorneys undergo first-level security checks, while judges undergo basic checks. This distinction arises because state attorneys access classified information, including Special Security Agencies (SIA) data, during criminal investigations. Additionally, the State Attorney General is also the head of the Office for the Suppression of Corruption and Organized Crime (USKOK)



Turudić in a public statement, calling him “a man devoid of morals, a proven liar, politically dependent to the HDZ, and a favourite of the criminal underworld, chosen specifically for his willingness to block any future accusations involving A.P.”<sup>8</sup>

On 14 February 2024, the President of the High Criminal Court, with the approval of the Supreme Court President, filed a complaint against the elected candidate for breaching the Code of Judicial Ethics.<sup>9</sup> The Council of Judges at the High Criminal Court rejected it on 22 May 2024.

The controversy culminated in a major protest on 17 February 2024, organised by 11 opposition parliamentary parties. According to estimates from the Public Assemblies Archive,<sup>10</sup> the demonstration drew approximately 7,000 participants, reflecting widespread public dissatisfaction with Turudić’s appointment and broader concerns over judicial independence. Despite these objections and the significant public outcry, Turudić officially assumed office on 27 May 2024.

### **Allocation of cases in courts**

In 2024, the Ministry of Justice and Public Administration introduced amendments to the by-law on e-files (The Regulation on Operations in the e-File System),<sup>11</sup> which governs court case allocation. The changes expand the use of circular case allocation—based on judges’ alphabetical order—at the expense of random allocation. Introduced initially through the by-law rather than the Law on Judiciary, the circular allocation would now apply to additional case categories and all cases older than five years, including criminal ones.

At the Ombudsman’s proposal, an obligation was adopted to classify whistleblower protection as a specified type of case in the e-Spis system.

### **Remuneration/bonuses for judges and prosecutors**

The legislation regulating the salaries and compensations of judicial staff in Croatia does not establish a basis for implementing financial measures that would reward their work on more complex cases.

8 See: <https://www.predsjednik.hr/vijesti/sto-skriva-andrej-plenkovic-kada-je-u-dorh-doveo-turudica-koji-je-spreman-zaustaviti-bilo-kakvu-mogucnost-istrage-koja-se-tice-ap/>

9 See: <https://www.vsrh.hr/predsjednik-visokog-kaznenog-suda-uz-suglasnost-predsjednika-vrhovnog-suda-podnio-prituzbu-zbog-povrede-kodeksa-sudacke-etike-protiv-suca-ivana-turudica.aspx>

10 See: <https://javniskupovi.org/index.php/2024/02/17/protest-dosta-je-odmah-na-izbore/>

11 Regulation on Operations in the e-File System (Official Gazette No. 35/2015, 123/2015, 45/2016, 29/2017, 112/2017, 119/2018, 39/2020, 138/2020, 147/2020, 70/2021, 99/2021, 145/2021, 23/2022, 12/2023, 9/2024, 136/2024)

### **Independence/autonomy of the prosecution service**

Croatia's prosecution service's independence from political interference came under severe scrutiny following a jurisdictional conflict with the European Public Prosecutor's Office (EPPO) in November 2024. The EPPO was investigating a criminal association involving eight Croatian citizens, including the Minister of Health, and two companies. The association involved suspected corruption, abuse of authority, and money laundering linked to procurements funded by EU resources, particularly the "NextGenerationEU" fund and the national budget.

The EPPO planned arrests and searches for 19 November 2024. However, on 15 November, it was discovered that the Office for the Suppression of Corruption and Organized Crime (USKOK) had independently obtained court orders for searches involving some of the same suspects. In response, the EPPO invoked its authority under the EPPO Regulation, requesting to take over USKOK's

case. As prescribed by Croatian law, USKOK referred the case to the State Attorney General to resolve the conflict, and he decided that USKOK had jurisdiction.

The European Chief Prosecutor subsequently sent a formal letter to the European Commission, citing systemic rule-of-law violations in Croatia. Key concerns included the designation of the State Attorney General as the authority to resolve jurisdictional conflicts, contrary to EU law; that the State Attorney General's decision was based solely on USKOK's interpretation, excluding the EPPO's input, thus undermining impartiality; USKOK's failure to report an investigation into EU-funded projects, breaching its obligations under the EPPO Regulation.<sup>12</sup>

Additional doubts were raised on whether Croatia's Law on Implementing Council Regulation on the Establishment of the EPPO<sup>13</sup> complies with EU law. An analysis<sup>14</sup> commissioned by the European Commission concluded that allowing the State Attorney General—who belongs to the same administrative

12 The independent public prosecution office of the EU's press release is available here: <https://www.eppo.europa.eu/en/media/news/eppo-raises-concerns-over-rule-law-violations-croatia-following-conflict-competence>

13 Law on the Implementation of Council Regulation (EU) 2017/1939 on the Establishment of the EPPO (Official Gazette No. 146/20) available at: <https://www.zakon.hr/z/2734/Zakon-o-provedbi-Uredbe-Vije%C4%87a-%28EU%29-2017-1939-od-12.-listopada-2017.-o-provedbi-poja%C4%8Dane-suradnje-u-vezi-s-osnivanjem-ureda-Europskog-javnog-tu%C5%BEitelja-%28C2%BBEppo%C2%AB%29>

14 Compliance assessment of measures adopted by the Member States to adapt their systems to Council Regulation (EU) 2017/1939 of 12 October 2017 implementing enhanced cooperation on the establishment of the European Public Prosecutor's Office ('the EPPO') from September 2023; available at this link: [https://www.europarl.europa.eu/cmsdata/280160/Final%20Report%20-%20DG%20JUST%20Study%20on%20the%20EPPO%20-%2029.09.2023\\_en.pdf](https://www.europarl.europa.eu/cmsdata/280160/Final%20Report%20-%20DG%20JUST%20Study%20on%20the%20EPPO%20-%2029.09.2023_en.pdf)

structure as national investigative bodies—to resolve such conflicts is inconsistent with the EPPO Regulation. The study stressed that jurisdictional disputes should be decided by an independent court, not a national prosecutor, whose impartiality may be compromised. Furthermore, there is no way to challenge the State Attorney General’s decisions.

***Significant developments capable of affecting the perception that the general public has of the independence of the judiciary***

The Report on the Rule of Law<sup>15</sup> issued by the Miko Tripalo Centre for Democracy and Law in June revealed alarmingly low public trust in judicial independence. 68% of respondents distrusted the judiciary, with only 23% believing judges were impartial and based decisions solely on the law. Over 70% saw judges as influenced by political or economic elites, and an equal proportion believed politicians significantly impacted judicial decisions, eroding trust further.

Perceptions of corruption were high, with 70% viewing judges as prone to corruption and only 12% trusting disciplinary measures against judges. Transparency concerns were also significant, with 36.4% considering courts entirely closed to the public, 19.5% partially closed, and just 7.8% seeing courts as open to any extent.

Public trust may have been further weakened by the Constitutional Court’s controversial role in the parliamentary elections.<sup>16</sup> The Court’s warnings raised concerns about its political neutrality and independence, as it asserted the power to annul elections depending on the Prime Ministerial candidate.

***Other***

Despite the eight-year terms of ten constitutional judges ending in June, their mandates were extended by six months under a provision of the Croatian Constitution. This was done to avoid overlapping the selection of new judges with parliamentary elections. However, the first session of Parliament was held in May, allowing the selection process to begin at that time. Despite this, voting for the new judges was delayed until 6 December—only one day before the six-month extension expired, after which no further extension was legally permitted. This date was further postponed to 7 December at the request of the Social Democratic Party to avoid coinciding with a no-confidence vote against the government.

Citing the risk of serious consequences from Parliament’s inaction and the need to ensure the legitimacy of presidential elections in late 2024, on 6 December, the Constitutional Court extended the judges’ terms beyond the legally prescribed six months. This decision drew criticism from President Zoran

15 The Report on the Rule of Law available at: <https://tripalo.hr/skup-stanje-u-hrvatskom-pravosudu-izvjestaj-o-vladavini-prava-kako-dalje/>

16 See the chapter: “Checks and balances” under the section Electoral framework

Milanović<sup>17</sup> and constitutional experts. Three judges dissented,<sup>18</sup> arguing the move violated the principle of separation of powers and the system of checks and balances. They stated the decision could not be justified by a Venice Commission report concerning Bosnia and Herzegovina, as the Croatian Constitution explicitly limits extensions to six months under Article 122.

The dissenting judges emphasised that this constitutional limit protects the Court's independence and impartiality from political influence. They argued that the extension failed the proportionality test, as the same result could have been achieved through timely, less invasive measures, such as a preliminary ruling request to the EU Court of Justice. They further noted that the Court failed to act on time, as it could have reported the issue to Parliament earlier, allowing Parliament to seek opinions from the Venice Commission.

The extended mandate was neither limited to the election period nor restricted to essential actions.

The day after the Court's controversial decision, Parliament elected ten constitutional judges (four judges from the previous term and six newly appointed ones).

### **Quality of justice**

#### **Accessibility of courts (e.g. court fees, legal aid, language)**

Under the Law on Advocacy,<sup>19</sup> lawyers have the right to pay, as regulated in "The Tariff on rewards and reimbursement of expenses for the work of lawyers".<sup>20</sup> The new tariff<sup>21</sup> introduced in November 2023 is still in place, so the situation where hiring a lawyer could be far more expensive than paying a misdemeanour fine is still ongoing.

Persons with fewer financial possibilities are entitled to free legal aid under the Law on

17 See: <https://dnevnik.hr/vijesti/hrvatska/zoran-milanovic-ovo-je-nezapamceni-udar-na-ustavnopravni-poredak---884582.html>

18 Written statement regarding the actions of the Constitutional Court of the Republic of Croatia concerning the report on the non-appointment of ten judges of the Constitutional Court of the Republic of Croatia, number: U-X-5162/2024, dated December 6, 2024. available at: [https://www.usud.hr/sites/default/files/dokumenti/Pisano\\_oci-tovanje\\_ustavnih\\_sudaca\\_Abramovica\\_Kusan\\_i\\_Selaneca.pdf](https://www.usud.hr/sites/default/files/dokumenti/Pisano_oci-tovanje_ustavnih_sudaca_Abramovica_Kusan_i_Selaneca.pdf)

19 Law on Advocacy (Official Gazette No. 9/94, 117/08, 50/09, 75/09, 18/11, 126/21) available at: <https://www.zakon.hr/z/176/Zakon-o-odvjetni%C5%A1tvu>.

20 Tariff on rewards and reimbursement of expenses for the work of lawyers (Official Gazette No. 138/2023, available at: [https://narodne-novine.nn.hr/clanci/sluzbeni/2023\\_11\\_138\\_1888.html](https://narodne-novine.nn.hr/clanci/sluzbeni/2023_11_138_1888.html)).

21 Tariff on rewards and reimbursement of expenses for the work of lawyers (Official Gazette No: 138/2023), available at: [https://narodne-novine.nn.hr/clanci/sluzbeni/2023\\_11\\_138\\_1888.html](https://narodne-novine.nn.hr/clanci/sluzbeni/2023_11_138_1888.html).



Free Legal Aid.<sup>22</sup> The free legal aid transpires in two degrees: primary and secondary legal aid. Primary legal aid is provided by authorised associations, legal clinics and administrative departments in counties. It includes legal advice, drafting submissions and representation before public law bodies, the ECtHR and international organisations, as well as legal aid in out-of-court dispute resolution. Secondary legal aid, in addition to legal representation of attorneys in legal areas defined by law, also includes exemption from payment of the costs of court proceedings and expert testimony and payment of court fees.

The main challenge in offering primary legal aid is project-based financing, which is insufficient and unsustainable. While the Ministry of Administration and Justice initiated a 3-year project in 2023 for free primary legal aid, the geographical distribution of associations in Croatia often leaves citizens in rural areas without access to free legal aid offered by nongovernmental organisations. Moreover, the delays in transfers of funds based on approved projects from the Ministry to the primary legal aid providers also continued in 2024. In the first half of the year, funding was not transferred, and contracts for the second year of the projects remained unsigned, putting the entire system's sustainability at risk. Specifically,

although this was a three-year project, the contracts for the second year were only finalised in June. The first instalment of funds for 2024 was transferred in July, with the second instalment following as late as December.

This situation threatens the availability of free legal aid, with some providers possibly having to reduce services or cease operations. Additionally, the Commission for Free Legal Aid, responsible for monitoring the system, has not held any meetings in 2024, further hindering its effectiveness. In June, the collective of free primary legal aid providers sent a letter to the Ministry of Justice urging immediate action to resolve these issues and ensure continued access to justice for all citizens.

The financial requirements for being granted secondary legal aid are that the total monthly income of the applicant and his household members does not exceed the amount, which currently amounts to €441,44 per household member and that the total value of the applicant's property does not exceed the amount of 60 budget bases (which presently amounts to €26.486,40). Moreover, free legal aid can be granted only in specified legal cases.

This limit is relatively low, considering that the Decree on the minimum wage for 2023<sup>23</sup>

22 Law on Free Legal Aid (Official Gazette No. 143/13, 98/19) available at: <https://www.zakon.hr/z/286/Zakon-o-besplatnoj-pravnoj-pomo%C4%87i>.

23 Government of the Republic of Croatia, Decree on the minimum wage for 2023 ( Official Gazette No. 122/2022-1874), available at [https://narodne-novine.nn.hr/clanci/sluzbeni/2022\\_10\\_122\\_1874.html](https://narodne-novine.nn.hr/clanci/sluzbeni/2022_10_122_1874.html).

prescribed a net minimum wage of €560,00, and the Decree on the minimum wage for 2024<sup>24</sup> prescribed a net minimum wage of €677,00. Therefore, even a single person working for a minimum wage won't be eligible for free secondary legal aid. Despite significant increases in lawyers' fees and the expected 20% rise in the minimum wage, the threshold for granting secondary free legal aid remains unchanged.

In April 2023, amendments to the Law on International and Temporary Protection<sup>25</sup> entered into force, allowing applicants for international protection to work after the expiry of 3 months from applying for international protection. However, due to the monthly limitation of €441,44, this otherwise favourable amendment has a practical implication – individuals who find employment while waiting for their international protection request to be resolved will be precluded from retaining their right to secondary free legal aid.

### **Resources of the judiciary (human/financial/material)**

One of the challenges in the judiciary is the loss of personnel. According to data from the State Judicial Council's Report,<sup>26</sup> 49 judges were relieved of duty in 2023 (31 at their request, 14 upon age 70, and 4 sadly passed away), while 47 new judges were appointed. The 2023 Judicial Vacancy Filling Plan aimed to fill 80 judicial positions, but this target was unmet. Similar staffing challenges are also present in the State Attorney's Office.

The 2023 State Attorney's Office Report<sup>27</sup> indicates that at the end of the year, 1,902 people were employed across all State Attorney's Offices—31 more than in 2022. As of 31 December 2023, 650 state attorneys and their deputies were in office, with all 43 positions for state attorneys filled following current regulations. However, out of the 778 deputy state attorney positions allocated, only 607 were filled (78%), leaving 171 positions (22%) vacant.

The offices also employed 1,252 administrative staff, including 211 legal advisors and

24 Government of the Republic of Croatia, Decree on the minimum wage for 2024 ( Official Gazette No. 125/2023-1740), available at [https://narodne-novine.nn.hr/clanci/sluzbeni/2023\\_10\\_125\\_1740.html](https://narodne-novine.nn.hr/clanci/sluzbeni/2023_10_125_1740.html)

25 Law on international and temporary protection (Official Gazette No. 70/15, 127/17, 33/23) available at: <https://www.zakon.hr/z/798/Zakon-o-me%C4%91unarodnoj-i-privremenoj-za%C5%A1titi>.

26 Report on the work of the State Judicial Council for 2023 published on January 17 2024, available at: <https://drzavno-sudbenovijece.hr/sites/default/files/2024-01/Izvje%C5%A1%C4%87e%20o%20radu%20Dr%C5%BEavnog%20sudbenog%20vije%C4%87a%20za%202023.%20godinu.pdf>

27 Report of the Chief State Attorney of the Republic of Croatia on the Work of State Attorney's Offices in 2023 published on April 2024, available at: [https://dorh.hr/sites/default/files/dokumenti/2024-04/DORH\\_Izvjesce\\_za\\_2023.pdf](https://dorh.hr/sites/default/files/dokumenti/2024-04/DORH_Izvjesce_za_2023.pdf)

associates, an increase of 21 employees from the previous year. While 18 new trainees were hired in 2023—compared to none the previous year—this remains insufficient, particularly given the age structure of personnel across all State Attorney’s Office levels.

In her 2023 report, published in March 2024, the Ombudsman highlighted that in addition to addressing staffing issues, it is crucial to focus on acquiring computers and other equipment essential for the judiciary’s regular functioning, ensuring the progress of digitalisation, securing additional workspaces, and maintaining court buildings.

### ***Training of justice professionals (including judges, prosecutors, lawyers, court staff)***

When analysing case law in discrimination cases, there is a noticeable increase in the number of decisions where the claims are upheld. However, according to the Ombudspersons Annual Report for 2023,<sup>28</sup> there is still a significant lack of understanding of anti-discrimination legislation, highlighting the need for continued education. Misdemeanour proceedings are still most commonly initiated under the Anti-Discrimination Act (ZSD), often motivated by the citizenship of the affected party. At the same time, the number of criminal cases related to discrimination remains relatively low.

## ***Fairness and efficiency of the justice system***

### ***Length of proceedings***

Amendments to the Civil Procedure Act in 2022 introduced maximum time limits for court proceedings: three years for first-instance cases, one year for second-instance cases, and two years for revision cases. However, these changes have had little impact on improving the speed or efficiency of judicial proceedings. Such lengthy time frames would only be justified if exceeding them automatically triggered an inquiry into the causes and accountability. The amendments also included no provisions for enforcement or follow-up actions.

In 2023, strikes by judges and judicial staff aimed at pressuring the government to increase salaries paralysed the judiciary for 3 months. This is expected to worsen delays, increase backlogs, and fuel public dissatisfaction. Additionally, the so-called “white strike”—a strike by judges and state attorneys that lasted from January 22 to February 2, 2024—led to the postponement of all actions in first-instance and appellate court proceedings during that period, except in urgent cases where irreparable damage could occur, further exacerbating the backlog. Further on, criminal complaints related to violent pushbacks of refugees and migrants often face unreasonably prolonged proceedings, exceeding the six-month legal

28 The Ombudspersons Annual Report for 2023. published on March 2024, page 160, available on: [https://www.ombudsman.hr/hr/download/izvjesce\\_pucke\\_pravobraniteljice\\_za\\_2023\\_godinu/?wpdmdl=18399&refresh=-67601f8ac8b811734352778](https://www.ombudsman.hr/hr/download/izvjesce_pucke_pravobraniteljice_za_2023_godinu/?wpdmdl=18399&refresh=-67601f8ac8b811734352778)

deadline for the pre-investigation phase. This lack of due diligence fails to meet the standards for effective investigations under both national and international law. Expedited procedures are crucial for cases involving refugees and migrants due to their frequent relocation. Access to legal remedies remains challenging, and criminal cases involving violence, theft, or property damage rarely lead to effective investigations. Despite numerous allegations of violence against refugees and migrants over the past eight years, no indictments or prosecutions have been made.

Finally, according to the Ombudsperson's 2023 Annual Report,<sup>29</sup> the prolonged resolution of appeals concerning free legal aid decisions remains a significant issue. Cases still take an average of three years to conclude. This undermines the effectiveness of the free legal aid system, particularly in cases with strict deadlines, where delays can result in the loss of rights. As the Law on Free Legal Aid stipulates that appeals must be resolved within eight days of submission, it is imperative to expedite the appeals process.

### ***Respect for fair trial standards including in the context of pre-trial detention***

Concerns over fair trial rights have been raised regarding the opinions of the Security Intelligence Agency (SOA).<sup>30</sup>

One example is the case of a Chechen national who states his freedom of movement was restricted based on SOA's assessment, which deemed him a national security threat due to his alleged links to Islamic radicalism. No evidence supporting this claim was disclosed, and the individual, who denies any such connection, could not challenge the assessment as the information was classified as "confidential."<sup>31</sup> Another notable case involved a Russian activist and asylum seeker, V. Arinichev. Arinichev protested on 4 July 2024 in Zagreb, highlighting how unfounded SOA opinions result in asylum seekers being denied protection and exposed to danger. During the protest, he wore a T-shirt deemed offensive, leading to his arrest, a misdemeanour charge, and a 15-day prison sentence. Upon completing his sentence during pre-trial detention, Arinichev

29 The Ombudsperson's Annual Report for 2023, published on March 2024, available at: [https://www.ombudsman.hr/hr/download/izvjesce\\_pucke\\_pravobraniteljice\\_za\\_2023\\_godinu/?wpdmdl=18399&refresh=-67601f8ac8b811734352778](https://www.ombudsman.hr/hr/download/izvjesce_pucke_pravobraniteljice_za_2023_godinu/?wpdmdl=18399&refresh=-67601f8ac8b811734352778)

30 Under the Croatian Law on Foreigners, when a person is deemed a security threat, the decision must cite the legal provision and disclose only data whose release would not jeopardise national security. However, in practice, this provision is interpreted broadly, often denying accused individuals the right to equal defence. Similarly, under the Law on Administrative Disputes, courts must handle classified data in line with specific laws but are prohibited from disclosing such data to the party involved.

31 "Pobjegao sam iz Rusije od mobilizacije i rata, a Hrvatska me proglasila radikalnim islamistom i zatvorila!" published on June 9 2024, available at: <https://www.jutarnji.hr/vijesti/hrvatska/pobjegao-sam-iz-rusije-od-mobilizacije-i-rata-a-hrvatska-me-proglasila-radikalnim-islamistom-i-zatvorila-15469641>



was transferred to a detention centre for three months on grounds of “protecting public order” due to his alleged insult to a state body.

The Administrative Court upheld this decision despite a final ruling on the misdemeanour case. Additionally, it accepted an argument subsequently and additionally presented by the Ministry of the Interior, stating that “it could not be determined that the plaintiff would limit his protest against the SOA to verbal actions only” and that such an assessment was sufficient to justify depriving the applicant of liberty for three months. The decision to impose the most severe restriction without exploring alternative measures, linked to his peaceful activism and criticism of SOA, raises additional concerns. The measure also breaches fundamental principles under Article 6(1) of the European Convention on Human Rights, including the presumption of innocence and the right to a fair trial.

His asylum application, rejected on 25 June 2024, acknowledged the risk in his home country but was denied protection based on SOA’s assessment that he posed a security threat.

These actions prompted serious concern from multiple UN bodies – the Special Rapporteur on Human Rights Defenders, the Working

Group on Arbitrary Detention, the Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression and the Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association which expressed serious concern to the government of the Republic of Croatia regarding the alleged rejection of Mr. Vladislav Arinichev’s asylum application and his detention because “both appear to be a consequence of his advocacy for the rights of asylum-seekers in Croatia and the exercise of his freedom of expression”; and “of his potential deportation to Russia, where he allegedly faces prosecution for his peaceful anti-war activism”.<sup>32</sup>

### **Quality and accessibility of court decisions**

Under the Decision on the Publication and Anonymisation of Court Decisions,<sup>33</sup> full judicial decisions of the Supreme Court and related higher courts are published and accessible via the Supreme Court’s search engine.<sup>34</sup> This includes decisions from the High Administrative, Misdemeanour, Criminal, Commercial Courts, County Courts, and the Constitutional Court.

However, delays in publishing Supreme Court decisions, sometimes extending from weeks to years, remain an issue. Lower court decisions,

32 Croatia: rejection of asylum application, detention and potential deportation to Russia of HRD Vladislav Arinichev (joint communication) available at: <https://srdefenders.org/croatia-rejection-of-asylum-application-detention-and-potential-deportation-to-russia-of-hrd-vladislav-arinichev-joint-communication/>

33 Decision of the Constitutional Court No. U-I-1007/12 of 24 June 2020; available at: <https://sljeme.usud.hr/usud/praksaw.nsf/fOdluka.xsp?action=openDocument&documentId=C12570D30061CE54C1258598002CCD12>.

34 The Supreme Court of the Republic of Croatia search engine, available at: <https://sudskapraksa.csp.vsrh.hr/home>

particularly from county and municipal courts, are often not published, making it difficult to contextualise higher court rulings. Municipal court decisions are rarely available online, limiting public access.

After the Croatian Parliament approved the Draft Amendments to the Law on Courts<sup>35</sup> in late 2023, the law was adopted on 14 March 2024. It mandates the publication of court decisions concluding cases from 1 January 2025 onwards, following prior anonymisation. This measure aims to enhance judicial transparency and legal certainty. Decisions should be published on a dedicated website in compliance with data protection rules. The public release of court decisions should ensure more transparency, provide continuous access to court information, and strengthen public trust in the judiciary. However, how it will function in practice remains to be seen.

The Method of Anonymisation, Publication, and Search of Court Decisions regulates the Ordinance of anonymisation, publication, and search of decisions. The Minister of Justice adopted it in November 2024, and it became effective on 1 January 2025.

However, according to some legal experts, the provisions of the law are insufficient to ensure genuine transparency of judicial practice. They see general anonymisation of all decisions as problematic for several reasons. The publication requirement excludes important procedural decisions and lacks standards for timely publication, advanced search functions, indexing, links, and other tools that would enhance transparency (e.g., the HUDOC system of the ECtHR). The anonymisation system remains opaque, with unclear scope and methods for distinguishing personal data. This raises concerns that anonymisation disproportionately limits the publicity, clarity, and transparency of judicial decisions.<sup>36</sup>

Court practice review services require high subscription fees, making them inaccessible to scholars and independent researchers.

### **Other**

In July 2024, the Court of Justice of the European Union (CJEU) issued a judgment in the joined cases *Financijska Agencija v. Hann-Invest d.o.o.* (C-554/21), *Mineral-Sekuline d.o.o.* (C-622/21), and *Udruga KHL Medveščak Zagreb* (C-727/21).<sup>37</sup> The Court found that the role of the evidentiary judge and the

35 The law on Courts (Official Gazette No. 28/13., 33/15., 82/15., 82/16., 67/18., 126/19., 130/20., 21/22., 60/22., 16/23., 155/23., 36/24.) available at: <https://www.zakon.hr/z/122/Zakon-o-sudovima>

36 See: <https://tripalo.hr/komentar-profesora-alana-uzelca-na-izvjestaj-o-vladavini-prava-za-2024-poglavlje-pravo-sude-za-skup-stanje-u-hrvatskom-pravosu-izvjestaj-o-vladavini-prava-kako-dalje/>

37 CJEU [GC], Judgment of 11 July 2024. *Financijska agencija v Hann-Invest d.o.o. and Others.* (Joined Cases C-554/21, C-622/21 and C-727/21) available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A62021CJ0554>

mechanism of binding legal opinions issued by court divisions are incompatible with judicial independence as required by EU law.

In second-instance proceedings, decisions were generally made by a judicial panel (or a single judge in specific cases). Once case files reach the second-instance court, a reporting judge would prepare a draft decision, ensuring all key issues are discussed in panel sessions where a final decision is reached. However, an additional step occurs before the decision is formally delivered: recording the ruling in the court's case law register. This process, regulated by the Court Rules adopted by the Minister of Justice, assigned significant weight to the evidentiary judge, a role not foreseen in procedural laws. While intended to ensure uniform legal application, the evidentiary judge's authority to return decisions for reconsideration or refer disagreements to a court division raised concerns from various legal experts even before it was finally raised as a preliminary question before the CJEU.

Regarding the evidentiary judge, the CJEU concluded that their role exceeds the procedural recording of decisions, as defined in Croatia's Court Rules. In practice, this judge can interfere in specific cases and influence the outcome. The Court identified several concerns: (i) Croatian law does not provide for such participation, (ii) interventions occur after the judicial panel has reached a decision, and (iii) objective criteria do not clearly define powers to prevent arbitrary discretion.

The CJEU emphasised that such oversight, which effectively prevents the delivery of decisions, exceeds the judge's procedural role. The practice enables interference in judicial proceedings, ultimately undermining the independence of judges applying EU law.

It remains to be seen how the CJEU's opinion will be implemented in the Croatian legal system.

## ANTI-CORRUPTION FRAMEWORK -

### Key recommendations

- *Ensure judicial independence and transparency in high-level corruption cases by empowering the Ministry of Justice and Public Administration, the State Attorney's Office, and the Supreme Court to implement reforms, uphold integrity, and prosecute corruption effectively.*
- *Strengthen transparency and real-time reporting in lobbying by mandating the Croatian Parliament and the Ministry of Public Administration to regulate lobbying and ensure public access to lobbying data.*
- *Enhance the accountability of public officials by enabling the Commission for the Prevention of Conflict of Interest to monitor and enforce ethical standards across state institutions.*

### Levels of corruption

In the 2023 Corruption Perceptions Index, Croatia's score remained the same as the year before (50 out of 100, ranking 57th among 180 countries), ranking 23rd among 27 EU member states.<sup>38</sup>

2024, the aftermath of the corruption scandals uncovered in 2023 continued to unfold. The INA scandal led to further investigations,

revealing additional gas pricing and procurement irregularities. Legal proceedings against the main suspects, including Damir Škugor and Marija Ratkić, began, with prosecutors seeking significant sentences for defrauding the company.<sup>39</sup> Opposition pressure<sup>40</sup> mounted on the government to enforce stricter oversight of INA and to renegotiate its relationship with MOL, though no concrete changes were finalised.

38 Transparency International, 2023 Corruption Perceptions Index, 2024, available at: <https://www.transparency.org/en/cpi/2023>

39 IUS info, Uskok optužio Škugora i ostale - u 'aferi plin' INA oštećena za 160 mil. eura, 22 August 2024, available at: <https://www.iusinfo.hr/aktualno/dnevne-novosti/uskok-optuzio-skugora-i-ostale-u-aferi-plin-ina-ostecena-za-160-mil-eura-61416>

40 Nacional, SABOR O POVJERENJU VLADI 'Dok u Saboru traje rasprava, sigurno negdje neki HDZ-ovac krade Hrvatsku', 3 December 2024, available at <https://www.nacional.hr/sabor-o-povjerenju-vladi-danas-je-dan-licemjerja-ljevica-pregovara-s-vladajucima-a-ovdje-poziva-na-opoziv/>



In the HEP (state-owned electricity and gas company) case, inquiries into gas sales to Prvo Plinarsko Društvo (PPD) intensified,<sup>41</sup> focusing on Pavao Vujnovac's involvement and connections to state-owned enterprises. Despite growing criticism, Vujnovac acquired a controlling stake in the Fortenova Group, solidifying his influence in Croatia's economy.<sup>42</sup> Opposition parties called for transparency in the acquisition process, citing concerns over conflict of interest and a lack of regulatory oversight.

The fallout from Minister Davor Filipović's dismissal continued to ripple through the government. New revelations about other questionable practices within the Ministry of Economy and Sustainable Development emerged, further undermining public trust. Jurica Lovrinčević, Filipović's former adviser, faced criminal charges for his role in the advertising scheme while investigations into related financial dealings expanded.<sup>43</sup>

Concrete actions in these cases remained limited, leaving many sceptical about the government's commitment to addressing systemic corruption.

### **Framework to prevent corruption**

#### **General transparency of public decision-making (including public access to information such as lobbying, asset disclosure rules and transparency of political party financing)**

The effectiveness of Croatia's existing laws, measures, and practices in preventing corruption is a subject of ongoing debate. On 1 October 2024, the Lobbying Act<sup>44</sup> was enacted, marking a significant step in formalising lobbying as a legal and regulated activity. While it aims to align with international standards and recommendations from organisations like GRECO and the OECD, the legislation has been criticised for not ensuring sufficient transparency in lobbying practices.

41 Dnevnik.hr, USKOK u sjedištu Vujnovčeva PPD-a, izuzima se dokumentacija! Oglasili su se iz tvrtke, 14 March 2024, available at <https://dnevnik.hr/vijesti/hrvatska/uskok-u-sjedistu-vujnovceva-ppd-a-zbog-afere-izuzimaju-dokumentaciju---837924.html>

42 HRT, Pavao Vujnovac većinski vlasnik Fortenova grupe, 9 July 2024, available at <https://vijesti.hrt.hr/gospodarstvo/fortenova-bez-ijednog-sankcioniranog-ruskog-ili-bjeloruskog-dionicara-11651795>

43 Večernji.hr, Nakon ekspresne istrage zbog trgovine utjecajem optužen Jurica Lovrinčević, bivši posebni savjetnik bivšeg ministra Filipovića, 8 July 2024, available at <https://www.vecernji.hr/vijesti/zbog-trgovanja-utjecajem-optuzen-bivsi-savjetnik-ministra-1783170>

44 Lobbying Act, Official Gazette 36/24, available at [https://narodne-novine.nn.hr/clanci/sluzbeni/2024\\_03\\_36\\_567.html](https://narodne-novine.nn.hr/clanci/sluzbeni/2024_03_36_567.html)

The Lobbying Act defines<sup>45</sup> lobbying activities and creates a framework for registering lobbyists. It mandates lobbyists to submit annual reports to the Commission for Conflict of Interest, which oversees the electronic Register of Lobbyists. However, reports are not publicly accessible, and the Act does not impose reciprocal obligations on public officials to disclose lobbying activities in real-time. Critics, including civil society organisations like Gong,<sup>46</sup> argue that this limits transparency and undermines public trust. Gong highlights that without timely and detailed disclosure, such as who lobbies whom and about what, the Act fails to ensure public oversight and prevent undue influence on decision-makers.

Despite its intent, the Lobbying Act falls short of delivering the transparency it promises, raising questions about its effectiveness<sup>47</sup> in addressing corruption risks. While it establishes a legal framework for lobbying and includes mechanisms for penalising unethical practices, these measures are undermined by significant flaws in implementation. The lack of real-time reporting and limited public access to lobbying activities leave substantial room for

opacity and potential abuse. The Commission for Conflict of Interest's role in managing the Register of Lobbyists is a step toward enhancing integrity, but the Act's shortcomings constrain its impact. Delayed reporting requirements and the absence of obligations for public officials to disclose lobbying interactions create an accountability gap that undermines public trust. Instead of fostering meaningful oversight, the framework appears to prioritise procedural formalities over substantive transparency.

While the Lobbying Act marks progress in principle, its execution reveals a disconnect between legislative intent and practical outcomes. Without urgent reforms to mandate real-time reporting, ensure comprehensive public access to lobbying data, and impose reciprocal disclosure requirements on public officials, the Act risks becoming a symbolic gesture rather than an effective tool for combating corruption.

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45 Ministry of Justice, Public Administration and Digital Transformation, Na snagu stupio Zakon o lobiranju kojim se prvi put u Republici Hrvatskoj uređuje lobiranje, 1 October 2024, available at <https://mpudt.gov.hr/vijesti/na-snagu-stupio-zakon-o-lobiranju-kojim-se-prvi-put-u-republici-hrvatskoj-uredjuje-lobiranje/29386> ; IUS Info, Primjena Zakona o lobiranju, 9 October 2024, available at <https://www.iusinfo.hr/aktualno/u-sredistu/primjena-zakona-o-lobiranju-62044>

46 Gong, Zakon o lobiranju stupio na snagu: Gong ponovno upozorava na netransparentnost regulacije, 1 October 2024, available at <https://gong.hr/2024/10/01/zakon-o-lobiranju-stupio-na-snagu-gong-ponovno-upozorava-na-netransparentnost-regulacije/>

47 Al Jazeera, Novi hrvatski Zakon o lobiranju uvodi red u sivu zonu, 8 October, available at <https://balkans.aljazeera.net teme/2024/10/8/novi-hrvatski-zakon-o-lobiranju-uvodi-red-u-sivu-zonu>

### **Rules on preventing conflicts of interest in the public sector**

In Croatia, the prevention of conflicts of interest in the public sector is regulated by the Law on the Prevention of Conflicts of Interest, overseen by the Commission for the Resolution of Conflicts of Interest. Public officials are required to disclose assets, avoid private interests that conflict with their roles, and adhere to incompatibility and revolving door provisions. While these rules aim to promote transparency and integrity, enforcement remains a challenge. In 2024, several situations caught particular public interest.

Dubravka Šuica, Croatia's European Commissioner for Democracy and Demography, with oversight of Mediterranean affairs, faced scrutiny over potential conflicts of interest due to her ownership of shares in two companies, Atlantska Plovidba and Hrvatski Telecom, valued at approximately €5,700. The European Parliament's Legal Affairs Committee (JURI) raised concerns about her financial holdings, which could present a perceived conflict between her public duties and private interests. Šuica pledged to divest her shares in an attempt

to address these concerns. Still, the incident highlights broader issues related to transparency and potential conflicts within European Union officials' financial disclosures. Although JURI did not oppose her participation in the confirmation hearings<sup>48</sup> following her pledge to divest, the issue highlights ongoing challenges in ensuring public trust and accountability within EU governance. In addition, it is noteworthy that during Commissioner Šuica's hearing, no questions were raised<sup>49</sup> regarding her business travel, despite the ongoing concerns<sup>50</sup> surrounding her failure to report meetings with lobbyists and the potential conflicts of interest linked to her official activities.

In the 2024 Croatian presidential campaign, Dragan Primorac (HDZ candidate) faced scrutiny over three significant controversies.<sup>51</sup> First, regarding an apartment in Split, Primorac's mother purchased it at a discount through a public tender, benefiting from his status as the tenant. Two days later, she sold it for nearly double the price, raising ethical concerns. Second, questions arose about his claimed volunteer military service during Croatia's war for independence, with contradictory timelines and allegations of participation in paramilitary

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48 European Parliament, Committee of Foreign Affairs, Hearing of Dubravka Šuica Commissioner-Designate, 5 November 2024, available at [https://hearings.elections.europa.eu/documents/suica/suica\\_verbatimreporthearing-original.pdf?utm\\_source=chatgpt.com](https://hearings.elections.europa.eu/documents/suica/suica_verbatimreporthearing-original.pdf?utm_source=chatgpt.com)

49 Politico, Croatia's commissioner hearing: Dubravka Šuica quizzed for trade and migration job — live updates, 5 November, available at <https://www.politico.eu/article/european-commissioner-hearings-dubravka-suica-mediterranean/>

50 Politico, [https://www.politico.eu/wp-content/uploads/2024/10/23/Suica-UvdL-letter\\_clean.pdf](https://www.politico.eu/wp-content/uploads/2024/10/23/Suica-UvdL-letter_clean.pdf)

51 Faktograf, Dragan Primorac nije "čovjek bez afera", 15 November 2024, available at <https://faktograf.hr/2024/11/15/dragan-primorac-nije-covjek-bez-afera/>

actions targeting Serb-owned properties in Split. Lastly, during his tenure as Minister of Science and Education, he authorised costly office renovations without proper contracts, resulting in a €3.6 million court-mandated payout years later. Additionally, as the owner of the private clinic St. Katarina, Dragan Primorac has secured lucrative contracts with the Ministry of Health (of the same party, HDZ). Critics, like counter-candidate Ivana Kekin (Možemo), allege that due to the struggling public healthcare system, over €500,000 of taxpayer money this year will go to Primorac's clinic for services like 2,000 MRI scans that the public system cannot accommodate due to resource shortages.<sup>52</sup>

### **Measures in place to ensure whistleblower protection and encourage reporting of corruption**

On 20 September 2024, Ombudswoman Tena Šimonović Einwalter introduced a Whistleblower's Guide<sup>53</sup> to enhance understanding of legal protections, encourage reporting irregularities, and safeguard whistleblowers. Emphasising the public interest and human rights, she noted that whistleblowers are key to combating

corruption. The guide aims to provide clear, accessible information for whistleblowers, employers, legal professionals, and other stakeholders, supporting the proper application of the Whistleblower Protection Act.

### **Investigation and prosecution of corruption**

**Effectiveness of investigation and application of sanctions for corruption offences (including for legal persons and high level and complex corruption cases) and their transparency, including as regards to the implementation of EU funds. Please provide data where available.**

According to the most recent publicly available annual report by the State Attorney's Office,<sup>54</sup> in 2023, the Bureau for Combating Corruption and Organized Crime (USKOK) had an increase in the number of resolved cases (3466 compared to 3306 in 2022), a reduction in unresolved cases (750 compared to 872 in 2022), and a significant improvement in the efficiency rate, now reaching 104%. While the reported increase in resolved cases and a reduction in unresolved cases reflect procedural

52 Jutarnji list, Kekin: Evo tri primjera kako Primorac cijedi Hrvatsku kroz cijelu svoju karijeru, 26 October 2024, available at <https://www.jutarnji.hr/vijesti/hrvatska/kekin-evo-tri-primjera-kako-primorac-cijedi-hrvatsku-kroz-cijelu-svoju-karijeru-15516162>

53 Ombudsperon of the Republic of Croatia, Predstavljen Vodič za prijavitelje nepravilnosti, 20 September 2024, available at <https://www.ombudsman.hr/hr/predstavljen-vodi-za-prijavitelje-nepravilnosti/>

54 State Attorney's Office, Izvješće o radu državnih odvjetništava u 2023. godini, 26 April 2024, available at <https://dorh.hr/hr/izvjesca-o-radu/izvjesce-o-radu-drzavnih-odvjetnistava-u-2023-godini>

progress, these metrics alone do not guarantee substantive justice.<sup>55</sup>

In May 2024, the EPPO in Zagreb arrested<sup>56</sup> a former Deputy Minister of Culture and Media, along with the former dean and a former professor from the Faculty of Geodesy at the University of Zagreb, on charges of corruption following the 2020 Zagreb earthquake. The suspects are accused of inflating prices for a project documenting damaged cultural heritage buildings, resulting in over €2.5 million in payments to the Faculty, including €800,000 charged to the EU Solidarity Fund. The investigation revealed that the suspects falsified reports, overcharged for services, and misappropriated funds, causing significant financial losses to the Croatian State Budget and EU funds.

In October 2024, the EPPO in Zagreb indicted four individuals, including three public officials and one company, for inflating prices in a waste-sorting plant construction project in Mihačeva Draga.<sup>57</sup> Two officials from the City

of Rijeka and the manager of a municipal company allegedly manipulated public tenders to favour a pre-selected company, inflating costs by at least €300,000. The €3.6 million project, co-funded by the EU's Cohesion Fund, financially damaged the EU and national budgets.

The same month, the EPPO initiated an investigation into nine Croatian citizens and one legal entity for defrauding over €9 million in EU subsidies under Croatia's Rural Development Programme.<sup>58</sup> The suspects, including former and current members of a company's management, allegedly submitted falsified applications for funding intended to improve animal welfare in pig farming. The company fraudulently received over €4.7 million in EU subsidies despite not meeting the required conditions. Authorities later recovered approximately €1.5 million after uncovering the fraud.

In November 2024, the EPPO launched an investigation involving eight individuals, including the Croatian Minister of Health Vili Beroš and several hospital directors, along with

55 EPPO Annual Report 2023, Croatia, 1 March 2024, available at [https://eppo.europa.eu/sites/default/files/2024-03/EPPO\\_Annual\\_Report\\_2023.pdf](https://eppo.europa.eu/sites/default/files/2024-03/EPPO_Annual_Report_2023.pdf); [https://www.eppo.europa.eu/sites/default/files/2024-02/EPPO%20Annual%20Report%202023%20WEB%20EN%20300p\\_HR.pdf](https://www.eppo.europa.eu/sites/default/files/2024-02/EPPO%20Annual%20Report%202023%20WEB%20EN%20300p_HR.pdf)

56 EPPO, Croatia: Former Deputy Minister arrested in investigation involving University of Zagreb, 2 May 2024, available at <https://www.eppo.europa.eu/en/media/news/croatia-former-deputy-minister-arrested-investigation-involving-university-zagreb>

57 EPPO, Croatia: Four individuals and one company indicted for abuse of office and power, 21 October 2024, available at <https://www.eppo.europa.eu/en/media/news/croatia-four-individuals-and-one-company-indicted-abuse-of-office-and-power>

58 EPPO, Croatia: Nine arrested in probe into multi-million subsidy fraud in pig farming, 24 October 2024, available at: <https://www.eppo.europa.eu/en/media/news/croatia-nine-arrested-probe-multi-million-subsidy-fraud-pig-farming>



two companies, on charges of bribery, abuse of power, and money laundering.<sup>59</sup> The suspects are accused of manipulating public procurement processes to secure inflated contracts for medical robotic devices and operating microscopes. Bribes were allegedly exchanged to tailor procurement documentation to a specific company's products, resulting in overpayments that harmed both the Croatian national budget and EU funds.

***Potential obstacles to investigation and prosecution of high-level and complex corruption cases (e.g. political immunity regulation)***

The appointment of Ivan Turudić as Chief State Attorney<sup>60</sup> underscores significant barriers to tackling high-level corruption in Croatia and highlights systemic flaws that undermine anti-corruption efforts. Turudić's associations with individuals implicated in criminal investigations, such as Josipa Rimac<sup>61</sup> and Zdravko Mamić,<sup>62</sup> raise concerns about conflicts of interest and bias, particularly given his pivotal role as Chief State Attorney.

Despite evidence of ethical breaches,<sup>63</sup> his appointment reflects the erosion of judicial independence and public trust under Prime Minister Plenković's leadership. The centralisation of prosecutorial authority, coupled with Turudić's ties to the ruling HDZ party, amplifies the risk of political interference in corruption investigations. Legislative moves like the Lex AP (Criminal Law amendments) further weaken oversight by stifling transparency and dissent.

These developments expose structural weaknesses in Croatia's anti-corruption framework, deterring whistleblowers and complicating efforts to investigate complex corruption networks. Reforms to safeguard judicial independence and ensure impartiality are critical to restoring trust and strengthening anti-corruption mechanisms.

59 EPPU, Croatia: EPPU starts investigation against Minister of Health and seven others over medical robotics procurement, 15 November 2024, available at <https://www.eppo.europa.eu/en/media/news/croatia-eppo-starts-investigation-against-minister-health-and-seven-others-over-medical>

60 See the chapter on Justice system, under Judicial independence.

61 N1, Otkrivene stotine poruka Ivana Turudića i Josipe Rimac: "Di si, radosti...", 3 February 2024, available at <https://n1info.hr/vijesti/otkrivene-stotine-poruka-ivana-turudica-i-josipe-rimac-di-si-radosti/>

62 N1, N1 doznaje: Turudić upao u tajne mjere SOA-e zbog Mamića, sastali su se tri puta, 3 February 2024, available at <https://n1info.hr/vijesti/n1-doznaje-turudic-upao-u-tajne-mjere-soa-e-zbog-mamica-sastali-su-se-tri-puta/>

63 N1, Đurđević o Turudiću: Takva bi osoba trebala biti bez mrlje, a ne povezana s kriminalnim miljeom, 7 February 2024, available at <https://n1info.hr/vijesti/durdevic-o-turudicu-takva-bi-osoba-trebala-biti-bez-mrlje-a-ne-povezana-s-kriminalnim-miljeom/>

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**Other**

The investigations into former Croatian Health Minister Vili Beroš<sup>64</sup> highlight significant inefficiencies in conducting corruption probes, particularly when jurisdictional disputes arise between national and European authorities.

The jurisdictional dispute<sup>65</sup> involving the Croatian State Attorney and the European Public Prosecutor's Office (EPPO) underscores significant concerns about impartiality, political influence, and systemic inefficiencies in Croatia's corruption investigations. Questions about the impartiality of State Attorney-General Ivan Turudić, given his prior role as a defence attorney for individuals linked to the case, highlight potential conflicts of interest that erode public trust and compromise the

integrity of prosecutorial decisions. The centralised discretionary power to resolve such jurisdictional conflicts has also been criticised as incompatible with EU standards, increasing the risk of politically motivated decisions, particularly in cases involving high-level officials. Furthermore, prioritising national jurisdiction over the EPPO's mandate to safeguard EU financial interests undermines the EU's oversight mechanisms and raises broader rule-of-law concerns, as noted by the EPPO in its communication<sup>66</sup> with the European Commission. This situation has deepened public scepticism about Croatia's ability to conduct impartial and effective corruption investigations, exacerbating perceptions of institutional dysfunction and deterring whistleblowers from coming forward.

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64 see chapter Justice System

65 See the chapter on Justice system, under Judicial independence.

66 EPPO, EPPO raises concerns over rule of law violations in Croatia following conflict of competence decision, 21 November 2024, available at: <https://www.eppo.europa.eu/en/media/news/eppo-raises-concerns-over-rule-law-violations-croatia-following-conflict-competence>

## MEDIA ENVIRONMENT AND MEDIA FREEDOM

### **Key recommendations**

- *The parliament should repeal the Criminal Code provisions concerning unauthorised disclosure of the contents of an investigative or evidentiary action concerning a participant in the proceedings (Art. 307a).*
- *The parliament should decriminalise insult and defamation.*
- *The parliament should strengthen the legal framework and oversight mechanisms to ensure a fair and transparent allocation of state advertising at national, regional and local levels, including the public tender procedure with clear selection criteria.*

### **Media and telecommunications authorities and bodies**

#### **Independence, enforcement powers and adequacy of resources of media and telecommunication authorities and bodies**

The media regulator in Croatia is the Agency for Electronic Media (AEM). It was established by the provisions of the Electronic Media Act (EMA) and performs administrative, professional, and technical tasks for the Council for Electronic Media, the governing body of the Agency and regulatory body in the field of electronic media. There's no regulatory body for the print media. The Croatian Regulatory Authority for Network Industries (HAKOM) is an independent regulator of the Republic of Croatia's electronic communications market, postal services market, and railway services

market. Still, it has no responsibilities for freedom of expression and media pluralism. HAKOM is an independent, autonomous and non-profit legal entity with public authority.

The primary professional organisation is the Croatian Journalists' Association (CJA), and the biggest media labour union is the Trade Union of Croatian Journalists and Media Professionals (TUCJ).

#### **Conditions and procedures for the appointment and dismissal of the head / members of the collegiate body of media and telecommunication authorities and bodies**

The current procedure for appointing members of the Agency for Electronic Media risks politicisation since the candidates are chosen by the government and approved by the parliament

with a simple majority.<sup>67</sup> That is why the CJA requested that the new government enact a new Media Act and amend the Electronic Media Act ahead of the parliamentary elections in April to depoliticise the Electronic Media Council and ensure that the members of this independent regulatory body are truly politically independent media experts. These legislative measures, however, have not been put in place.

### **Existence and functions of media councils or other co- and self-regulatory bodies**

The Croatian Journalists' Association (CJA) Ethical Council is the only self-regulatory body operating within the CJA since its founding in 1910. The council has 11 members elected by the CJA assembly among its members. The Rulebook regulates the work of the Ethical Council on the work of the Ethical Council of Journalists.

### **Other**

The Council for Electronic Media has been criticised for narrowly understanding its powers – it does not see its jurisdiction in cases of

hate speech in the media and, therefore, does not act on numerous complaints.<sup>68</sup>

## **Pluralism and concentration**

### **Other**

According to the Media Pluralism Monitor, the indicator of pluralism of media providers has a high risk (73%) due to the unclear rules regulating the concentration of electronic media and large concentrations of ownership. According to the latest available data presented in the Monitor (2022), the four largest audiovisual media owners in the country accounted for 97% of the market (with a viewership concentration of 82%), the market share of the four leading radio owners was 69% (with a listenership concentration of 35%)<sup>69</sup>.

Ownership concentration is monitored by the Croatian Chamber of Economy (HGK), which tracks ownership structures for print and print distribution companies, and the Council for Electronic Media (VEM), which monitors electronic media. If there is cross-media concentration, companies must also report to the Agency for Market Competition Protection (AZTN).

67 European Federation of Journalists, *Croatia: Major challenges ahead to improve media freedom*, 25 September 2024, <https://europeanjournalists.org/blog/2024/09/25/croatia-major-challenges-ahead-to-improve-media-freedom/>.

68 Paško Bilić; Antonija Petričušić, *Monitoring media pluralism in the digital era : application of the media pluralism monitor in the European member states and in candidate countries in 2023. Country report : Croatia*, Centre for Media Pluralism and Media Freedom (CMPF), 2024, <https://cadmus.eui.eu/handle/1814/76996>.

69 Paško Bilić; Antonija Petričušić, *Monitoring media pluralism in the digital era : application of the media pluralism monitor in the European member states and in candidate countries in 2023. Country report : Croatia*, Centre for Media Pluralism and Media Freedom (CMPF), 2024, <https://cadmus.eui.eu/handle/1814/76996>.

## Transparency in media ownership

### **The transparent allocation of state advertising (including any rules regulating the matter)**

The independence of local media is significantly threatened by political influence. This is also visible in the significant increase in risk in regulating state resources and support to the media sector, which is 54% compared to last year's 38%, according to Media Pluralism Monitor.<sup>70</sup> The Electronic Media Act stipulates the obligation of state bodies and legal entities owned by the Republic of Croatia to allocate 15% of their annual budget to promote their services or activities for advertising in the regional and local community. However, due to insufficient regulation, the distribution of funds is non-transparent and opens the door to influence peddling.

Non-transparent investment in media content risks favouring certain outlets, potentially influencing their editorial policies. This risk can be mitigated by establishing clear criteria for funding allocation. However, research on public financing of media, conducted since early 2022 by Gong in partnership with the

Croatian Journalists' Association and the Croatian Journalists' Union, revealed that both safeguards for media independence—transparent funding with clear criteria and a strict separation between advertisements and editorial content—have failed.<sup>71</sup>

The European Federation of Journalists (EFJ) and the Croatian Journalists' Association identified a case exposed in December 2023 as an example of “state capture of the media.” Lovrinčević, advisor to the former Minister of Economy Filipović, according to the Office for Corruption and Organised Crime, used his position to promise Mreža TV collaborator Marin Vlahović €90,000 in funding from the Environmental Protection and Energy Efficiency Fund for advertising a campaign. Lovrinčević reportedly requested that Vlahović arrange for part of the funds to be redirected to him. According to USKOK, Lovrinčević influenced the Fund to hire Mreža TV for the campaign, and Fund leaders complied due to his authority. This scandal led to Filipović's dismissal and charges being brought against his advisor. However, no adequate system of oversight for public spending on media, based on professional and public-interest criteria, has since been introduced.<sup>72</sup>

70 Paško Bilić; Antonija Petričušić, *Monitoring media pluralism in the digital era : application of the media pluralism monitor in the European member states and in candidate countries in 2023. Country report : Croatia*, Centre for Media Pluralism and Media Freedom (CMPF), 2024, <https://cadmus.eui.eu/handle/1814/76996>.

71 See: <https://gong.hr/2022/08/31/baza-podataka-ulaganja-u-medije-iz-drzavnog-i-lokalnih-proracuna-u-2020-i-2021/>

72 See: <https://dnevnik.hr/vijesti/hrvatska/efj-i-hnd-afera-mreza-primjer-je-drzavnog-zarobljavanja-medija--817635.html> and <https://www.hnd.hr/efj-i-hnd-afera-mreza-primjer-je-drzavnog-zarobljavanja-medija>



### **Rules governing transparency of media ownership and public availability of media ownership information, and their application**

The National Plan for Culture and Media Development,<sup>73</sup> adopted in December 2023, envisages the creation of an online platform containing information on media ownership.

In their analysis, the Fact-checking platform Faktograf identified 11 separate records, including five databases in the Agency for Electronic Media (AEM), three types of announcements in the Official Gazette, the Register of Beneficial Owners, and two records in the Croatian Chamber of Commerce. Despite these, a complete picture of media ownership remains elusive due to hidden ownership structures or outdated declarations by publishers. Faktograf's analysis revealed that media ownership databases maintained by AEM are incomplete and partially inconsistent with guidelines issued by the Electronic Media Council (VEM), which oversees the agency.<sup>74</sup> Other records related to

media ownership are also incomplete or inaccessible to the public.

As part of the National Recovery and Resilience Plan 2021-2026, the Ministry of Culture and Media and AEM are developing a project to establish a fact-checking system and a public platform for media ownership and funding transparency. €600,000 is allocated to create a new platform to monitor real-time ownership changes. In September 2024, VEM selected Omega Software (previously linked to allegations of undue influence on state contracts) to develop the system within 12 months.<sup>75</sup> The Minister of Culture and Media, Nina Obuljen Koržinek, announced in October 2024 that a platform would be presented by the end of the year that would provide insight into the ownership structure of all media outlets and their sources of financing.<sup>76</sup>

However, to achieve full transparency, it is necessary to review the existence of secretive companies whose establishment is enabled by the Companies Act,<sup>77</sup> effectively preventing

73 The National Plan for Culture and Media Development, available at: [https://min-kulture.gov.hr/UserDocsImages/dokumenti/Nacionalni%20plan%20razvoja%20kulture%20i%20medija/Nacionalni%20plan\\_objava.pdf](https://min-kulture.gov.hr/UserDocsImages/dokumenti/Nacionalni%20plan%20razvoja%20kulture%20i%20medija/Nacionalni%20plan_objava.pdf)

74 Veronika Rešković, *As many as 11 records, and media ownership is still non-transparent (Čak 11 evidencija, a vlasništvo medija i dalje netransparentno)*, 28 December 2023, <https://faktograf.hr/2023/12/28/cak-11-evidencija-a-vlasnistvo-medija-i-dalje-netransparentno/>

75 See: <https://faktograf.hr/2023/12/28/cak-11-evidencija-a-vlasnistvo-medija-i-dalje-netransparentno/>

76 Croatian Journalists' Association, *Obuljen Koržinek: A platform with insight into the ownership structure of all media will be presented by the end of the year (Obuljen Koržinek: Do kraja godine bit će predstavljena platforma s uvidom u vlasničku strukturu svih medija)*, 18 October 2024, <https://www.hnd.hr/obuljen-korzinek-do-kraja-godine-bit-ce-predstavljena-platforma-s-uvidom-u-vlasnicku-strukturu-svih-medija>.

77 Companies Act (Official Gazette, No. 111/1993, 34/1999, 121/1999, 52/2000, 118/2003, 107/2007, 146/2008, 137/2009, 111/2012, 125/2011, 68/2013, 110/2015, 40/2019, 34/2022, 114/2022, 18/2023, 130/2023, 136/2024) available at: <https://www.zakon.hr/z/546/Zakon-o-trgova%C4%8Dkim-dru%C5%A1tvima>

the actual owners of certain media outlets from being known.

### **Other**

There is still a lack of transparency in media ownership, as well as in data collection and supervision procedures.

Even though the legal framework prohibits concealing the ownership structure, in practice, the ultimate owners can remain hidden because, among other things, the data entered in the registers are not updated and checked.<sup>78</sup> For example, in September 2024, Gong requested the Ministry of Culture and Media, the Agency for Electronic Media and the Parliamentary Committee for Information, Informatization and Media to verify the actual ownership of Z1 television due to suspicions that politician Mario Radić is the hidden owner of that media outlet. However, they were told that no one in Croatia is responsible for verifying potential hidden ownership but that what media owners enter in the register of actual owners represents the unquestionable truth for the regulator, even if there are

indications that the information provided to public bodies is false.<sup>79</sup>

### **Public service media**

#### **Independence of public service media from governmental interference**

The public broadcaster is Croatian Radiotelevision (HRT), and the public news agency is Croatian Reporting News Agency (HINA).

The independence of HRT is repeatedly called into question due to the politicised election of the Programming Council and the Supervisory Board, as in previous years, and there is no progress in this area.<sup>80</sup> The international Media Freedom Rapid Response (MFRR) mission, which in September 2024 met with representatives of the Ministry of Culture and Media, the Ministry of Justice, the Ministry of the Interior, representatives of the Agency for Electronic Media, the European Union Representation in Croatia, several publishers' associations, representatives of the Croatian Journalists' Association (CJA), the Trade Union of Croatian Journalists and Media professionals (TUCJ), editors-in-chief and journalists from

78 Paško Bilić; Antonija Petričušić, *Monitoring media pluralism in the digital era : application of the media pluralism monitor in the European member states and in candidate countries in 2023. Country report : Croatia*, Centre for Media Pluralism and Media Freedom (CMPF), 2024, <https://cadmus.eui.eu/handle/1814/76996>.

79 GONG, *AEM: If secret media owners wanted to be transparent, they would be public (AEM: Da su tajni vlasnici medija htjeli biti transparentni, onda bi bili javni)*, 14 October 2024, <https://gong.hr/2024/10/14/aem-da-su-tajni-vlasnici-medija-h tjeli-biti-transparentni-onda-bi-bili-javni/>.

80 Reporters Without Borders, *Croatia*, 2024, <https://rsf.org/en/country/croatia>

prominent media outlets, as well as members of the academic community, lawyers, and civil society actors, warned of the lack of independence of HRT.<sup>81</sup> The Media Pluralism Monitor assessed the independence of public media services as medium risk (50%) precisely because of the high risk of politicisation of the management and editorial staff.<sup>82</sup>

The independence of the editorial policy at HRT was once again called into question around the presidential elections campaign. Namely, Gong warned the Program Council of HRT that the candidate of the ruling party for president, Dragan Primorac, was being promoted in the HRT program and that, in this way, he was given priority over other candidates.<sup>83</sup> Gong demanded that HRT adopt new rules for reporting on candidates as soon as possible. Even though the official campaign had not yet begun at that point, the candidates had already gone public with their candidacies

and started an unofficial campaign. The HRT Programming Council acknowledged the existence of the problem.<sup>84</sup>

## Online media

### Other

The financing framework is one of the primary sources of problems with media independence in Croatia. There has been no change in enhancing the financial stability of non-profit (community) media since last year. The primary funding source is the Fund for Promoting Pluralism and Diversity of Electronic Media, managed by the Agency for Electronic Media but finances both for-profit and non-profit media. Also, most of the projects submitted receive less than 50% of the requested funds.<sup>85</sup> Although the practice so far has been for the public call for the allocation of the Fund's funds to be announced at the end of

81 European Federation of Journalists, *Croatia: Major challenges ahead to improve media freedom*, 25 September 2024, <https://europeanjournalists.org/blog/2024/09/25/croatia-major-challenges-ahead-to-improve-media-freedom/>.

82 Paško Bilić; Antonija Petričušić, *Monitoring media pluralism in the digital era : application of the media pluralism monitor in the European member states and in candidate countries in 2023. Country report : Croatia*, Centre for Media Pluralism and Media Freedom (CMPF), 2024, <https://cadmus.eui.eu/handle/1814/76996>.

83 Gong : *Gong to HRT: Primorac is a candidate both when diving and when traveling to India (Gong HRT-u: Primorac je kandidat i kad roni i kad putuje u Indiju)*, 17 September 2024, <https://gong.hr/2024/09/17/gong-hrt-u-primorac-je-kandidat-i-kad-roni-i-kad-putuje-u-indiju/>.

84 Gong : *The program council of HRT agreed with Gong, and warned the editors to monitor the elections more responsibly (Programsko vijeće HRT-a se složilo s Gongom, upozorilo uredništvo na odgovornije praćenje izbora)*, 5 October 2024, <https://gong.hr/2024/10/05/programsko-vijece-hrt-a-se-slozilo-s-gongom-upozorilo-urednistvo-na-odgovornije-pracenje-izbora/>.

85 Paško Bilić; Antonija Petričušić, *Monitoring media pluralism in the digital era : application of the media pluralism monitor in the European member states and in candidate countries in 2023. Country report : Croatia*, Centre for Media Pluralism and Media Freedom (CMPF), 2024, <https://cadmus.eui.eu/handle/1814/76996>.

the year for the following calendar year (and the results are received in March), the public call was announced with a two-month delay. The results were published in mid-May, which affected the liquidity of numerous media outlets that depend on the Fund's funds. The call for 2025 is still not open.

The CJA, therefore, before the parliamentary elections, demanded fair and transparent media financing from the new government by establishing a joint Media Fund that would be funded from multiple sources. They also require the establishment of an independent and expert commission for the distribution of the Fund according to precise criteria and the introduction of a media register.<sup>86</sup>

## Public trust in media

Public trust in media declined by 2% in 2024 (32% in 2024 compared to 24% in 2023). The public trusts private television stations with a national frequency the most (Nova TV – 65% and RTL – 61%), while the national television station is trusted by as many as 10% fewer citizens (52%). Citizens generally trust television stations more than print and online

media. According to the same research, people get their information the least through print media (20%), with online information and information via television being the primary source of information.<sup>87</sup>

## Safety and protection of journalists and other media actors

### Frequency of verbal and physical attacks

Croatia fell from 42nd to 48th place on the Press Freedom Index of the Reporters Without Borders organisation in 2024.<sup>88</sup> Journalistic professions, standards, and protection indicators score a high risk (68%) in the Media Pluralism Monitor because of numerous SLAPP cases, verbal and physical attacks and poor working conditions of freelance journalists in Croatia.<sup>89</sup>

Verbal political attacks that put political pressure on the media intensified in 2024, especially considering that 2024 was the year of parliamentary, Euro-parliamentary and presidential elections in Croatia. The Media Freedom Rapid Response monitoring report for the first half of the year expresses concern that out of 7 monitored verbal attacks on journalists or

86 Croatian Journalists' Association, *CJA's five requests to the new government (HND-ovih pet zahtjeva novoj vlasti)*, 9 April 2024, <https://www.hnd.hr/hnd-ovih-pet-zahtjeva-novoj-vlasti>.

87 Zrinjka Peruško, *Croatia*, Reuters Institute Digital News Report 2024, Reuters Institute for the Study of Journalism, 17 June 2024, <https://reutersinstitute.politics.ox.ac.uk/digital-news-report/2024/croatia>.

88 Reporters Without Borders, *Croatia*, 2024, <https://rsf.org/en/country/croatia>.

89 Paško Bilić; Antonija Petričušić, *Monitoring media pluralism in the digital era : application of the media pluralism monitor in the European member states and in candidate countries in 2023. Country report : Croatia*, Centre for Media Pluralism and Media Freedom (CMPF), 2024, <https://cadmus.eui.eu/handle/1814/76996>.

the media, five were committed by a member of the government or a public official.<sup>90</sup>

It is particularly worrying that Prime Minister Andrej Plenković repeatedly attacked verbally the media or journalists in 2024. In January, he accused N1 Television of operating semi-legally and not having a broadcasting concession. The CJA and TUCJ reacted by stating that “Prime Minister Plenković has been lecturing and insulting journalists for years and has a constant need to be the editor-in-chief of all Croatian media.”<sup>91</sup> The Prime Minister also attacked journalists when they wrote about the new State Attorney General and the Minister of Culture and Media scandals, accusing them of leaking classified information, being corrupted, and emphasising that investigative journalism that uncovers scandals is not in the public interest<sup>92</sup>. During the parliamentary election campaign, a recording was leaked

from a party rally in which Prime Minister Plenković can be heard calling out specific media outlets that published investigative articles about scandals related to the ruling party (Telegram.hr, N1, Nacional, 24 SATA and Index.hr) as a “left clique” that was destroying the ruling party.<sup>93</sup> In May, the Prime Minister verbally attacked Telegram investigative journalist Dora Kršul, who revealed a corruption case in the Ministry of Culture and Media and Faculty of Geodesy. The Prime Minister attacked her by saying that her discoveries were politically motivated and that they do not represent investigative journalism but rather a deal with someone in the system, which he called illegal.<sup>94</sup>

In October 2024, the Minister of Demography and Immigration, Ivan Šipić, attacked the media and journalist Ante Tomić. In a Facebook post, he called journalists “semi-literate”

90 Media Freedom Rapid Response, *Mapping Media Freedom Monitoring Report January - June 2024*, 2024, <https://www.mappingmediafreedom.org/analysis/>.

91 Croatian Journalists' Association, *CJA: The Prime Minister's attack on N1 is unacceptable pressure on the media (HND: Premijerov napad na N1 nedopustivo je pritisak na medije)*, 11 January 2024, <https://www.hnd.hr/hnd-premijerov-napad-na-n1-nedopustivo-je-pritisak-na-medije>.

92 Croatian Journalists' Association, *CJA calls on Prime Minister Plenković to stop attacking journalists (HND poziva premijera Plenkovića da prestane napadati novinare)*, 28 February 2024, <https://www.hnd.hr/hnd-poziva-premijera-plenkovica-da-prestane-napadati-novinare>.

93 Berislav Jelinić, *We are exclusively publishing a portion of the recording in which Plenković accuses Milanović, Nacional and four other media outlets of conspiracy (Ekskluzivno objavljujemo dio snimke u kojoj Plenković optužuje Milanovića, Nacional i još četiri medija za urotu)*, 14 April 2024, <https://www.nacional.hr/prizvuci-rasizma-ekskluzivno-objavljujemo-dio-snimke-u-kojoj-plenkovic-optuzuje-milanovica-nacional-i-jos-cetiri-medija-za-urotu/>.

94 Telegram, Telegram announcement: The Prime Minister's attack on Dora Kršul is scandalous and democratically shameful (Priopćenje Telegrama: Premijerov napad na Doru Kršul skandalozan je i demokratski sramotan), 2 May 2024, <https://www.telegram.hr/politika-kriminal/priopcenje-telegrama-premijerov-napad-na-doru-krsul-skandalozan-je-i-demokratski-sramotan/>.



and “paid journalists” after the journalists reported critically on his ministry’s appointment of four highly paid advisors. The HND and the Committee condemned the attack to Protect Journalists.<sup>95</sup>

In May 2024, Nacional’s editorial staff received an SMS threat that alluded to a repeat of the 2008 assassination attempt on the weekly’s editor and owner, Ivo Pukanić, and his associate, Niko Franjić. In its condemnation, the HND pointed out that such threats are the product of irresponsible and dangerous statements by Prime Minister Plenković and the leader of the Homeland Movement, in which the media are practically labelled as enemies of the state.<sup>96</sup>

Melita Vrsaljko, a journalist for Faktograf and Klimatski portal, was physically attacked twice in July, on the street and in her home. The European Federation of Journalists (EFJ), the International Federation of Journalists (IFJ), the International Press Institute (IPI) OBC Transeuropa (OBCT), the European Centre

for Press and Media Freedom (ECPMF) and Free Press Unlimited (FPU) have called on the Croatian authorities to treat this case with the seriousness it deserves.<sup>97</sup>

After Jurica Gašpar, a journalist for the Morski.hr portal, uncovered potential influence peddling by PR expert Ankica Mamić, who offered members of the Croatian Association of Private Shipowners services to improve the public image of shipowners, among other things, by using her connections with high-ranking public officials, messages were leaked in September calling for the kidnapping of journalist Gašpar. The European Federation of Journalists (EFJ) and the SafeJournalists network have strongly condemned the threats against the journalist and editor-in-chief of the Morski.hr portal, Jurica Gašpar, and called on the authorities to ensure justice by identifying and prosecuting the perpetrators.<sup>98</sup>

In December, journalist Dario Topić was beaten by Damir Taslidžić, co-owner and

95 Committee to Protect Journalists, *Croatian government minister Ivan Šipić targets journalist Ante Tomić in online attacks*, 9 October 2024, <https://cpj.org/2024/10/croatian-government-minister-ivan-sipic-targets-journalist-ante-tomic-in-online-attacks/>

96 Croatian Journalists’ Association, *CJA: The chilling threats to Nacional newspaper show that dangerous days have come for journalists in Croatia (HND: jezive prijetnje Nacionalu pokazuju da su za novinare u hrvatskoj došli opasni dani)*, 23 May 2024, <https://www.hnd.hr/hnd-jezive-prijetnje-nacionalu-pokazuju-da-su-za-novinare-u-hrvatskoj-dosli-opasni-dani1>.

97 European Federation of Journalists, *Croatia: Faktograf journalist Melita Vrsaljko assaulted twice in a week*, 22 July 2024, <https://europeanjournalists.org/blog/2024/07/22/croatia-faktograf-journalist-melita-vrsaljko-assaulted-twice-in-a-week/>.

98 SafeJournalists, *SafeJournalists and EFJ: Kidnapping Threats of Journalist Jurica Gašpar in Croatia Must be Prosecuted*, 5 September 2024, <https://safejournalists.net/alert/safejournalists-and-efj-kidnapping-threats-of-journalist-jurica-gaspar-in-croatia-must-be-prosecuted/>.

representative of the Elektromodul company. Namely, after the portal Komarilos.com wrote about the case of the City of Osijek's refusal to extend the parking concession to the company Elektromodul at the end of the year, Taslidžić, whose company is still the current concessionaire, invited Topić to his business premises under the pretext of providing him with information about fraud in connection with the granting of the concession, and physically attacked him.<sup>99</sup> The attacker was arrested a few days later.

### **Smear campaigns**

During and after the campaign for the parliamentary elections, especially in post-election coalition negotiations, the right-wing party Homeland Movement repeatedly called for the abolition of financing for the weekly Novosti, published by the Serbian National Council, the national coordination of the council of the Serbian national minority. The European Federation of Journalists (EFJ), the Croatian

Journalists' Association (CJA) and the Union of Croatian Journalists (TUCJ) condemned this call,<sup>100</sup> and Politico also reported on the case.<sup>101</sup> In its case study on this case, Faktograf points out that "the fact that the issue of public financing of one specific media outlet has been turned into a key topic in the negotiations on forming a ruling coalition poses a significant threat to the future development of the independent media sector in the Republic of Croatia, the survival of which can only be guaranteed by the availability of adequate public financing. The extremist right is aware that the easiest way to silence critics is by accusing them of being 'enemies of the people,' and it is logical to conclude that Serbs are only the first on the 'kill list'. If they succeed in their intention to deny budget funds to Novosti, it will be much easier for them to apply the same tactic to other critical voices in the future."<sup>102</sup> Following the public statements of the Homeland Movement, journalists of the weekly Novosti received numerous threats.

99 SafeJournalists, *SafeJournalists and MFRR: Brutal assault on Dario Topić must be punished, swift activation of police safety protocols a positive step forward*, 11 December 2024, <https://safejournalists.net/alert/safejournalists-and-mfrr-brutal-assault-on-dario-topic-must-be-punished-swift-activation-of-police-safety-protocols-a-positive-step-forward/>.

100 European Federation of Journalists, *Croatia: EFJ condemns far-right calls for an end to funding for Novosti weekly*, 10 May 2024, <https://europeanjournalists.org/blog/2024/05/10/croatia-efj-condemns-far-right-calls-for-an-end-to-funding-for-novosti-weekly/>.

101 Una Hajdari, *Free media face crackdown from Croatia's new leaders*, 14 May 2024, <https://www.politico.eu/article/novoski-croatia-homeland-movement-party-free-media-crackdown/>.

102 Tajana Broz, "Novosti are either burned or turned off": A case study of the attack on the weekly Novosti after the Croatian parliamentary elections in 2024. ("Novosti se ili pali ili gasi": studija slučaja napada na tjednik Novosti nakon hrvatskih parlamentarnih izbora 2024. godine), Faktograf, July 2024, <https://faktograf.hr/wp-content/uploads/2024/07/studija-slucaja-napada-na-novosti.pdf>.

A recent example of a defamatory campaign targeted the presidential candidate Ivana Kekin, representing the political party Možemo! On 4 December 2024, the TikTok account “Ne Možemo” (@nemozemo1), a prominent anti-Možemo platform, published a video alleging that Kekin owned a hidden villa, previously undisclosed to the public. Kekin promptly refuted the claim, emphasising that the property has been listed in her asset declaration since she became an MP in 2021. Despite this clarification, “Ne Možemo” continued to accuse her of dishonesty, further claiming the villa was acquired through theft. Although TikTok prohibits paid political advertisements, such content, based on false information, spreads virally easily. The initial video amassed over 130,000 views and was shared more than 600 times. This type of material violates the Digital Services Act (DSA) and undermines democratic discourse but may also involve unreported campaign funds, a clear breach of legal regulations.

Further analysis by the Civil society organisation Gong revealed that the disputed content, removed from TikTok at their request, continues circulating on Instagram via the “Ne Možemo Platform” (@nemozemo\_platforme). The suspicion that political parties may

be behind this smear campaign arises from the identities of collaborators (via Instagram’s collaboration feature) on the contentious posts. A key co-author has ties to the ruling HDZ party.<sup>103</sup>

### **Lawsuits and prosecutions against journalists (including SLAPPs) and safeguards against abuse**

Politicians and business people regularly use SLAPP procedures to discourage journalists’ questions about their activities.<sup>104</sup> According to the annual survey by the CJA and the Center for Democracy and Law Miko Tripalo, at least 752 lawsuits against journalists and media outlets were still pending in May 2024. However, it should be noted that the sample consisted of 21 media outlets - in 2023, there were 945 lawsuits active, but 30 media outlets were surveyed. Politically exposed persons initiated 128 proceedings. In addition, 1,333 verdicts against media outlets and journalists issued between 2016 and 2023 were analysed. It was found that more than 40% of all cases carry at least one SLAPP indicator; among these cases, more than half contain several, or more than one, indicators. Civil proceedings prevail in which compensation for damages is sought, reports the CJA.<sup>105</sup> The Media Freedom Rapid

103 See: <https://gong.hr/2024/12/13/gong-pozvao-dip-istrazite-tko-stoji-iza-dezinformacijske-kampanje-protiv-ivane-kekin/>

104 Reporters Without Borders, *Croatia*, 2024, <https://rsf.org/en/country/croatia>

105 Croatian Journalists’ Association: *CJA: At least 752 lawsuits worth €4.1 million are active, and in 1333 adjudicated cases - 40% were pure SLAPP (HND: Aktivne najmanje 752 tužbe teške 4,1 milijun eura, a u 1333 presuđena predmeta - 40 posto je bio čisti SLAPP)*, 24 May 2024, <https://www.hnd.hr/hnd-aktivne-najmanje-752-tuzbe-teske-4-1-milijun-eura-a-u-1333-presudena-predmeta-40-posto-je-bio-cisti-slapp>

Response (MFRR) mission to Croatia stated, “Lack of a unified methodology for case registration of SLAPPs in government bodies and civil society remains a challenge”<sup>106</sup> because strategic lawsuits against public participation are still not defined in Croatian law.

Before the 2024 parliamentary elections, the CJA requested that the new government introduce a mechanism for early rejection of SLAPPs to prevent the obvious intent of frivolous litigation. They also called for a clear definition of SLAPPs as intimidation and silencing of journalists and the media, stifling freedom of speech and the right to public participation.<sup>107</sup>

The Criminal Code penalises “insult” (Article 147) and “intentional defamation” (Article 149).<sup>108</sup> The criminal offence of defamation is defined as disseminating “an untrue factual statement (about another person) which is likely to harm his honour or reputation, knowing that it is untrue”. It is punishable by a fine. In addition, disseminating a defamatory statement to a large audience, particularly “through the press, radio, television, computer system

or network, or at a public gathering”, entails enhanced criminal liability. The law does not recognise the possibility to exclude false statements where the circumstances justify publication in case of public interest, which is an international standard, Article 19 claims.<sup>109</sup> They also note that criminal proceedings are often initiated in parallel with civil lawsuits, so the double burden of criminal prosecution and civil proceedings involves journalists in lengthy and expensive proceedings. They conclude that the criminalisation of defamation is a disproportionate and ineffective measure to protect the reputation of others and that it represents an unjustified restriction of the right to freedom of expression. It is evident from court practice that private plaintiffs who consider themselves injured due to the publication of texts initiate lawsuits against journalists, so it is clear that the goal of these types of lawsuits is to intimidate and financially exhaust journalists. That is why, in August, the CJA demanded the decriminalisation of acts against reputation and honour.<sup>110</sup>

106 European Federation of Journalists’, Croatia: *Major challenges ahead to improve media freedom*, 25 September 2024, <https://europeanjournalists.org/blog/2024/09/25/croatia-major-challenges-ahead-to-improve-media-freedom/>

107 Croatian Journalists’ Association, *CJA’s five requests to the new government (HND-ovih pet zahtjeva novoj vlasti)*, 9 April 2024, <https://www.hnd.hr/hnd-ovih-pet-zahtjeva-novoj-vlasti>.

108 Croatian Parliament, Criminal Code (Kazneni zakon).

109 Article 19, *Croatia: Decriminalise insult and defamation*, 5 August 2024, <https://www.article19.org/resources/croatia-decriminalise-insult-and-defamation/>

110 Croatian Journalists’ Association, *CJA: We are asking the Government to decriminalize all acts against honor and reputation (HND: Tražimo od Vlade dekriminalizaciju svih djela protiv časti i ugleda)*, 21 August 2024, <https://www.hnd.hr/hnd-trazimo-od-vlade-dekriminalizaciju-svih-djela-protiv-casti-i-ugleda>

### **Confidentiality and protection of journalistic sources (including whistleblower protection)**

In March 2024, amendments to the Criminal Code<sup>111</sup> were voted on. A new criminal offence was introduced, which refers to the unauthorised disclosure of the contents of an investigative or evidentiary action concerning a participant in the proceedings (Art. 307a). The CJA and TUCJ have repeatedly pointed out the harmfulness of these new provisions because they will restrict the public's right to be informed about high-level corruption cases. They call the provisions "Lex AP" because the changes to the law occurred after messages from a corruption scandal were leaked to the media, in which AP, the initials of Prime Minister Andrej Plenković, was mentioned. After submitting a petition with more than 2,000 signatures to the government at the end of 2023 against the introduction of this criminal offence, in January 2024, the CJA organised protests against the changes to the law in the two largest Croatian cities. Although journalists are exempt from criminal liability, the law opens the possibility of sanctioning whistleblowers, i.e. anyone who would provide information. Article 19, an

international organisation promoting freedom of expression that is a part of the Media Freedom Rapid Response (MFRR), assessed that the introduction of Article 307a constitutes a disproportionate interference with freedom of speech and restricts the ability of journalists and other actors to publish information of exceptional public importance. In addition, Article 19 considers such changes to be contrary to international standards of freedom of expression and assesses that they would not pass the three-part test of the European Court of Human Rights, which examines the necessity of restrictions on freedom of speech.<sup>112</sup> After the arrest of Health Minister Vili Beroš in November 2024, the State Attorney's Office launched the first investigations for leaking information from the investigation to the media based on Article 307a.

### **Access to information and public documents**

Although the Law on the Right to Access to Information regulates the right to access information, the state administration often does not respond to requests for access to information, or they wait longer than the deadline prescribed by law.<sup>113</sup>

111 Croatian Parliament, Criminal Code (Official Gazette No. 125/2011, 144/2012, 56/2015, 61/2015, 101/2017, 118/2018, 126/2019, 84/2021, 114/2022, 114/2023, 36/2024)

112 Article 9, *Croatia: Amendments to the Criminal Code – prohibition of 'unauthorized disclosure of information on criminal investigations'* (Hrvatska: Izmjene Kaznenog zakona – zabrana 'neovlaštenog otkrivanja podataka o kaznenim istragama'), June 2024

113 Paško Bilić; Antonija Petričušić, *Monitoring media pluralism in the digital era : application of the media pluralism monitor in the European member states and in candidate countries in 2023. Country report : Croatia*, Centre for Media Pluralism and Media Freedom (CMPF), 2024, <https://cadmus.eui.eu/handle/1814/76996>.



## Other

*Do you consider the progress of the implementation of the Anti-SLAPP Directive in your country adequate? Have there been any positive developments you could attribute to the Anti-SLAPP Directive? Please elaborate on any of the following aspects you consider relevant for your country.*

**Support of the defendant by associations, organisations, trade unions or other entities also interested in the protection of public participation**

The CJA provides legal and any other necessary assistance for journalists affected by the “Lex AP”.<sup>114</sup>

**Any positive developments regarding the application of anti-SLAPP rules for domestic cases, such as transparency, procedural safeguards and remedies**

No progress was made in 2024. The Anti-SLAPP Directive is expected to be transposed into Croatian legislation only after adopting a new Media Act by May 2026.

## CHECKS AND BALANCES

### Key recommendations

- *The government needs to develop a systematic approach to implementing the recommendations of the Ombudsperson and other ombuds institutions.*
- *The Parliament needs to discuss and adopt the Ombudspersons reports in the year's second quarter.*

### Process for preparing and enacting laws

The process of enacting laws continued to have the same issues as in the previous years.

During the beginning of the 11th convocation of the Croatian Parliament, from 16 May to 13 December 2024, 59 new laws were adopted, out of which 25 were adopted in an urgent procedure, and 34 were adopted through regular

114 SafeJournalists, *CJA: To all colleagues facing the impact of “Lex AP,” we offer legal assistance*, 20 November 2024, <https://safejournalists.net/cja-to-all-colleagues-facing-the-impact-of-lex-ap-we-offer-legal-assistance/>.

procedure.<sup>115</sup> It is not clear why so many laws were brought in urgent procedure. The process of public consultations about the new legislation or policies also has many deficiencies, as the proposals made by the public and CSOs are rarely considered and accepted by the authorities. During the year, the e-consultation system became less accessible for civil society organisations, as the e-consultations portal ([esavjetovanja.gov.hr](https://esavjetovanja.gov.hr)) made technical changes.<sup>116</sup> Framework, policy and use of impact assessments, stakeholders'/public consultations (particularly consultation of the judiciary on judicial reforms), and transparency and quality of the legislative process

### **Independent authorities**

In the 2024 Rule of Law report, the European Commission recommended to “further improve the follow-up to recommendations and ensure a more systematic response to information requests of the Ombudsperson.” Unfortunately, the attitude of some of the most relevant state institutions, such as the Parliament and some ministries, is still unsatisfactory. Firstly, the Ombudsperson’s report for the years 2022 and 2023 has still not been discussed in the Parliament. Furthermore, according to the Ombudsperson’s report for

2023, which was published and delivered to the Parliament in March 2024, the competent authorities have implemented or are acting on 44.12% of their general recommendations from the year 2022. The competent authorities have not implemented 27.06% of the recommendations, and for 28.82%, the Ombudsperson has no information on their implementation by the bodies to which they were addressed.<sup>117</sup> The same report stated that the government Office for Human Rights and Rights of National Minorities committed to preparing a report on implementing the Ombudsperson’s recommendations and developed its data collection methodology in consultation with the Ombudsperson. According to initial information, the Office collected data from the competent authorities and was supposed to provide it to the Ombudsperson by the end of January 2024, but the Ombudsperson was informed in March 2024 that data was being analysed and that the report would be published later. However, only a summary of the self-assessment by the authorities was provided without explanations. According to this self-assessment, 24.7% of recommendations were implemented, 36.5% were in progress, and 11.2% were planned. For 7.6%, the authorities stated that they were not implemented or planned, and 20% lacked status or explanations.<sup>118</sup> The Ombudsperson also

115 Croatian Parliament, Overview of the Parliament Work in 11th Convocation (16 May 2024 - 13 December 2024), [https://www.sabor.hr/sites/default/files/XI\\_saziv\\_pregled\\_rada.pdf](https://www.sabor.hr/sites/default/files/XI_saziv_pregled_rada.pdf)

116 See more in the Civic Space chapter, under Public participation.

117 The Ombudswoman (Croatia), Report of the Ombudswoman for 2023 (Izvješće pučke pravobraniteljice za 2023), March 2024, <https://www.ombudsman.hr/hr/izvjesca-puckog-pravobranitelja/#>.

118 The Ombudswoman (Croatia), Report of the Ombudswoman for 2023 (Izvješće pučke pravobraniteljice za 2023), March 2024, <https://www.ombudsman.hr/hr/izvjesca-puckog-pravobranitelja/#>.

stated that in 2023, the cooperation with the public bodies related to their procedures related to individual complaints was largely satisfactory, with some exceptions related to prolonged time or lack of delivery of information from some bodies, out of which the Ombudsperson specifically emphasised the issues with the Ministry of Health in that regard.

### **Accessibility and judicial review of administrative decisions**

#### **Transparency of administrative decisions and sanctions (including their publication and the availability and publicity of data concerning administrative decisions)**

The Draft Proposal of the Act on Data Exchange Between Law Enforcement Authorities of European Union Member States,<sup>119</sup> published for public consultation in August 2024. This initiative by the Croatian government aligns with the European Commission's emphasis on enhancing cross-border cooperation to combat crime and effectively ensure public security within the EU. By facilitating streamlined data sharing, the proposed legislation seeks to bolster Croatia's capacity to prevent, detect, and investigate criminal activities in collaboration with other member states. It, therefore, is consistent with the European Commission's recommendations for improving judicial cooperation and upholding the rule of law across the Union.

However, there are several potential imminent risks to the draft proposal that must be addressed to align with EU rule of law principles. Key concerns include privacy and data protection risks, as cross-border data exchanges may violate the GDPR and the Law Enforcement Directive if safeguards are insufficient. The lack of judicial oversight could undermine individuals' right to challenge data-sharing decisions, while limited transparency in administrative processes risks arbitrary decision-making. Political interference is also dangerous if independent oversight is not guaranteed. The absence of clear definitions for key terms may create legal uncertainty and enable overly broad interpretations.

Additionally, non-compliance with EU law could lead to infringement proceedings from the European Commission. Croatia's Personal Data Protection Agency (AZOP)'s role must be clearly established to ensure independent oversight. Challenges related to technical interoperability with other EU systems may create operational and financial burdens. Addressing these risks requires stronger safeguards, independent oversight, and alignment with EU legal standards to ensure the law promotes accountability, transparency, and effective judicial protection.

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119 Draft Proposal of the Act on Data Exchange Between Law Enforcement Authorities of European Union Member States (*Nacrt prijedloga Zakona o razmjeni podataka između tijela za provedbu zakona država članica Europske unije*), available at <https://esavjetovanja.gov.hr/Econ/MainScreen?EntityId=28154>

## Electoral Framework

### **Enabling environment for the exercise of the right to vote: voter registration systems, accessibility of polling stations, remote/e-voting arrangements, threats and intimidation**

During the 2024 parliamentary elections in Croatia, several issues emerged that impacted the enabling environment for exercising the right to vote. A significant problem involved discrepancies in the voter registration system, where approximately 2,500 citizens with valid identification documents discovered they were inexplicably omitted from voter lists, preventing them from casting their ballots. This issue was attributed to a systemic error, but the authorities inadequately communicated details regarding its nature and scope, leading to confusion and disenfranchisement among voters. Additionally, scheduling the elections on a non-working Sunday was intended to facilitate voter participation; however, it inadvertently caused challenges for certain groups, such as those employed in essential services, who faced difficulties in accessing polling stations. These challenges highlight the need for improvements in voter registration accuracy and the consideration of diverse voter circumstances to ensure equitable access to the electoral process.<sup>120</sup>

These issues directly relate to the principles outlined in the European Commission's Rule of Law Report, particularly in the area of checks and balances. The unexplained removal of voters from the electoral roll reflects a lack of transparency and accountability in the voter registration system, raising concerns about legal certainty and the effectiveness of administrative oversight. The absence of timely remedies for disenfranchised voters points to a gap in judicial review and access to justice, as affected citizens were left without a mechanism to challenge their exclusion. Furthermore, the limited accommodation for workers in essential services highlights the need for equal access to polling stations, a key element in safeguarding the right to vote. These deficiencies emphasise the importance of ensuring independent oversight by Croatia's State Election Commission (DIP) and underscore the need for strengthened safeguards to uphold electoral integrity and protect fundamental rights.

According to Gong's report, the European elections "were conducted without major irregularities and in accordance with legal regulations, largely respecting international standards of good electoral practices."<sup>121</sup> However, the voters' turnout was very low, 21,35% and the campaign was largely overshadowed by the political processes at the national level, namely the formation of the new government after the parliamentary elections held in April 2024.

120 Gong, *Parlamentarni izbori 2024. - od problema s izbrisanima do (ne)radne nedjelje*, 9 May 2024, available at <https://gong.hr/2024/05/09/parlamentarni-izbori-2024-od-problema-s-izbrisanima-do-neradne-nedjelje/>

121 Gong, *Izveštaj o izborima za Europski parlament*, 22 July 2024, available at: <https://gong.hr/wp-content/uploads/2024/07/Izvjestaj-o-izborima-za-Europski-parlament-2024.pdf>

### **Eligibility criteria and restrictions to be a candidate**

When parliamentary elections were announced for 17 April 2024, President Zoran Milanović declared his candidacy for Prime Minister without resigning as Head of State, raising serious constitutional concerns about his duty to safeguard the stability of state power.

On 18 March 2024, the Constitutional Court of Croatia, acting on its initiative, issued a formal warning.<sup>122</sup> It held that the President's candidacy for Parliament or promotion as a Prime Ministerial candidate was incompatible with his constitutional role and the principle of separation of powers. The Court urged the President to immediately resign if he sought election or publicly presented himself as a candidate and to cease activities contrary to the Constitution.

Two judges dissented, asserting that the matter required a formal decision, not a mere warning. They argued that the lack of a ruling deprived the involved parties of procedural safeguards and violated the right to a fair trial under Article 29 of the Croatian Constitution

and Article 6 of the European Convention on Human Rights. The dissenting judges also criticised the warning for failing to specify which actions constituted constitutional violations or breached provisions.

Immediately after the elections, the Constitutional Court issued a second warning, declaring that Milanović's conduct rendered him ineligible to serve as Prime Minister-designate or Prime Minister. It threatened to annul any parliamentary decision appointing him. This action, issued with three dissenting opinions,<sup>123</sup> provoked criticism from constitutional experts and the public, who argued it unconstitutionally interfered with electoral results and the rights of Members of Parliament to support candidates freely.<sup>124</sup>

### **Access to balanced and reliable information online and offline during electoral campaign: campaigning, media coverage, disinformation and misinformation**

In December 2024, the Croatian NGO Gong reported a covert disinformation campaign targeting presidential candidate Ivana Kekin. Anonymous accounts on platforms like TikTok

122 Warning regarding the statement by the President of the Republic of Croatia, Mr Zoran Milanović, announcing his candidacy in the parliamentary elections scheduled by the decision of the President of the Republic of Croatia on 15 March 2024, available at <https://sljeme.usud.hr/Usud/Praksaw.nsf/C12570D30061CE54C1258AE400450E70/%24FILE/U-VII-1263-2024.pdf>

123 Constitutional legal position in case no. U-VII-1263/2024-II of 19 April 2024 regarding the statement and warning to participants in the elections held on 17 April 2024, available at [https://www.usud.hr/sites/default/files/dokumenti/Ocitovanje\\_sudaca\\_Abramovica\\_Kusan\\_i\\_Selaneca\\_nazvano\\_Ustavnopravno\\_stajaliste\\_u\\_predmetu\\_broj\\_U-VII-1263-2024-II.pdf](https://www.usud.hr/sites/default/files/dokumenti/Ocitovanje_sudaca_Abramovica_Kusan_i_Selaneca_nazvano_Ustavnopravno_stajaliste_u_predmetu_broj_U-VII-1263-2024-II.pdf)

124 See: <https://faktograf.hr/2024/03/20/izdvojeno-misljenje-ustavni-sud-milanovic/>

and Instagram disseminated defamatory content, undermining electoral integrity. Gong's investigation revealed that individuals linked to political entities, including those associated with the ruling party, were involved in these activities. "Not only is such content contrary to the DSA and undermines democratic discourse, but it may also be backed by black, undeclared money in the campaign, which is strictly prohibited by law," Gong states.<sup>125</sup>

Despite Gong's appeals, the State Electoral Commission (DIP) stated it lacked the mandate and tools to address such disinformation. This situation underscores Croatia's challenges in ensuring access to balanced and reliable information during electoral campaigns, as highlighted in the EC's 2024 Rule of Law Report that emphasised the need for robust measures to combat disinformation and enhance transparency in political campaigning to uphold democratic processes.

## CIVIC SPACE

### Key recommendations

- *Ensure effective access and participation in decision-making processes for Croatia's citizens and civil society and make the e-Citizens portal accessible to CSOs.*
- *The government needs to adopt the National Plan for Creating an Enabling Environment for Civil Society Development that will systematically tackle the issues faced by civil society, such as financing framework, access and participation in decision-making processes and institutional framework for civil society.*
- *Open St. Mark's Square for the public protests.*

### Freedom of association

There were no significant changes related to the freedom of association in 2024. The key

policy document for civil society has still not been elaborated/prepared. As reported previously, the new National Plan for Creating an Enabling Environment for the Development

125 "Ne samo da ovakav sadržaj je protivan DSA-u i urušava demokratski diskurs, već i iza ovakve hajke može stajati crni, neprijavljeni novac u kampanji, što je strogo zakonom zabranjeno". See: <https://gong.hr/2024/12/12/gong-prijavio-anti-mozemo-difamacijske-sadrzaje-tiktoku-dip-u-i-hakom-u/> and <https://gong.hr/2024/12/13/gong-pozvao-dip-istrazite-tko-stoji-iza-dezinformacijske-kampanje-protiv-ivane-kekin/>.



of the Civil Society has still not been adopted, and there is no progress in the matter, although the previous National Strategy for Creating an Enabling Environment for the Development of the Civil Society expired in 2016. While there were numerous events and developments in the process, and the latest Working Group for drafting was established in 2021, it is unclear why the process is still being halted by the Government Office for Cooperation with the NGOs, the body responsible for drafting it.

In October 2024, Zelena Akcija - Friends of the Earth Croatia published the analysis “Repression against environmental initiatives and civil society organisations in Croatia”. The analysis, conducted through desk research and semi-structured interviews with 15 representatives of environmental CSOs and initiatives, found evidence of repression and closing space for their activities in three key areas: deprivation and channelling of financial resources; closing the decision-making process and targeted repression of individual organisations and initiatives.<sup>126</sup>

***Financing framework for CSOs, including availability of and access to public funding, rules on fundraising, rules on foreign funding, tax regulations (e.g. tax advantages for organisations with charitable or public benefit status, eligibility to receive donations via citizens’ allocation of income tax to charitable causes, eligibility to use public amenities at low or no cost, etc)***

Civil society organisations continued to face numerous issues with accessing funding through European Social Fund Plus (ESF+) funds, such as excessive administrative demands and inadequate planning of the calls. Until May 2024, only 10 calls have been published.<sup>127</sup> In addition, in the new financial period 2021-2027, the focus of using the ESF+ primarily supports civil society organisations providing social services. There are no calls designed to support advocacy organisations that contribute to good governance of public policies and monitoring policies in human rights, rule of law, combating corruption and transparency of public administration. There is still a lack of national funding for human rights programs, particularly for watchdog, research, and advocacy activities. Short-term projects that are inadequate for long-term programs and create unnecessary burdens for CSOs are still prevalent. Insufficient national funding for the organisational development of smaller

126 Friends of the Earth Croatia (Zelena akcija), Kruno Kardov, REPRESIJA NAD OKOLIŠNIM INICIJATIVAMA I ORGANIZACIJAMA CIVILNOG DRUŠTVA U HRVATSKOJ, September 2024, available at [https://www.zelena-akcija.hr/system/document/1355/doc\\_files/original/ZA\\_AnalizaFIN-3.pdf](https://www.zelena-akcija.hr/system/document/1355/doc_files/original/ZA_AnalizaFIN-3.pdf)

127 H-alter, Hunger games 2021 – 2027 (Igre gladi 2021.-2027.), 14 May 2024, available at <https://h-alter.org/hrvatska/plasman-esf-na-polovini-programskog-razdoblja-2021-2027/>

and newer civil society organisations remains a significant barrier, especially for those outside larger cities.

### **Rules on lobbying**

In October 2024, the Lobbying Act<sup>128</sup> came into force, which puts civil society organisations in a position of legal uncertainty because the law is unclear about whether it applies to advocacy activities of non-governmental organisations - and different NGOs have different views on whether they are obliged by the norms of this Act. This is because Article 2 of the Lobbying Act identifies, among others, non-governmental organisations and civil society organisations as lobbyists. However, it defines lobbying as: “any form of oral or written communication directed at the lobbied person as part of a structured and organised promotion, advocacy, or representation of specific interests or the sharing of information related to public decision-making to achieve the interests of the lobbying client”. Human rights non-governmental organisations, through their advocacy activities directed at decision-makers, do not “represent specific interests” but advocate for the effective protection of the human rights of individuals residing in the Republic of Croatia. Such advocacy aims to promote the public interest, offering solutions (policy or legislative) that those in power and the opposition may or may not choose to adopt. On the other hand, Article 4 of the Lobbying Act stipulates that activities such as the democratic expression of opinions, which include the right of

individuals or groups to publicly voice their views through consultations, referendums, petitions, or civic initiatives, as well as advocating for political or legislative changes, are not considered lobbying. Furthermore, attending public gatherings, meetings, discussions, or events open to the public and publicly expressing opinions, views, and information about laws, regulations, or strategic documents, including their drafts and proposals in the media, are also not considered lobbying. Therefore, this area is confusing and dangerous for NGO advocacy, which is necessary in a democratic society. Although it was necessary to regulate this area, which is crucial for the transparency of decision-making that affects all citizens of Croatia - it was done inadequately because it effectively erases the distinction between public advocacy for the common good and lobbying for particular interests while equating civil society with professional lobbyists. Moreover, it is also noted that this Law provides for self-initiated registration in the Lobbyist Register, which allows many actual lobbyists to “fly under the radar”.

### **Freedom of peaceful assembly**

#### **Rules on organisation, authorisation of and participation in assemblies**

After the armed attack on 12 October 2020 directed at the staff and the building of the government, the executive branch used its position of power and closed off St. Mark's Square with metal barriers - excluding the

128 Lobbying Act (Zakon o lobiranju), Official Gazette 36/24, in force since 01.10.2024.

public space from free enjoyment by the citizens of the Republic of Croatia. The closure of the square has sparked criticism, as it is perceived as a restriction of civil liberties and the right to public assembly, as St. Mark's Square in Zagreb is crucial for protests as it houses the most important government institutions, such as the Parliament and the government. Since November 2020,<sup>129</sup> St. Mark's Square has been designated as a first-category protected area. Although the authorities assured that the right to public assembly and peaceful protest will not be restricted, in 2023 the non-governmental organisation Gong found that the police had cleared only 200 square meters for a protest.<sup>130</sup>

The closure was contested by the NGO Gong in the Constitutional Court,<sup>131</sup> but in 2023 the Court rejected the request for review declaring itself not competent to decide on the matter, with five (out of thirteen) dissenting judges,<sup>132</sup>

leading Gong to criticise the decision as an approval of government overreach and a threat to citizens' rights.<sup>133</sup> In 2024, the campaign calling for the opening of the square continued, and Gong also urged the MPs to initiate a constitutional review process, as one-fifth of the Members of Parliament have the right to do so.<sup>134</sup> Although civil society organisations have been calling on the government to open the Square for years, throughout 2024 it remained closed to the public.

### ***Criminalisation of protesters***

At the beginning of 2024, on 5 January, activists projected the message "Free Palestine" on the eastern side of the Chromos Tower in Zagreb, where the Israeli embassy is located. Trnje Police Station filed a misdemeanour complaint against them, alleging that they violated Article 13 of the Misdemeanour Act

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129 Regulation on the Designation of Protected Persons, Facilities, and Spaces and the Implementation of Their Security and Protection (Uredba o dopuni Uredbe o određivanju šticećenih osoba, objekata i prostora te provođenju njihove zaštite i osiguranja), Official Gazette, 131/2020, 27.11.2020.

130 Dnevnik.hr, Zašto je Markov trg i dalje zatvoren za građane? "Javnost ima puno pravo znati sve činjenice o razini opasnosti", 15 March, available at <https://dnevnik.hr/vijesti/hrvatska/zasto-je-markov-trg-i-dalje-zatvoren-za-gradjane-javnost-ima-puno-pravo-znati-sve-cinjenice-o-razini-opasnosti---771382.html>

131 Gong, Gong zastupnicima: Vratite Saboru moć, otvorite Markov trg građanima, 2 July 2024, available at <https://gong.hr/2024/07/02/gong-zastupnicima-vratite-saboru-moc-otvorite-markov-trg-gradanima/>

132 Croatian Constitutional Court, U-II-3503/2023, 19 December 2023, available at <https://sljeme.usud.hr/Usud/Praksaw.nsf/C12570D30061CE54C1258A8B0045C1E4/%24FILE/U-II-3503-2023.pdf>

133 See: <https://gong.hr/2024/01/03/ako-ustavni-sud-nije-nadlezan-nitko-ne-stoji-na-putu-vladi-koja-krsi-prava-gradana/>

134 Gong, Gong zastupnicima: Vratite Saboru moć, otvorite Markov trg građanima, 2 July 2024, available at <https://gong.hr/2024/07/02/gong-zastupnicima-vratite-saboru-moc-otvorite-markov-trg-gradanima/>

Against Public Order and Peace,<sup>135</sup> which states: “Anyone who fights, argues, shouts, or otherwise disturbs public order and peace in a public place shall be fined between €300 and €2,000 or sentenced to up to 30 days in prison.” The activists were accused of setting up a portable generator that generated noise during operation and projecting the light message “Free Palestine,” which, according to the charges, disrupted public order, caused unrest and anxiety, and distracted passers-by and drivers, all without prior approval from the relevant Zagreb City authority. The defence demonstrated that the generator noise at a distance of seven meters measured 62 decibels, significantly less than a regular car’s average noise. According to the defence, it is evident that the proceedings were initiated due to the defendants’ message, which “did not sit well with the security staff and employees of the State of Israel’s embassy,” and that, at their request, the Misdemeanour Act Against Public Order and Peace was misused.<sup>136</sup> The activists were ultimately acquitted of the charges in November due to a lack of evidence.<sup>137</sup>

## **Freedom of expression and information**

### **Criminalisation of speech**

Human rights defender Vladislav Arinichev fled Russia due to political persecution for his anti-Putin and peace activism, and, among other things, he has actively and publicly supported Navalny and spoken out publicly against the war in Ukraine. Therefore, he has been labelled a terrorist and extremist by the Russian authorities and faces severe persecution in Russia, as already recognised in a previous judgment of the European Court of Human Rights.<sup>138</sup>

His asylum request in Croatia was rejected at the first instance, though the decision acknowledges that he meets the criteria for asylum. Based on the negative Security and Intelligence Agency’s (SOA) opinion, it was denied that he poses a national security threat. This opinion was based on two concerns: firstly, that Arinichev is flagged as a terrorist/extremist in Russia and secondly, that he continued to fight for justice and human rights in Croatia because while staying at the Reception Centre for International Protection Seekers in Zagreb, on 10 September 2023, he recorded

135 Public Order and Peace Offences Act (Zakon o prekršajima protiv javnog reda i mira), Official Gazette, No. 41/77, 52/87, 55/89, 5/90, 30/90, 47/90, 29/94, 114/22, 47/23

136 Novosti, Oslobodeni za projiciranje natpisa “Free Palestine”, 21 September 2024, available at <https://www.portalnovosti.com/oslobodeni-za-projiciranje-natpisa-free-palestine>

137 Novosti, Sloboda za “Palestince”, 15 November 2024, available at <https://www.portalnovosti.com/sloboda-za-palestince>

138 ECtHR, Zhukovets and Others v. Russia (Applications nos. 21782/21 and 18 others), 28 March 2024

and published a video<sup>139</sup> in which he highlighted the inadequate conditions in the centre.

After witnessing similar situations in which his compatriots found themselves, Arinichev continued speaking out about the SOA's injustices and life-threatening and worrying actions. The latest in a series was a peaceful protest in Zagreb on 4 July 2024 to warn that asylum seekers are being denied protection due to the unfounded opinions of the SOA, thereby exposing them to potential danger, torture and/or inhuman treatment. Before starting the protest itself, the applicant allowed himself to be searched by police officers, answered all their questions and agreed to have all demonstration materials photographed, including his T-shirt with the provocative handwritten inscription 'FUCK SOA', after which the police officers did not mention that his T-shirt potentially violated the regulations of the Republic of Croatia and allowed the protest to proceed. He wore the aforementioned T-shirt during the protest, for which he was arrested, and a misdemeanour charge was filed against him for insulting a state body.

He was sentenced to 15 days in prison, ignoring that he had not intended to insult the SOA but rather to warn about irregularities in the work of the state body on which his life depends.

Although the appeal proceedings are ongoing, Arinichev, instead of being released, was placed in a detention centre on the border with Bosnia and Herzegovina, with the explanation that his freedom of movement needed to be restricted for three months "to protect public order in the Republic of Croatia, given that the person insulted a state body in connection with the performance of its duties" - that is, the Ministry of the Interior decided on the most severe measure and for the maximum duration, claiming that other measures could not achieve the purpose of imposing the measure. He spent three months detained in the Transit Reception Centre for Foreigners Trilj.

### **Restrictions on access to information**

Access to information has also been deteriorating in the last few years. There have been several examples of highly problematic practices by the government, various ministries, and other relevant institutions. For example, Gong was denied information about the names of the special advisors to the minister of Croatian veteran's affairs for five months, citing the protection of personal data, but the Ministry was finally forced to disclose the names in April 2024, after Gong filed a complaint to the Information Commissioner.<sup>140</sup>

139 Vlad Arinichev, Footage of the asylum centre in Zagreb on 10 Spetember 2023, available at [https://www.youtube.com/watch?v=mZh1Mz9MkLk&ab\\_channel=ArinichevVladislav](https://www.youtube.com/watch?v=mZh1Mz9MkLk&ab_channel=ArinichevVladislav)

140 Gong, Special advisors under special treatment despite their influence, They are not held accountable for conflict of interest, 21 January 2024, available at <https://gong.hr/en/2024/01/29/special-advisors-under-special-treatment-despite-their-influence-they-are-not-held-accountable-for-conflict-of-interest/>

## Attacks and harassment

### **Intimidation / negative narratives / smear campaigns / disinformation campaigns**

In 2024, attacks of Prime Minister Plenković and the ruling party, the Croatian Democratic Union, against Gong and other CSOs continued. The prime minister first accused Gong of being politically manipulated by other political parties against the ruling party. This narrative then evolved, and he accused Gong of crafting the political opposition's talking points and organising protests against the ruling party. Croatian Democratic Party's official Facebook page began tagging Gong in its posts, labelling it para-political and a hypocritical organisation that influences left-wing parties and politicians. These posts used Gong as a figurehead for the political opposition to undermine any criticism of the ruling party. In less than 20 days in January, a total of eight posts explicitly naming and attacking Gong were published.

In December 2024, the Prime Minister questioned the independence of Gong at a press conference and said that they are a leftist organisation, always advocating for leftist political options. He implied that he has control over access to funding for CSOs: "Let's

say the state says there's no money, no money. Let's say there's a call for proposals from the Foundation for Civil Society Development or the Government's Office for NGOs. Ah, you admitted you're only for one option: no money. Then they'll accuse us of being dictators, pharaohs who don't nurture pluralism."<sup>141</sup> Gong reacted to this and stated that "it is disheartening for democracy that the Prime Minister suggests he influences the allocation of grants, which should be evaluated by independent reviewers and awarded to organisations that meet the highest standards and submit the best project proposals."<sup>142</sup>

### **Legal harassment, including Strategic Lawsuits Against Public Participation (SLAPPs), prosecutions and convictions of civil society actors**

According to the analysis published by Zelena Akcija – Friends of the Earth Croatia, in October 2024, SLAPPs are one of the methods of repression of environmental advocacy organisations and initiatives. According to the analysis, "currently, lawsuits remain active in the case of two organisations and two informal initiatives, while in two other cases (one organisation and one informal initiative), the lawsuits against their leaders have been withdrawn."<sup>143</sup>

141 Gong, Is the Prime Minister signaling a willingness to penalise organisations that insists on free and fair elections?, 19 December, available at <https://gong.hr/en/2024/12/19/is-the-prime-minister-signaling-a-willingness-to-penalise-organisations-that-insists-on-free-and-fair-elections/>

142 Ibid

143 Friends of the Earth Croatia (Zelena akcija), Kruno Kardov, REPRESIJA NAD OKOLIŠNIM INICIJATIVAMA I ORGANIZACIJAMA CIVILNOG DRUŠTVA U HRVATSKOJ, September 2024, available at [https://www.zelena-akcija.hr/system/document/1355/doc\\_files/original/ZA\\_AnalizaFIN-3.pdf](https://www.zelena-akcija.hr/system/document/1355/doc_files/original/ZA_AnalizaFIN-3.pdf)



## Public participation

### Rules and practices on dialogue with civil society

The continuous deterioration of the previously well-established framework continued in 2024. The 8<sup>th</sup> convocation of the Council for Civil Society Development, the key advisory body to the government acting towards developing cooperation between the government and the civil society organisations in Croatia, held three sessions in 2024, out of which one was a constitutive session, the other two were extraordinary sessions.<sup>144</sup> The Council's Rules of Procedure that were brought in the first session of the 8<sup>th</sup> convocation still enable public bodies in the Council to outvote the representatives of civil society and the rule that the session of the Council will be held at the request of at least 1/3 of the Council remained for the Rules of Procedure of the 7<sup>th</sup> convocation. However, the civil society representatives proposed on multiple occasions that it should be changed to 1/5 of the members, which was the case in previous convocations of the Council.<sup>145</sup>

### Rules on access to and participation in consultations and decision-making processes

Although Croatia officially has a system set for participation in consultations, proposals made by the public and CSOs are rarely considered and accepted by the authorities. The data published in 2024 showed that the number of public e-consultations was smaller in 2023 (822) than in 2022 (when 1028 e-consultations were carried out).<sup>146</sup> Of those 822 consultations, 716 (87%) lasted less than 30 days, the length of consultations prescribed by the Right to the Access to Consultations Act. Associations submitted 2314 out of 19991 comments in the consultations, which makes them the second most common type of commenters, while the most comments were made by individuals (13704). Only 9% of all comments were accepted, 7% were partially accepted, 40% were not accepted, 23% were only noted, and even 21% were not replied to.

During the year, the e-consultation system became less accessible for civil society organisations. In May 2024, the e-consultations portal ([esavjetovanja.gov.hr](https://esavjetovanja.gov.hr)) made technical

144 Government of the Republic of Croatia Office for Cooperation with NGOs, Minutes of the meetings of the Council for the Development of Civil Society, available at <https://udruga.gov.hr/istaknute-teme/savjet-za-razvoj-civilnoga-drustva/zapisnici-sa-sjednica-savjeta/144>

145 Council for the Development of Civil Society of the Government of the Republic of Croatia, ZAPISNIK S 1. (KONSTITUIRAJUĆE) SJEDNICE 8. SAZIVA SAVJETA ZA RAZVOJ CIVILNOGA DRUŠTVA, 23 January 2024, available at [https://udruga.gov.hr/UserDocsImages/dokumenti/arhiv/Novi%20direktorij/Savjet/Zapisnik\\_fin\\_2.pdf](https://udruga.gov.hr/UserDocsImages/dokumenti/arhiv/Novi%20direktorij/Savjet/Zapisnik_fin_2.pdf)

146 Government of the Republic of Croatia, Godišnje izvješće o provedbi savjetovanja 2023, available at <https://savjetovanja.gov.hr/UserDocsImages//dokumenti//Godi%C5%A1nje%20izvje%C5%A1%C4%87e%20o%20provedbi%20savjetovanja%202023.pdf>

changes, which made e-consultations less accessible for civil society organisations and other actors. 42 civil society organisations signed a press release stating that this “represents the feigning of democracy and further erosion of democratic standards and the rule of law in Croatia.”<sup>147</sup> Access to the portal previously functioned through a simple registration system, but now it has to be accessed through the e-Citizens system. While the individuals could access the portal using some form of identification, for civil society organisations and other legal entities, a high-level security credential was required, which meant that the person authorised to represent the organisation had to activate their ID card at the Ministry of the Interior, install and use a unique

application on their mobile phone, and use a reader for their ID or a crypto device to access the e-Citizens system at all. The CSOs argued that “such a level of security is unjustified, unnecessarily complicates and administratively burdens, and narrows the space for civil society organisations to participate in decision-making processes, which will harm civic participation.” The organisations also complained that numerous technical issues prevented CSOs from participating in the consultations. In June 2024, the high-level security credentials were abolished, but only the legal representatives of the CSOs and not all the employees could participate in the consultations, which was too burdensome for most of the CSOs.<sup>148</sup>

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147 Gong, Digitalnim barijerama protiv sudjelovanja javnosti: Više od 40 udruga traži od Ministarstva uprave da im omogući komentiranje zakona, 7 June 2024, available at <https://gong.hr/2024/06/07/digitalnim-barijerama-protiv-sudjelovanja-javnosti-vise-od-40-udruga-trazi-od-ministarstva-uprave-da-im-omoguci-komentiranje-zakona/>

148 Gong, Javne rasprave u Hrvatskoj: Tko izdrži, sudjelovat će, 17 September 2024, available at <https://gong.hr/2024/09/17/javne-rasprave-u-hrvatskoj-tko-izdrzi-sudjelovat-ce/>

## **DISREGARD OF HUMAN RIGHTS OBLIGATIONS AND OTHER SYSTEMIC ISSUES AFFECTING THE RULE OF LAW ENVIRONMENT**

### **Key recommendations**

- *The State Attorney's Office and Ministry of Justice and Administration should ensure efficient investigations of human rights violations and timely implementation of supranational court decisions.*
- *The Ministry of Justice and Administration and the Ministry of the Interior should ensure accountability for officials involved in systematic human rights violations.*
- *The Ministry of the Interior should ensure independent and efficient monitoring of police work.*

### **Systemic human rights violations**

#### **Widespread human rights violations and/or persistent protection failures**

Recipients of minimum income in Croatia who are capable of work are obligated to perform unpaid community service or face termination of their social assistance. This constitutes forced labour, violating international conventions such as the ILO Conventions on Forced Labour, the European Convention on Human Rights, and the Croatian Constitution. It also breaches the International Covenant on Economic, Social and Cultural Rights, the

European Social Charter, and the EU Charter of Fundamental Rights. In December 2023, the Centre for Peace Studies and the Centre for Peace, Nonviolence and Human Rights – Osijek petitioned<sup>149</sup> Croatia's Constitutional Court to assess the Social Welfare Act's compliance with the Constitution. However, no ruling has been made, leaving violations of social security, free choice of work, and prohibitions on forced labour and discrimination unaddressed in 2024.

Collective expulsions from Croatia continued. In 2024, the Danish Refugee Council recorded 384 cases of pushbacks in January and February

149 Centre for Peace Studies, *Konferencija za medije: Zakon o socijalnoj skrbi grubo krši Ustav RH i međunarodne ugovore*, 20 December 2023, <https://www.cms.hr/hr/prekarni-rad-i-nezaposlenost/konferencija-za-medije-zakon-o-socijalnoj-skrbi-grubo-krsi-ustav-rh-i-medunarodne-ugovore>.

before ending their protection activities in the Una-Sana Canton.<sup>150</sup> During the first eight months of 2024, Save the Children outreach teams working in Una-Sana Canton, in Bosnia and Herzegovina (BiH) near the border with Croatia, identified 1,504 refugees and migrants who were pushed back from Croatia, including 291 children out of whom 186 were unaccompanied.<sup>151</sup> In October 2024, No Name Kitchen published *Burned Borders: A No Name Kitchen Investigation on Illegal Croatian Police Practices*.<sup>152</sup> The report presents evidence of police practices alongside testimonies from survivors, who recount the systematic and brutal actions of officers burning essential items such as clothing and documents in an effort to push people back.

Denial of access to asylum and pushbacks have led to the fact that several national courts of the EU Member States had previously suspended Dublin transfers of asylum seekers to Croatia in the light of the risk of violation of Article 3 of the ECHR.<sup>153</sup> In 2024, the

Munich Administrative Court ruled against a Dublin transfer to Croatia, arguing that asylum seekers who are to be returned to Croatia under the Dublin III Regulation and against whom a final and enforceable return decision has been issued face a severe risk of being deported to Bosnia-Herzegovina or Serbia as part of a chain deportation process. Furthermore, the Court concluded that there are no effective legal protection mechanisms in Croatia for asylum seekers who have experienced degrading or inhuman treatment by the Croatian police.<sup>154</sup>

### ***Impunity and/or lack of accountability for human rights violations***

Victims of illegal expulsions in Croatia continue to face systemic barriers to justice, including lack of access to effective remedies as required by European Court of Human Rights standards. The State Attorney's Office routinely dismisses complaints despite substantial evidence, while the Ministry of Interior

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150 Danish Refugee Council, Border Monitoring Factsheet, available at <https://pro.drc.ngo/resources/documents/border-monitoring-factsheet/>

151 Save the Children in North West Balkans, Balkans Migration and Displacement Hub, Refugees and Migrants at the Balkans Route: Regional Overview January - August 2024

152 No Name Kitchen, *Burned Borders: A No Name Kitchen Investigation on Illegal Croatian Police Practices*, published on 10 October 2024; The Guardian, *Croatian police accused of burning asylum seekers' phones and passports*, published on 10 October 2024

153 CoE, European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), Report to the Croatian Government on the visit to Croatia carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 10 to 14 August 2020, p. 16, para 21, link available at: <https://rm.coe.int/1680a4c199>.

154 Munich Administrative Court, M 10 K 23.50597, 22 February 2024, decision in German attached to this submission as an annex.

denies wrongdoing without transparency or independent oversight. Internal investigations lack impartiality, remain inaccessible to the public and Ombudsperson, and reflect the government's failure to address police violence or uphold the rule of law, further eroding the integrity of the legal system.

In October 2024, after *The Guardian*<sup>155</sup> published the findings of the *Burned Borders* report, the Ministry of the Interior issued a press release<sup>156</sup> denying all accusations of police misconduct, including violence and the destruction of migrants' belongings during pushbacks. In the press release, the Ministry commented on the *M.H. and Others v. Croatia* ruling,<sup>157</sup> claiming that neither this nor any other judgment has established that the Croatian police conducted collective expulsions, contrary to the ECtHR's ruling that established a violation of Article 4 Protocol 4.

### ***Follow-up to recommendations of international and regional human rights monitoring bodies***

The UN Committee on the Elimination of Racial Discrimination (CERD) expressed concerns about continued discrimination

against Roma and ethnic Serb communities, particularly in employment and education. CERD recommended that Croatia enforce the Anti-Discrimination Act more robustly, particularly in these sectors, and conduct awareness campaigns targeting discrimination. Croatia has implemented programs like the Operational Programmes for National Minorities, which focus on cultural tolerance and the rule of law. However, the impact of these efforts remains limited due to implementation gaps and inadequate resources for local actions.

Furthermore, Croatia's follow-up to human rights obligations revealed critical gaps in addressing systemic issues such as corruption, war-era crimes, and hate crimes. Despite recommendations from the Human Rights Committee,<sup>158</sup> the country has struggled with ineffective investigations, lack of transparency, and insufficient protection for marginalised communities. The follow-up efforts appear inadequate, with enforcement mechanisms remaining weak and accountability measures insufficient to resolve the deep-rooted problems within the legal system.

Significant challenges persist in realising human rights, including access to education,

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155 *The Guardian*, [Croatian police accused of burning asylum seekers' phones and passports](#), published on 10 October 2024

156 Croatia, Ministry of the Interior, [Reagiranje na optužbe iz članka portala The Guardian](#) (Response to the Allegations in The Guardian Article), published on 10 October 2024

157 *M.H. and Others v. Croatia* (applications nos. 15670/18 and 43115/18): <https://hudoc.echr.coe.int/?i=001-213213>

158 United Nations Office of the High Commissioner for Human Rights, [In Dialogue with Croatia, Experts of the Human Rights Committee Commend Measures to Investigate War-Era Enforced Disappearances, Raise Issues Concerning Historic Hate Crimes and Corruption](#), 3 July 2024

media freedom, justice, and protections for whistleblowers. Roma and migrant children face particular difficulties alongside broader issues related to gender equality, combating hate speech, and addressing hate crimes.<sup>159</sup> This reflects a wider disregard for human rights obligations, undermining the rule of law in Croatia.

### **Implementation of decisions by supranational courts, such as the Court of Justice of the EU and the European Court of Human Rights**

The European Implementation Network's (EIN) map of Europe shows the 46 signatory states of the European Convention on Human Rights and the number of unexecuted ECtHR judgments that have not yet been implemented. According to the map, in 2024, Croatia had 27 leading judgments pending implementation; the average time leading cases have been pending in Croatia was 3 years and 4 months; and the percentage of leading cases from the last 10 years still pending was 28%.<sup>160</sup>

As previously reported, in April 2022, the ECtHR ruling in *M.H. and Others v. Croatia* became final. In September 2022, the Committee of Ministers classified the case

under enhanced supervision. The government has submitted four action plans so far, and communications from the Ombudsperson of the Republic of Croatia and NGOs have followed.<sup>161</sup> More than two and a half years after the ECtHR ruled against Croatia, law enforcement has again dismissed the criminal complaint filed by Madina's family. Over seven years after her tragic death, authorities have failed to effectively investigate the unlawful expulsion that led to the six-year-old's death. The dismissal cited insufficient evidence of police misconduct, contradicting the ECtHR's judgment, which identified the family as victims of Croatia's illegal expulsion practices. Family's lawyers, with the support of the Centre for Peace Studies, therefore lodged a new Constitutional Complaint in June 2024.<sup>162</sup>

### **Other systemic issues**

The Croatian government has failed to amend the Law on Compulsory Health Insurance, which requires certain citizens to visit the Croatian Institute for Health Insurance (CIHI) every three months to maintain their health-care coverage. In July 2023, over 106,000 individuals were removed from insurance rolls for non-compliance, disproportionately affecting people with disabilities, those in poor

159 Human Rights House Zagreb, *Konferencija o ljudskim pravima – implementacija međunarodnih preporuka upućenih RH*, 27 November 2024

160 European Implementation Network, *Country Map*, available at: <https://www.einnetwork.org/countries-overview>, and *Data for Croatia*, available at: <https://www.einnetwork.org/croatia-echr>.

161 All communication available under Case Documents, *HUDOC*

162 Centre for Peace Studies, *Despite the ECHR Judgment, Criminal Complaint by Madina's Family Dismissed Again; Family Submits New Constitutional Appeal*, 25 June 2024



health, and individuals living far from CIHI offices.<sup>163</sup> This policy violates constitutional guarantees, including the right to healthcare, disability rights, and equal access to education. Although exceptions for serious health conditions are informally acknowledged, they remain unenforced by law, leading to arbitrary enforcement. The Ombudswoman<sup>164</sup> requested a constitutional review in 2023, but as of 2024, no decision has been issued, continuing to violate citizens' rights to healthcare.

One year after Mihaela Berak's tragic murder, legal and institutional responses to her case have continued to raise concerns about the rule of law in Croatia. Police officer Marko Šmazil initially claimed her death was a suicide, but the case was later reclassified as murder. Despite this, there have been delays and conflicting narratives surrounding the investigation. The State Attorney's Office (DORH) has been criticised for not investigating potential misconduct by the Osijek police, despite evidence suggesting Šmazil's possessiveness, revealed through messages. The lack of thorough investigation by authorities and the continued public outcry, including protests by women's organisations,<sup>165</sup> highlight systemic failures

and demand justice for Berak and reform of the justice system.

From 2012 to 2014, three men, including a police officer, repeatedly raped a mentally impaired girl in Našice, Croatia. Despite the severity of the crime, they received only two-year sentences, with the court citing their roles in the Homeland War and family obligations as mitigating factors. This lenient sentencing raises serious concerns about impunity for law enforcement officers and judicial bias in handling cases of gender-based violence. These issues point to broader systemic problems within the justice system, where those in positions of power are not held accountable, undermining public trust in the rule of law.<sup>166</sup>

In 2024, protests erupted on National Day Against Violence Towards Women following revelations that a doctor in Osijek, convicted of raping a patient, continued to work at the hospital while facing trial.<sup>167</sup> He was only removed after public outrage and a second assault allegation, highlighting the systemic failure to protect women within institutions. Women's organisations condemned the ongoing institutional violence, pointing to the weak

163 Croatian Institute for Health Insurance (Croatia), Report on the operations of CIHI for the year 2023 (Izvešće o poslovanju HZZO-a za 2023.), February 2024, [https://hzzo.hr/sites/default/files/inline-files/Izve%C5%A1%C4%87e%20o%20poslovanju%20HZZO-a%20za%202023.%20godinu\\_1.pdf](https://hzzo.hr/sites/default/files/inline-files/Izve%C5%A1%C4%87e%20o%20poslovanju%20HZZO-a%20za%202023.%20godinu_1.pdf).

164 The Ombudswoman (Croatia), Report of the Ombudswoman for 2023 (Izvešće pučke pravobraniteljice za 2023), March 2024, <https://www.ombudsman.hr/hr/izvjesca-puckog-pravobranitelja/#>.

165 Dnevnik.hr, Solidarnost sa ženama: "Mihaelin ubojica mora biti primjereno kažnjen, a svi odgovorni u slučaju ginekologa trebaju podnijeti ostavke", 20 September 2024

166 Index.hr, Silovali susjedovu kćer s teškoćama u razvoju, dobili 2 godine. Sud: Bili su u ratu, 21 September 2024

167 Novosti, U 14 gradova u petak prosvjed "Prestanite štititi silovatelje!", 18 September 2024

enforcement of laws, the lack of a national strategy to combat gender-based violence, and the institutional bias that often shields perpetrators. Protesters demanded accountability, including resignations of hospital officials and government ministers, and legal reforms to ensure that professionals facing charges for serious crimes against women are suspended until the legal process concludes.<sup>168</sup>

## **FOSTERING A RULE OF LAW CULTURE**

### **Contribution of civil society and other non-governmental actors**

In 2024, the Human Rights House Zagreb and the Miko Tripalo Center implemented activities under the Impact4Values programme and the project “Strengthening the Capacity of Civil Society to Protect and Promote the Rule of Law in Croatia.”<sup>169</sup>

On 27 May 2024, a panel, “Civil Society Organizations and the Rule of Law Report – Best Practices in Collaboration and Advocacy”, was held. European NGOs discussed challenges

with the Rule of Law Report, including deadlines, rigid questionnaires, inconvenient release timings, low visibility, and limited funding. Concerns were raised about the EC’s technical approach, which often overlooks fundamental rights. The need for CSO collaboration, resource sharing, and ongoing advocacy was emphasised, with effective communication with EC authors and national authorities seen as crucial for change.<sup>170</sup>

The policy document “Engaging with the Rule of Law Report: Best Practices from Civil Society in EU Member States” was presented at the same event. It outlines strategies for CSOs engaging with the Rule of Law Report. Key recommendations include starting preparations by September to meet January deadlines, using clear methodologies, and forming working groups for each chapter. The document highlights the importance of collaboration among CSOs and regular communication with the EC and national authorities. It also emphasises disseminating report findings through public events, media, and social platforms to promote dialogue on rule of law issues.<sup>171</sup>

On 9 September 2024, both organisations, in collaboration with the EC Representation,

168 Dnevnik.hr, [Solidarnost sa ženama: “Mihaelin ubojica mora biti primjereno kažnjen, a svi odgovorni u slučaju ginekologa trebaju podnijeti ostavke”](#), 20 September 2024; Index.hr, [Žene diljem Hrvatske prosvjedovale zbog ginekologa iz Osijeka: “Naša krv stvara buku”](#), 20 September 2024

169 See: <https://tripalo.hr/jacanje-kapaciteta-civilnog-drustva-za-zastitu-i-unapredivanje-vladavine-prava-u-hrvatskoj/>.

170 See: <https://www.kucaljudskihprava.hr/panel-rasprava-organizacije-civilnog-drustva-i-izvjesce-o-vladavini-prava-dobre-prakse-u-suradnji-i-zagovaranju/>.

171 See: [https://www.kucaljudskihprava.hr/wp-content/uploads/2024/05/Best\\_practices\\_RoLR\\_final-2.pdf](https://www.kucaljudskihprava.hr/wp-content/uploads/2024/05/Best_practices_RoLR_final-2.pdf).

hosted the event “State of the Croatian Judiciary: Rule of Law Report – What Next?” It featured two segments: a presentation of public opinion research conducted by Ipsos for the Miko Tripalo Center on public perceptions of the judiciary, followed by an expert panel discussion analysing the Rule of Law Report’s findings and exploring opportunities to strengthen Croatia’s rule of law.<sup>172</sup>

On 30 September 2024, organisations and the Croatian Journalists’ Association hosted the “SLAPP and Media Freedoms: Rule of Law Report” event focused on media freedoms, specifically SLAPPs. It explored media pluralism and freedoms, as the EC’s Rule of Law Report highlighted. The event had two segments: the presentation of findings from the “Combating SLAPP in Croatia” project, conducted by the Miko Tripalo Center and the Croatian Journalists’ Association with support from the Justice for Journalists Foundation, and a panel discussion on the Rule of Law Report’s findings and recommendations, identifying ways to strengthen media freedoms in Croatia.<sup>173</sup>

On 21 November 2024, both organisations, in collaboration with the EC Representation, hosted the event “The Future of Anti-Corruption Efforts in Croatia: Rule of Law Report.” The event opened with a presentation of survey results on youth attitudes toward corruption,

conducted as part of the “Empowering Future Generations to Fight Corruption” project, supported by the Netherlands Helsinki Committee. This was followed by a panel discussion where experts examined the EC’s Rule of Law Report findings and recommendations, focusing on ways to strengthen anti-corruption efforts in Croatia.<sup>174</sup>

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172 See: <https://www.kucaljudskihprava.hr/odrzan-skup-stanje-u-hrvatskom-pravosu-izvjestaj-o-vladavini-prava-kako-dalje/>.

173 See: <https://www.kucaljudskihprava.hr/odrzan-skup-slapp-i-medijske-slobode-izvjestaj-o-vladavini-prava/>.

174 See: <https://www.kucaljudskihprava.hr/odrzan-skup-buducnost-borbe-protiv-korupcije-u-rh-izvjestaj-o-vladavini-prava/>.

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The Centre for Peace Studies is a non-profit association of citizens whose mission is promoting non-violence, human rights and social change through education, research and activism. CMS operates through three complementary programs: combating racism, xenophobia, and ethnic exclusivism; conflict transformation and non-violence affirmation; strengthening of social solidarity, human security and development cooperation.

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### **The Civil Liberties Union for Europe**

The Civil Liberties Union for Europe (Liberties) is a non-governmental organisation promoting the civil liberties of everyone in the European Union. We are headquartered in Berlin and have a presence in Brussels. Liberties is built on a network of 21 national civil liberties NGOs from across the EU.

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