

**LIBERTIES**

**RULE OF LAW REPORT**

**2024**

**CROATIA**

**#ROLREPORT2024**



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## **FOREWORD**

This country report is part of the Liberties Rule of Law Report 2024, which is the fifth 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, Lithuania, the Netherlands, Poland, Romania, Slovakia, Slovenia, Spain and Sweden, as well as a contributing partner organisation in Latvia.

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 2024 report was drafted by Liberties and its member and partner organizations, and it covers the situation during 2023. 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 2024 report includes 19 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. Thirty-seven member and partner organisations and one independent human rights expert contributed to the compilation of these country reports.

**[Download the full Liberties Rule of Law Report 2024 here](#)**

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# CROATIA

## About the authors



Centre for Peace Studies (CPS) is a civil society organisation that protects human rights and aspires for social change based on the values of democracy, anti-fascism, non-violence, peacebuilding, solidarity and equality, using activism, education, research, advocacy and direct support. We work with communities, initiatives, organisations, media, institutions and individuals in Croatia and internationally.



The Croatian Platform for International Citizen Solidarity (CROSOL) is a non-governmental organisation active in the area of international development cooperation and humanitarian aid. It was established in 2014 and has 31 member organisations. The main goals of the Platform are strengthening the capacities of civil society organisations to provide international development cooperation and humanitarian aid and advocating for the improvement of development policies of Croatia and the EU.

## Key concerns

The overall picture regarding the justice system in comparison to last year shows no progress in the assessed areas. The state addressed the remuneration of judges, state attorneys and judicial staff, taking into account European standards on resources and remuneration for the justice system, but

made legal aid less accessible, thus making implementation of this recommendation included in the 2023 EU Commission's report non-satisfactory.

Regarding the anti-corruption framework, no progress was reported in the assessed areas during the previous year. In particular, no progress has been made in terms of

regulating state advertising and establishing clear criteria and good practices. There were no positive developments in revising either the Criminal Procedure Code or the Law on the Office for the Suppression of Corruption and Organised Crime. On a positive note, some progress has been made regarding the adoption of e-legislation in the area of lobbying.

In the area of media environment and freedom of expression, in comparison to last year, the overall picture shows regression in the assessed areas because of the proposed new amendments to the Criminal Code that will criminalise publishing information of public interest from criminal cases. It is particularly worrisome that there are still incidents of attacks against journalists and that the number of SLAPPs is not declining. It was not possible to report on any further substantial activities with regard to the framework for fair and transparent allocation of state advertising, nor address the issue of strategic lawsuits against public participation after the publication of the Commission's Rule of Law Report in July 2023.







In 2023, the stagnation in the area of checks and balances continued. The position of the independent institutions, such as the Ombudsperson, continues to be worrisome, as their recommendations are still insufficiently implemented by the government and other competent actors. There is still no new information on the systematic approach to the implementation of the recommendations

regarding the Ombudsperson since the publication of last year's Rule of Law Report.

In the area of civic space, there was no progress in 2023. The institutional framework has remained the same, and the National Plan for Creating an Enabling Environment for Civil Society has not yet been brought. The level of participation and access to decision-making for the interested public remains unsatisfactory. There were cases of criminalisation and SLAPPs against civil society organisations and activists.

The persisting lack of efficient investigation into human rights violations continues to undermine the rule of law. 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.

### **State of play** (versus 2023)

-  Justice system
-  Anti-corruption framework
-  Media environment and freedom of expression and of information
-  Checks and balances
-  Enabling framework for civil society
-  Systemic human rights issues

#### Legend

**Regression**    **No progress**    **Progress**



## Justice system –

### Key recommendations

- *Take all necessary steps to increase the efficiency of the justice system and shorten the length of procedures in Croatian courts, especially at the first instance level.*
- *Ensure independent and effective investigations into allegations of illegal and violent push-backs of refugees and migrants from Croatia.*

### Judicial independence

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

In late April 2023, the Union of State and Local Officials and Employees in Croatia announced that employees in the judicial system were demanding a wage increase of €400, stating that the current salary of €600 is insufficient to cover basic living needs, especially with the added pressure of inflation, and threatened a possible strike if their demands were not met. Iva Šušković, the president of the union, emphasised the determination of their members and stated that the employees, including clerks, registrars, court referees, and land registrars and land referees, most of whom have a secondary education, were not willing to accept a negative response. The union had been highlighting the dissatisfaction of employees in the judiciary due to low salaries for three years, which led to staff departures and overburdened those who remained.<sup>1</sup> Due

to the lack of adequate state response, the strike commenced on 5 June and continued until a deal was reached in July.

The Supreme Court criticised the executive power for ignoring its opinions when making decisions that affect the judiciary, such as increasing work norms, appointing experts, conducting security checks, and frequently amending key laws. The Court highlighted the failure to implement the principle of separation of powers over 30 years since the Constitution's adoption, leading to a semi-dependent relationship between courts and the Ministry of Justice.<sup>2</sup>

On 27 July, an agreement was signed between the Ministry of Justice and Public Administration and the Union of State and Local Officials and Employees in Croatia, granting a 12% salary bonus to civil servants and employees in the judicial authorities and state attorney's offices, starting with the July salary. This agreement also allowed the union

1 See: <https://www.iusinfo.hr/aktualno/dnevne-novosti/54883>

2 See: <https://www.iusinfo.hr/aktualno/dnevne-novosti/54934>

to participate in drafting new salary regulations. As a result, the strike in the judicial system, which started on 5 June, ended. The strike led to increased recognition of the role of judicial system employees. The union highlighted the success of organising a lawful strike, marking a significant achievement in Croatian labour history.<sup>3</sup>

On 22 January 2024, however, Croatian judges started a new strike over unmet salary demands, despite ongoing government negotiations. The strike, initially planned for 15 January, was postponed to allow for talks. The Croatian Judges' Association's (CJA) demands include salary indexation, the introduction of salary grades, and material rights. The government's recent salary increase of €580 net, the largest in 10 years, was deemed insufficient by the judges. Prime Minister Andrej Plenković's discussions with CJA officials have not led to a resolution. The government is considering legal changes to limit judges' impact on electoral processes during the strike, and CJA highlights that participation in electoral

commissions is not a core judicial duty. Judges seek salaries indexed according to the national average, independent of government control.<sup>4</sup>

## **Quality of justice**

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

Under the Law on Advocacy,<sup>5</sup> lawyers have the right to have their pay regulated in accordance with the Tariff on rewards and reimbursement of expenses for the work of lawyers.<sup>6</sup> This act changed significantly in the past two years, making secondary legal aid less accessible to a high number of people. An amendment to the Tariff, which entered into force on 5 November 2022,<sup>7</sup> changed the point value (a measure used to calculate lawyers' fees) from €1.33 to €2, therefore increasing the legal expenses by almost 50%. Moreover, on 25 November 2023, a new Tariff<sup>8</sup> entered into force that significantly raised (or even doubled) the amount of points provided for certain legal actions.<sup>9</sup> The fact that hiring a lawyer could

3 See: <https://www.sdlsn.hr/strajkom-smo-smanjili-zaostatak-za-drugima-ocekujemo-dodatno-poboljsanje-materijalnog-statusa-u-drugoj-fazi-do-kraja-godine/>

4 See: <https://www.jutarnji.hr/vijesti/hrvatska/suci-su-odlucili-pravosude-ponovno-ide-u-blokadu-vlada-u-utrcis-vremenom-scenarij-moze-biti-i-puno-gori-15414961>; <https://www.jutarnji.hr/vijesti/hrvatska/udruga-sudaca-tvrdi-da-ih-strajka-80-ministarstvo-strajk-je-propao-15418699>

5 Law on Advocacy (Official Gazette No. 9/94, 117/08, 50/09, 75/09, 18/11, 126/21).

6 Tariff on rewards and reimbursement of expenses for the work of lawyers (Official Gazette No. 138/2023).

7 Tariff on rewards and reimbursement of expenses for the work of lawyers (Official Gazette No. 142/2012, 103/2014, 118/2014, 107/2015, 37/2022, 126/2022).

8 Tariff on rewards and reimbursement of expenses for the work of lawyers (Official Gazette No: 138/2023).

9 A lawyer now receives 1,000 points for initiating procedures before the Constitutional Court, European court for human rights and the Court of the European Union compared to the previous Tariff's 500 points for the same

be far more expensive than paying a misdemeanour fine greatly discourages people from taking legal action.

People with lower financial means are entitled to free legal aid under the Law on Free Legal Aid.<sup>10</sup> Free legal aid exists in two degrees: primary and secondary legal aid. Primary legal aid is provided by authorised associations, legal clinics and administrative departments in counties, and 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 by attorneys in legal areas defined by law, allows for exemptions from payment of the costs of court proceedings and expert testimony, as well as exemptions from payment of court fees.

The law<sup>11</sup> defines the beneficiaries of legal aid as: Croatian citizens; children without Croatian citizenship that were found in the Republic of Croatia unaccompanied by an adult responsible according to law; foreigners on temporary residence under the condition of reciprocity and foreigners on permanent residence; foreigners under temporary protection; foreigners residing illegally and foreigners on short-term stay relating the expulsion or

return decisions they received; asylum seekers, asylum seekers and foreigners under subsidiary protection and members of their families legally residing in the Republic of Croatia, in proceedings in which legal assistance is not provided for by a specialised law.

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 three-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 from non-governmental organisations.

The financial requirements for being granted secondary legal aid are that the total monthly income of the applicant and their household members does not exceed the amount of one budget base (used to calculate the income and special benefits based on the Law on the Execution of the State Budget of the Republic of Croatia for 2023<sup>12</sup>) per household member, which currently amounts to €441.44, and that the total value of the applicant's property does not exceed the amount of 60 budget bases (which currently amounts to €26,486.40). Moreover, free legal aid can be granted only in specified legal cases, such as proceedings to

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action. Additionally, preparing private lawsuits, criminal reports and indictment proposals is now valued at 100 points, up from the previous 50. In misdemeanour procedures, counsel representing the accused is entitled to 100 points for the initial hour of each hearing or submitting a written defence.

10 [Law on Free Legal Aid](#) (Official Gazette No. 143/13, 98/19).

11 [Law on Free Legal Aid](#) (Official Gazette No. 143/13, 98/19).

12 [The Law on the Execution of the State Budget of the Republic of Croatia for 2023](#) (Official Gazette No. 145/22, 63/23, 129/23)



exercise the right to compensation for victims of criminal acts of violence, the right to child support, and proceedings of beneficiaries of maintenance assistance or alimony related to the exercise of their right to social welfare.

This limit is rather low taking into consideration the fact the Decree on the minimum wage for 2023<sup>13</sup> prescribed a net monthly minimum wage of €560. Therefore, even a single person working for a minimum wage won't be eligible to receive 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>14</sup> entered into force, allowing applicants for international protection to work after the expiry of three months from the time of applying for international protection. However, due to the monthly legal aid cap 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)**

The budget proposal of the Ministry of Justice and Public Administration for 2023<sup>15</sup> amounted to €590,968,811, with a predicted €684,822,725 for 2024. The largest part of the funds – €185,756,129 – was planned for the needs of the Ministry in 2023, with a predicted amount of €219,878,739 for 2024.

The second largest share of the budget for the judiciary goes to the municipal courts, amounting to €147,721,518 for 2023 and €173,903,148 for 2024. As last year, this is followed by the share in the budget for prisons and penitentiaries, amounting to €104,833,037 in 2023 and €119,627,420 for 2024.

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

The budget proposal of the Ministry of Justice and Public Administration for 2023 predicts a decrease in funds used to train justice professionals. While in 2023 €545,979 was spent on professional training of judicial officers and advisors in the judicial bodies of the area of justice, in 2024 only €390,377 is predicted for these training sessions. The decrease is visible in the professional training of officials working in the Ministry of Justice and Public Administration, where €48,672 was spent

13 Government of the Republic of Croatia, [Decree on the Minimum Wage for 2023](#) (Official Gazette No. 118/18 and 120/21).

14 [Law on International and Temporary Protection](#), (Official Gazette No. 70/15, 127/17, 33/23).

15 [Budget proposal of the Ministry of Justice and Public Administration for 2023](#).

in 2023 and only €41,000 will be available in 2024.

According to its Program for 2024,<sup>16</sup> The Judicial Academy for Lifelong Professional Development, which mostly organises different training sessions for judges and state attorneys, will cover 10 areas in 2024, including civil and civil procedural law, criminal and criminal procedural law, misdemeanour law, administrative law, commercial law, EU and international law, a special program for judicial officers, education focused on skills – e.g., communication skills – and an e-course on different topics. The thematic areas of the program don't differentiate a lot in comparison to the previous year, with the exception of the media monitoring and reporting on the work of the judiciary intended for media editors and journalists that was excluded from this year's program.

***Digitalisation (e.g. use of digital technology, particularly electronic communication tools, within the justice system and with court users, including resilience of justice systems in COVID-19 pandemic)***

The Ordinance on remote hearings,<sup>17</sup> prescribing the method of holding remote hearings and presenting individual evidence with the use of appropriate audio-visual devices and technological platforms for remote communication, was adopted in December 2022 and entered into force on 5 January 2023.

The Ordinance on the eSpis system<sup>18</sup> further elaborates the procedure for automatically determining the competent entity in the file allocation algorithm entered into force on 1 February 2023.

The eSpis computer system was first introduced into the Croatian judiciary system in 2009 with the adoption of the Court Rules of Procedure. This system was initially used only by some courts and was primarily intended for the random assignment of cases to judges. With the development of the system, it went beyond the scope of random allocation of files and in 2015 it was separated into a special rulebook that regulates the way the system works. The need for the random assignment of cases arose as a result of the negotiations that were conducted regarding Croatia's accession to the European Union and the introduction of measures to increase transparency in the work of judges. As part of the project in 2014, in addition to the introduction of e-Courts in the 33 remaining courts, the web service e-Predmet (e-Case)<sup>19</sup> was created and launched, which provides free and public access to basic data on court cases to all the parties in the proceedings, attorneys and other interested persons participating in court proceedings. Through this system, visitors can be informed about the progress and dynamics of the resolution of cases.

16 Available at <https://www.pak.hr/wp-content/uploads/2023/10/Program-2024.-cjelozivotno-v2-1.pdf>.

17 Ministry of Justice and Public Administration, [The Ordinance on remote hearings](#) (Official Gazette No. 154/2022).

18 Ministry of Justice and Public Administration, [The Ordinance on the eSpis system](#) (Official Gazette No. 12/23).

19 The web service e-Predmet is available at: <http://e-predmet.pravosudje.hr>.

***Use of assessment tools and standards (e.g. ICT systems for case management, court statistics and their transparency, monitoring, evaluation, surveys among court users or legal professionals)***

Access to court cases via e-Predmet (e-Case) is a free public service for the parties involved, attorneys and individuals interested in court proceedings. The system, sourced from the Integrated System for Court Case Management (e-Spis), facilitates searching by court and case numbers, providing daily updates on court programmes. This information excludes land registry items, juvenile cases, investigations, war crime cases and cases under the Bureau of Combating Corruption and Organised Crime (USKOK). Parties in the proceedings can obtain more detailed information and download electronic documents through the Ministry's dedicated page.<sup>20</sup>

***Geographical distribution and number of courts/jurisdictions ("judicial map") and their specialisation***

In the Republic of Croatia, judicial power is exercised by regular and specialised courts, as well as by the Supreme Court of the Republic of Croatia.<sup>21</sup> The courts are divided into courts of first degree (municipal, administrative and commercial courts and county courts when their jurisdiction in the first instance is prescribed by law) and courts judging in the second degree. Second instance courts rule on previous

decisions of first instance courts and perform other tasks prescribed by the law.

The Supreme Court of the Republic of Croatia, High Criminal Court of the Republic of Croatia, and High Misdemeanour Court of the Republic of Croatia are located in Zagreb. There are 15 county courts located in Bjelovar, Dubrovnik, Karlovac, Osijek, Pula, Rijeka, Sisak, Slavonski Brod, Split, Šibenik, and Varaždin, Velika Gorica, Vukovar, Zadar and Zagreb. Additionally, there are 34 municipal courts distributed throughout the country.

The High Commercial Court of the Republic of Croatia is located in Zagreb and the commercial courts are located in Bjelovar, Dubrovnik, Osijek, Pazin, Rijeka, Split, Varaždin, Zadar and Zagreb. The High Administrative Court of the Republic of Croatia is located in Zagreb, while four administrative courts are located in Zagreb, Split, Rijeka and Osijek.

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

***Length of proceedings***

Changes to the length of proceedings in the Civil Procedure Act were introduced in 2022. As one of the biggest novelties, the law included a maximum limit to the duration of proceedings: three years for the first-instance proceedings, one year for second-instance proceedings and two years for revision proceedings. There

20 See: <https://usluge.pravosudje.hr/komunikacija-sa-sudom>.

21 See: <http://www.vsrh.hr/>.

is still a lot of scepticism among legal experts about whether those deadlines will be respected in practice, due to the fact that there are no prescribed sanctions for exceeding these deadlines.

Actions on criminal complaints involving pushbacks of refugees and other migrants involved in unreasonably prolonged proceedings often exceed the six-month legal deadline for the pre-investigation phase to be concluded. Due diligence is lacking, therefore resulting in the failure to meet the criteria of effective investigations under international and national law. It is important to emphasise that, for cases involving refugee and migrant victims and witnesses, expedited procedures are essential due to their frequent location changes. Over time, locating and identifying the victims becomes increasingly difficult.

Furthermore, lengthy procedures and arbitrary detentions are still evident, especially in cases involving pushbacks and torture of refugees and migrants in Croatia. Access to legal remedies in these cases remains extremely difficult, and criminal procedures that are initiated in cases involving violence, theft, destruction of property, etc. seldom lead to an effective investigation according to the criteria established by the ECtHR. Despite numerous accusations of violence against refugees and migrants in the past eight years, no indictments, identifications, prosecutions or sanctions against reported perpetrators have occurred.

Finally, though indirectly related to the duration of a judicial procedure, it is important to note that, while providing free legal aid, the Centre for Peace Studies has noted a prolonged response period for foreigners' long-term residency requests. Although the Law on General Administrative Procedure<sup>22</sup> prescribes 60 days in which an official must decide cases where an examination procedure is being conducted, according to our knowledge, it is frequent practice that said decisions are made months or even a year after the prescribed period.

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

Under the Law on Administrative Disputes,<sup>23</sup> it is the court's duty to handle classified data according to special legislation, which is why it is not allowed to disclose such data to a party involved in the procedure. The same law stipulates that with documents and parts of documents to which access is limited or forbidden, the court shall respect the specified legislation and act under it. It was therefore held by administrative courts that the limitation of a party's procedural rights due to non-disclosure of evidence and denial of access to documents is permissible to ensure the secrecy of classified data under the Data Protection Law.

The Constitutional Court, in its judgement U-III-2039/2017, stated that it is "on the administrative courts to determine whether and to what extent the denial of confidential

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22 [Law on General Administrative Procedure \(Official Gazette No. 47/09, 110/21\).](#)

23 [Law on Administrative Disputes, \(Official Gazette No. 20/10, 143/12, 152/14, 94/16, 29/17, 110/21\).](#)



information or evidence to the person concerned and the associated inability of that person to make statements about them is such that it can affect the probative value of confidential evidence. The effectiveness of judicial supervision implies that the administrative court is convinced that the decision, which affects that person personally, is based on a sufficiently solid factual basis.”<sup>24</sup>

Different case law can be found on the matter of “equality of arms” in this matter. The decisions of the administrative courts tend to cite the judgement of the High Administrative Court Usž-3402/16-5 from 30 January 2017. There, the Court found that the party to the procedure was granted the protection of lawful procedure, and that this decision was reached because the judges’ rulings in the first and second instances were based on insights gathered from all the documentation the SIA had collected. This leads to the conclusion that the Court held that the “equality of arms” is granted because the judge is aware of the documentation upon which the assessment of the threat to national security was made.

However, the Constitutional Court, in its judgement No. U-I-1007/12 of 24 June 2020,<sup>25</sup> stated that courts are allowed to use other means, such as the communication of a summary of the classified documents or evidence in question, to provide balance between the requirements related to the right to effective

judicial protection, especially in respect of the principle of fair trial, and those arising from the security of the EU or its Member States. However, as far as CPS is aware, this possibility is not being used in practice, and even the Constitutional Court itself failed to follow this judgement in some later cases.

In the case F.S. against Croatia (Application no. 8857/16),<sup>26</sup> the ECtHR established a violation of Article 1 of Protocol No. 7 (procedural safeguards relating to expulsion of aliens), due to the expulsion on national security grounds without reason and based on classified information not disclosed to the applicant, and due to a significant limitation of the applicant’s procedural rights without sufficient counterbalancing safeguards.

In 2023, SIA’s conduct raised concerns, particularly regarding Chechen asylum seekers and Palestinian foreign workers who lacked information about accusations or evidence brought against them. Despite the law limiting detention to 6 months, a group accused of being a security threat was held longer. In the case Usl-1526/2023-8, the administrative court later stated it found no indications, evidence or serious reasons for SIA’s accusations and therefore granted asylum to the applicant.

24 Decision of the Constitutional Court U-III-2039/2017, op. cit., para 10.1.

25 Decision of the Constitutional Court No. U-I-1007/12. 24 June 2020.

26 See: <https://hudoc.echr.coe.int/eng#%7B%22appno%22:%5B%228857/16%22%5D%7D>

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

According to the Decision on the Publication and Anonymization of Court Decisions,<sup>27</sup> complete judicial decisions of the Supreme Court and related decisions of higher courts are published. Court decisions, including those from the High Administrative Court, High Misdemeanour Court, High Criminal Court, High Commercial Court, County Courts, Constitutional Court and the Supreme Court, are accessible on the Supreme Court of the Republic of Croatia's search engine.<sup>28</sup> Although decisions of the Supreme Court are generally published, exceptions exist, and their publication is sometimes subject to delays ranging from weeks to even years. However, publication of lower court decisions, including county and municipal courts, is often times lacking, making it difficult to understand the higher courts' decisions without contextual information. Decisions of municipal courts are generally not published on the internet, making public insight into these decisions difficult. Various services for reviewing court practices provide insight into the judicial practice, but only with subscription fees that are quite high and therefore unaffordable to scholars or independent researchers. A new Draft Law on

Amendments to the Law on Courts entered the legislative process in the Croatian Parliament in November 2023.<sup>29</sup> The drafting of this legal proposal was primarily undertaken in order to prescribe the obligation of public publication of all court decisions by which the proceedings are completed on a special website in order to strengthen the transparency and accessibility of court decisions to the public. According to this draft, all publicly available judgments would be subject to prior anonymization and would have to comply with the rules on the protection of personal data. Additionally, a new by-law that would prescribe in more detail the method of anonymization, publication and searches of anonymized court decisions has been publicly announced.

### **Corruption of the judiciary**

As written in our Rule of Law Report last year,<sup>30</sup> Darko Krušlin, a judge of the Osijek County Court, was dismissed from duty<sup>31</sup> in April 2022 by the State Judicial Council due to a corruption scandal he was involved in with his colleagues, judges Zvonko Vekić and Ante Kvesić. Vekić has resigned. The basis for Krušlin's dismissal was an investigation led by the USKOK (Office for the Prevention of

27 The Supreme Court of the Republic of Croatia, Decision on the Publication and Anonymization of Court Decisions, 12 March 2012.

28 The Supreme Court of the Republic of Croatia search engine.

29 See: <https://www.iusinfo.hr/aktualno/u-sredistu/kratki-prikaz-novog-zakona-o-izmjenama-i-dopunama-zakona-o-sudovima-57824>

30 See: [https://dq4n3btxmr8c9.cloudfront.net/files/-3lkvi/Liberties\\_Rule\\_of\\_Law\\_Report\\_2023\\_EU.pdf](https://dq4n3btxmr8c9.cloudfront.net/files/-3lkvi/Liberties_Rule_of_Law_Report_2023_EU.pdf)

31 See: <https://www.jutarnji.hr/vijesti/crna-kronika/osjecki-sudac-kojeg-je-zdravko-mamic-optuzio-da-mu-je-daomito-razrijesen-je-duznosti-15219728>.

Corruption and Organized Crime – a section of the Croatian State Attorney’s Office) on suspicion of corruption.<sup>32</sup> In 2023, the indictment against the Mamić brothers and three judges previously working at the Osijek County Court, Anto Kvesić, Zvonko Vekić and Darko Krušlin, was confirmed. In a nutshell, they were accused of favouring the Mamić brothers in their court proceedings over illegally extracting €19.2 million from the FC Dinamo Zagreb in exchange for at least €370,000 and expensive watches. The Mamić brothers left Croatia in 2018 and are currently in Bosnia and Herzegovina, evading their sentence.

At the end of December 2022, the European Public Prosecutor’s Office (EPPO) filed an indictment against former Minister of Regional Development and EU Funds Gabriela Žalac, former director of the Central Agency for Financing and Contracting (SAFU) Tomislav Petric, and entrepreneurs Marko Jukić and Mladen Šimunc, suspected of having damaged the EU and the Republic of Croatia by embezzling more than €1.3 million.<sup>33</sup> The EPPO accused Žalac of abuse of position and authority and trading in influence, while Jukić and Šimunc were accused of abuse of position and authority. According to the currently available information, the former minister unrealistically

set a procurement price for a software system at €1.73 million, although the real price of that system was approximately €360,000. According to EPPO, €1.73 million including VAT was paid to the account of the third defendant’s company, after which part of the money was transferred to the accounts of the second and third defendants, as well as to the accounts of their companies, and then part of the paid money was withdrawn in cash. Although this affair does not directly involve the judiciary, its relevance comes from the fact that, according to the media,<sup>34</sup> the Office for the Prevention of Corruption and Organized Crime (USKOK) had already dealt with the strange purchase of software, but they stopped the investigations because “the evidence they collected did not confirm the suspicions raised in the media that Gabrijela Žalac did something illegal”.<sup>35</sup>

Furthermore, according to the information disclosed in the media, from messages found on the mobile phone of former HDZ State Secretary Josipa Rimac, it appears that she also discussed the huge projects that have now ended in indictments with a person she, in her messages, refers to as A.P. – initials corresponding to Croatian Prime Minister Andrej Plenković. Rimac herself confirmed this in her statement after her arrest. She also exchanged

32 See: <https://www.slobodnaevropa.org/a/mamici-sudije-korupcija-mito/31301044.html>.

33 See: <https://www.jutarnji.hr/vijesti/hrvatska/ured-europskog-tuzitelja-digao-optuznicu-protiv-zalac-bivseg-sefamojne-drzavne-agencije-i-jos-dvoje-ljudi-15290612>.

34 See: <https://www.telegram.hr/politika-kriminal/novi-detalji-afere-zalac-zvuca-sve-gore-softver-za-koji-je-dalac-13-milijuna-kuna-zapravo-je-kostao-29/> and <https://www.jutarnji.hr/vijesti/hrvatska/otkrivamo-pozadinu-slucaja-kako-se-gabrijela-zalac-nasla-na-meti-tuzitelja-europske-unije-15112104>.

35 See: <https://www.jutarnji.hr/vijesti/hrvatska/otkrivamo-pozadinu-slucaja-kako-se-gabrijela-zalac-nasla-na-meti-tuzitelja-europske-unije-15112104>

some of those messages with her former colleague, Minister Gabrijela Žalac.<sup>36</sup>

### **Other**

At the end of 2023, amendments to the Criminal Code<sup>37</sup> and the Law on Criminal Procedures,<sup>38</sup> colloquially known as the “Lex A.P.”, were placed in public consultation with the Ministry of Justice and Public Administration, and they will enter the procedure of the Croatian Parliament on 11 January 2024. The proposed amendments introduce a new criminal offence of “unauthorised disclosure of the content of an investigative or evidentiary action” which regulates the issue of disclosure of information from the file in the phase of the criminal procedure in which the public is excluded and access to the file is limited. The amendments stipulate that a judicial official or civil servant in a judicial body, police officer, defendant, lawyer or his trainee, witness, court expert, translator or an interpreter who, during the previous criminal proceedings (which is considered non-public under the law), discloses the contents of investigative or evidentiary proceedings without authorization, intending to make them publicly available, shall be punished by imprisonment for up to 3 years. It provides an exemption to the rule explicitly stating that committing, helping to commit or abetting cannot be committed by a person who performs journalistic work. However, this article does not propose

the same for people committing this offence in the public interest.

These proposed changes to the law are not supported by all of the judges of the criminal department of the Supreme Court, nor are they supported by a majority of Croatian legal experts or by the Croatian Ombudsperson.

The Ombudsperson raised concerns during public consultations about proposed amendments that could impact the right to a fair trial and the principle of “equality of arms”. While acknowledging the importance of protecting certain information in criminal proceedings, she argued that granting defendants the right to publicly disclose parts of their files might compromise the fairness of trials. Additionally, she expressed reservations about punishing individuals who share information related to criminal proceedings, emphasising the potential negative effects on the right to defence and public interest reporting. The Ombudsperson highlighted the impracticality and disproportionality of penalising individuals with knowledge of criminal actions, especially in cases where no official indictment has been issued for years. She underscored the importance of public admonition as a tool for addressing deficiencies in criminal proceedings, given existing limitations in the legal system, such as the absence of judicial control over rejected charges and

36 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/>.

37 [Proposal for Amendments to the Criminal Code.](#)

38 Ibid.



lengthy pre-investigation phases without legal sanctions for delays.

Furthermore, in a legal system in which: (i) there is no judicial control of rejected criminal charges; (ii) there exists only an instructional deadline of 6 months for conducting the pre-investigation phase by the state attorney's office, but no legal sanctions for exceeding the stated deadline (therefore these pre-investigation

phases sometimes last for several years before the official investigation has even started); and (iii) the only available legal remedy against the failure to conduct effective investigations is a constitutional lawsuit (where years may again pass before the decision of the Constitutional Court); public admonition of authorities for failure to conduct investigations is a necessary tool for correcting omissions in criminal proceedings.

## Anti-corruption framework

### Key recommendations

- *The government needs to ensure sufficient resources for the implementation of the Protection of Reporters of Irregularities Act, including full access to free legal aid and psychological assistance.*
- *The government has to implement recommendations given by GRECO in the fifth evaluation round, as eight recommendations were implemented partially and nine have not been implemented at all.*

### Levels of corruption

Transparency International's Corruption Perception Index for 2022 found that Croatia is among the most corrupt Member States of the EU, ranking 24th out of 27 Member States.<sup>39</sup> In 2023, corruption cases in the energy sector were especially prominent.

In 2023, the largest corruption scandal in Croatian history was uncovered. It involves

the national oil and gas company Industrija Nafta (INA), which is owned partially by the Croatian state (44,84%) and by Hungarian gas company MOL (49,08%). INA is a strategically crucial part of the Croatian energy landscape and the largest company in the country. From 2020 until 2022, at least seven people, including one of INA's high-ranking directors, Damir Škugor, and Marija Ratkić, CEO of the Plinara istočne Slavonije gas company, were involved in selling INA's gas to a small company, OMS

39 Transparency International, [Corruption Perceptions Index](#), 2022.

Upravljanje, owned by Goran Husić and Josip Šurjak, the president of the Croatian Bar Association, for prices significantly below market rate. The discounted gas was then resold to foreign customers by Šurjak's company for 10 times the price, while the suspects kept the difference for themselves. A similar deal allegedly happened between Škugor and Stjepan Leko, formerly Škugor's deputy in INA, and Vlado Mandić from the company EVN Croatia Plin. Total damages caused to INA amounted to over one billion kunas (approximately €140 million), which made it the largest corruption case in Croatia's history.<sup>40</sup>

Another case in HEP Group (a national, state-owned electricity and gas company) was discovered in 2023. During 2022, HEP lost tens of millions of euros by selling its gas significantly below market prices after buying it from INA at a significantly higher price. The majority of this discounted gas supply ended up in the Prvo plinarsko pruštvo (PPD) gas company, owned by Pavao Vujnovac. It has been reported<sup>41</sup> that HEP's director, Frane Barbarić, informed former Minister of Economy and Sustainable Development Davor Filipović of this issue, but he failed to act upon this information and the transfers went through. It is important to note that Vujnovac is one of the most powerful

businessmen in Croatia, with strong connections to publicly owned companies. He is positioned to become the majority owner of the food and retail conglomerate Fortenova Group, the successor to the Agrokor Group and one of the largest companies operating in Croatia, which has been heavily criticised by the opposition.<sup>42</sup> Agrokor Group was previously subject to a state takeover in 2018.<sup>43</sup>

Minister Filipović was dismissed by Prime Minister Andrej Plenković in December 2023 after it was discovered<sup>44</sup> that Filipović's special adviser, Jurica Lovrinčević, offered the local Zagreb television network Mreža TV to lease advertising space from several state-owned companies and institutions. In return, he demanded that he be paid half of the money made from that transaction.

40 See: <https://total-croatia-news.com/news/great-ina-scandal-explained/>.

41 See: <https://faktograf.hr/2023/07/14/kako-je-hep-izgubio-milijune-na-trgovini-plinom/>

42 See: <https://glashrvatske.hrt.hr/en/politics/opposition-slams-government-for-its-role-in-new-fortenova-group-ownership-structure-11173628>.

43 See: <https://balkaninsight.com/2018/10/30/former-croatian-economy-minister-declared-the-collapse-of-cro-ny-capitalism-10-30-2018>.

44 See: <https://www.nacional.hr/uskoro-uzivo-davor-filipovic-se-obraca-javnosti/>.

## **Framework to prevent corruption**

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

Some progress has been made regarding the adoption of legislation in the area of lobbying, with the Law on Lobbying being included in the parliamentary procedure in late 2023. It is expected it will be adopted in early 2024. It includes an obligation to implement a public register of lobbyists, but it is not yet clear how much of the data from the register will be publicly available. Criticism<sup>45</sup> of the law points out that the rules and procedures will be administratively relatively demanding for lobbyists, but much more lenient towards politicians and government officials. Lobbyists will have to report their activities to the Commission for Conflict of Interest.

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

During 2023, limited progress was made in combating SLAPPs, with the Croatian Journalists' Association criticising<sup>46</sup> the government's anti-SLAPP directive proposal as "watered-down".

Specifically, the proposal significantly narrowed the definition of cross-border cases, weakens the mechanism for early dismissal of cases, and does not include provisions for compensation for damages for SLAPP victims. In 2023, there were 945<sup>47</sup> active lawsuits against journalists.

## **Investigation and prosecution of corruption**

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### **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 with regard to the implementation of EU funds**

According to the most recent publicly available annual report by the State Attorney's Office,<sup>48</sup> at the beginning of 2022, there were 685 open cases by the Bureau for Combating Corruption and Organized Crime. During that year they received an additional 3,493 cases, while they resolved 3,306, resulting in a backlog of 872 cases. The Bureau received a total of 1,924 criminal charges during the year, 1,286 (66.83%) of which were dismissed, while 621 (32.27%) were put under investigation. During the same year, the Bureau completed 497 investigations, of which 460 resulted in decisions to prosecute, while 29 were dismissed. The investigations often take a long time to complete, with 25% taking 6 months or less, 29% 12 months or less,

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45 See: <https://faktograf.hr/2023/11/13/zakon-o-lobiranju-strog-prema-lobistima-blag-prema-politicarima/>.

46 See: <https://balkaninsight.com/2023/07/10/croatia-journalists-govt-is-watering-down-anti-slapp-directive/>.

47 See: <https://www.balcanicaucaso.org/eng/Areas/Croatia/Croatia-at-least-945-ongoing-lawsuits-against-journalists-and-media-outlets-225181>.

48 State Attorney's Office, [Annual Report for 2022](#).

and 46% taking longer than a year. Croatian courts have issued a total of 469 judgments on the Bureau's cases, 86.6% of which were convictions.

There were several prominent cases by the European Public Prosecutor's Office (EPPO) in Croatia in 2023. In April, a conviction for unlawful favouritism involved an official in the Croatian Agency for SMEs, Innovations and Investments (HAMAG BICRO).<sup>49</sup>

In June, there were searches<sup>50</sup> at the University of Zagreb due to suspicions of subsidy fraud and acts of corruption targeting the (former) dean of the Faculty of Geodesy, Almin Đapo, who used EU funds to purchase a private yacht and several automobiles, among other things.<sup>51</sup> His activities were connected to the current Minister of Culture, Nina Obuljen Koržinek, and included dozens of other suspects from the Faculty, culminating in 29 arrests at the University.<sup>52</sup> An unrelated case at the University of Zagreb, Faculty of Food Technology and

Biotechnology, involved its dean Jadranka Frece and former dean Damir Ježek, who spent the Faculty's funds on private goods such as perfumes, clothes and travel.<sup>53</sup>

In December, EPPO filed an indictment<sup>54</sup> against two suspects, including the former Minister of Agriculture Tomislav Tolušić, for subsidy fraud and abuse of office and authority, following an investigation into projects for building a winery and planting a vineyard, co-funded by the EU.

EPPO has also been investigating another former minister, Gabrijela Žalac from the Ministry of Regional Development and EU Funds, for abuse of office and authority.<sup>55</sup> Her private expenses were partly included in the procurement costs of the EU's 'Competitiveness and Cohesion' Operational Programme, managed by the Ministry.

Two officials from the city of Rijeka were arrested on suspicion of abuse of office and

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49 The European Public Prosecutor's Office, [Conviction for unlawful favouritism in an EPPO case in Croatia](#), 21 April 2023.

50 The European Public Prosecutor's Office, [Croatia: EPPO carries out searches at the University of Zagreb in probe into subsidy fraud and corruption](#), 29 June 2023.

51 See: <https://www.telegram.hr/tema/geodetski-fakultet/>

52 The European Public Prosecutor's Office, [Croatia: 29 suspects arrested in investigation involving University of Zagreb](#), 8 November 2023.

53 See: <https://www.telegram.hr/velike-price/inspekcija-potvrdila-zagrebacka-dekanica-godinama-trosi-javni-no-vac-na-luksuz-odjecu-i-parfeme-nije-ni-smijenjena/>

54 The European Public Prosecutor's Office, [Croatia: Two indicted for subsidy fraud and abuse of office in case involving vineyard and winery](#), 21 December 2023.

55 The European Public Prosecutor's Office, [Croatia: EPPO investigates former minister and ministry employee for abuse of office and authority](#), 8 December 2023.



authority.<sup>56</sup> The two officials are suspected of executing several activities to ensure that the private company, owned by another suspect, was chosen to carry out works as part of a project to

construct a waste-sorting plant, at unreasonably inflated prices.

## Media environment and media freedom

### Key recommendations

- *Concrete legislative measures against SLAPPs targeting journalists and other actors have to be brought.*
- *The level of protection of journalists against threats and attacks, as well as smear campaigns, needs to be enhanced.*
- *The amendments to the Criminal Code must not be adopted.*

## 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<sup>57</sup> (AEM). It was established in accordance with the provisions of the Electronic Media Act<sup>58</sup> (EMA) and performs administrative, professional, and technical tasks for the Council for Electronic Media,<sup>59</sup>

the governing body of the Agency and regulatory body in the field of electronic media. The President of the Electronic Media Council is also the Director of the agency, and he is appointed by the Croatian Parliament. The Director of the Agency represents and manages the agency, and is responsible for the work of the internal units of the agency. Internal units are established to perform tasks within the scope of the agency: the Office of the Director, the Department for Supervision and Analysis of Media Content, the Finance Department, and the Legal Department. The Agency for Electronic Media

56 The European Public Prosecutor's Office. [Croatia: Two officials from the City of Rijeka among five arrested on suspicion of abuse of office and authority](#), 5 April 2023.

57 [Agency for Electronic Media](#).

58 [Official Gazette 111/2021](#).

59 [Council for Electronic Media](#).

actively cooperates with other public and state bodies, but also with all relevant international regulatory networks (ERGA, EPRA, MNRA, CERF), as well as the European Commission's Directorate-General for Communication Networks, Content and Technology (DG Connect), in line with the Audio-visual Media Services Directive.

Funds for the agency's work are provided through the allocation of 0.5% of the total annual gross income that media service providers made in the previous year by providing commercial services.

The independence of the Council for Electronic Media is sometimes questioned since all of the Council members are appointed by the parliament based on the proposal of the government, for a term of five years.<sup>60</sup> The Council for Electronic Media should be an independent regulatory body in the field of electronic media, and its basic tasks are, among other things, making decisions on granting and withdrawing concessions and permits, issuing warnings in case of non-compliance with the provisions of the law, and ensuring the supervision of programs of media service providers. The Council also decides on the distribution of around

€4.5 million from the Fund for Encouraging Pluralism and Diversity of Electronic Media<sup>61</sup> through a public call for project proposals (at the beginning of the year, the Council makes a decision on the distribution of funds from the Fund for the year and a decision on justifying the funds received in the previous year), the distribution of around €200,000 for encouraging journalistic excellence, and the distribution of more than €4 million for projects on establishing a fact-checking system, which are funded from European funds.

The Croatian Regulatory Authority for Network Industries, HAKOM, is an independent regulator of the electronic communications market, postal services market and railway services market in the Republic of Croatia.<sup>62</sup> HAKOM is an independent, autonomous and non-profit legal entity with public authority. The work of HAKOM is public. The founder of HAKOM and founding rights are exercised by the Croatian Parliament and the government of the Republic of Croatia. HAKOM is governed by its council, which includes five members, who are all appointed for five-year terms by the Croatian Parliament. They can also be dismissed by a vote in the Parliament upon the proposal of the government. Decisions of the council are

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60 “When writing our contribution to this year’s EC Report on the rule of law, we reported in detail about this problem, as well as the perennial problem of the independence of the only regulatory body in the Croatian media space. Namely, even without this political blockade of the work of the Agency for Electronic Media, this institution is dependent on the political majority in the Croatian Parliament, and as such does not guarantee the independent adoption of important decisions for the media in Croatia,” said EFJ president Maja Sever, available at: <https://www.hnd.hr/vlada-uputila-prijedlog-imenovanja-troje-clanova-vem-a>.

61 [Fund for Encouraging Pluralism and Diversity of Electronic Media](#)

62 [Croatian Regulatory Authority for Network Industries](#).

made by a majority vote of all its members, i.e., any decision requires three council members to agree. The agency's executive director is in charge of HAKOM's staff, which performs expert, technical, and administrative roles.

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

The Croatian Journalists' Association<sup>63</sup> (CJA) and the Trade Union of Croatian Journalists and Media professionals<sup>64</sup> (TUCJ) addressed the government, the Croatian Parliament and the Ministry of Culture and Media in January 2023, concerned about the fact that the Council for Electronic Media, the only regulatory body in the media sector in Croatia, currently has only four of the legally prescribed seven members and that its work is hindered or blocked. The terms of office for three members of the VEM expired on 14 January 2023 (including a legal extension of their mandate of six months), and the government has not submitted a proposal for a decision to the Croatian Parliament more than eight months after the tender for the election of three new members was announced and carried out. They reiterated that they requested the depoliticisation of the Council for Electronic Media in the proposal for amendments to the Electronic Media Act in 2020. It was proposed that the CJA, as a

professional association, has the right to select members of the Council from the rank of journalists, and that the members of the Council be elected in Parliament by a two-thirds majority. That proposal was rejected. They expressed their concern that the then-current situation with the truncated Council, whose members are still elected at the proposal of the government by a majority of the representatives at the session of the Parliament, is the best example of the lack of concern of the government and the Parliament for journalism as a public good.

The missing three Council members were finally appointed by the Croatian Parliament on 1 February 2023.

In July, the Director of the Council, as well as a new Council member, were appointed by the Parliament, since their term of office expired. Josip Popovac remained the Director of the Agency, which he has been since 2018. The opposition in the Parliament once again expressed their concern regarding the independence of the Council members because of the appointment procedures.<sup>65</sup>

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

The Croatian Journalists' Association Ethical Council is the only self-regulatory body operating within the CJA since its founding in 1910.

63 [Croatian Journalists' Association.](#)

64 [Trade Union of Croatian Journalists and Media Professionals.](#)

65 [HINA: Raukar Gamulin: The government arbitrarily decided on the president and members of VEM.](#)

The council has 11 members elected by the CJA assembly among its members.<sup>66</sup> The Rulebook regulates the work of the Ethical Council on the work of the Ethical Council of Journalists.<sup>67</sup>

### **Other**

On 5 July 2023, the Ministry of Culture and Media submitted to the representatives of the working group for the drafting of the Media Act a working version of the Act. The Croatian Journalists' Association assessed the law as very worrying and unacceptable for the media community in Croatia. The Ministry offered a document that was not previously discussed at the working group meeting, nor was there any consultation. Key parts of the working document that concern CJA and the SafeJournalists network include:<sup>68</sup>

- the tendency to legalise censorship through a provision that gives the publisher the right not to publish a journalistic contribution voluntarily and without any explanation;
- the journalist's obligation to reveal their source of information to the editor;
- the proposed composition of the new Council of Media Experts, which has "enormous powers" (allocation of grants, tests of public value...) – private profit-making entities (the largest publishers of print and electronic media, private law and media faculties) would dominate (four out of five seats), while journalists and media experts would be marginalised;
- register of journalists and photojournalists whose professional status is decided by the Council of Media Experts;
- the state's attempt to get involved in media self-regulation through the imposition of the Council of Media Experts, which should adopt editorial statutes in the media where publishers fail to agree on the statute with journalists;
- avoiding defining and sanctioning covert advertising;
- abandoning the encouragement of media pluralism and media diversity by abolishing the provision on state financing of the start-up of new small, local and community media;
- the unclear provision that "it is not allowed in the media to undermine the public's trust in the role of the courts in a democratic society" is problematic and unclear;
- there is not enough information about grants from the Fund for the Promotion

66 Croatian Journalists' Association, [Ethical Council](#).

67 Croatian Journalists' Association, [Rulebook on the work of the Ethical Council of Journalists](#).

68 Croatian Journalists' Association and SafeJournalists network, [Safejournalists: unacceptable draft of the new Media Act in Croatia](#).



of Media Pluralism, and it is not clear what criteria will be used for the distribution of state money;

- the introduction of additional state control over professional associations, which is required to submit a membership list and a work plan for the next two years.

## ***Pluralism and concentration***

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### ***Levels of market concentration***

The Croatian Journalists' Association (CJA) sent a query to the Agency for the Protection of Market Competition (AZTN) about the procedure it carries out for evaluating the permissibility of concentration of publishers regarding the acquisition of Novi list, Glas Istre and Zadarski list to Media Solutions, the publisher of Glas Slavonije.<sup>69</sup> Media Solutions would, if the acquisition happens, own four major regional daily newspapers. CJA warns that the ownership structure of Media Solutions (party members of the governing party and donors to the governing party), as well as the fact that the company is in financial difficulties, due to which the salaries of Glas Slavonije workers are delayed for months and the account is blocked, give this business transaction political connotations. An additional argument in favour of this is that the merger process is being carried out on the eve of the super-election year of 2024 when citizens will elect the government, the

President of the Republic and members of the European Parliament.

### ***Rules governing ownership in different segments of the media market, and their application (print, television, radio, online media)***

There was no progress in this section in 2023. There is still a lack of transparency in media ownership, as well as in data collection and supervision procedures. Research conducted by Faktograf<sup>70</sup> showed that there are 11 different types of records about media ownership: five in the Agency for Electronic Media by media types; three types of publication in the Official Gazette, depending on whether it is an obligation based on the Electronic Media Act or the Media Act; database in the Register of Real Owners and, finally, two types of registration in the Croatian Chamber of Commerce, one of which is for the press and the other for all electronic media.

In addition to so many records, it is still difficult to get a complete picture of who the owners of some media are, because they are either hidden behind business entities or the publishers do not report the updated ownership structure. The mentioned research showed that there is an alarming number of publishers who have not declared their ownership structure under the regulations, but still get public funds.

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69 Croatian Journalists Association: [CJA demands a statement from AZTN on the concentration of ownership of Glas Slavonije, Novi list, Glas Istre and Zadarski list.](#)

70 Veronika Rešković: [As many as 11 records, and media ownership is still non-transparent.](#)

## **Public service media**

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

The public broadcaster is Croatian Radiotelevision<sup>71</sup> (HRT) and the public news agency is Croatian Reporting News Agency<sup>72</sup> (HINA).

Croatian Radiotelevision is managed by the Director of Croatian Radiotelevision under the Croatian Radiotelevision Act<sup>73</sup> and the Statute of Croatian Radiotelevision.<sup>74</sup> The Director is appointed by the Croatian Parliament for a term of five years. The Supervisory Board of Croatian Radiotelevision has five members. Four members of the Supervisory Board are appointed and dismissed by the Croatian Parliament in the manner and according to the procedure established by the Law on Croatian Radiotelevision. One member of the Supervisory Board is a representative of workers. The mandate of members of the Supervisory Board lasts four years. In February, the term in office ended for one of the Supervisory Board members. The election of the new member raised questions about the role of the Supervisory Board, given that the parliamentary opposition assessed that it did not influence the work of Croatian Radiotelevision and had no real power. They

also expressed their concern about the fact that only two candidates have applied to the tender for the election of the new Supervisory Board member and that the competent media committee has not had the opportunity to interview them. Furthermore, they explained that the poor response is a consequence of knowing who will be chosen in advance.<sup>75</sup>

The mandates of four members of the Program Council of Croatian Radiotelevision<sup>76</sup> (HRT) expired in July. The Program Council of HRT represents and protects the interest of the public by monitoring programs and improving radio and audio-visual programs, as well as other audio and audio-visual and multimedia services. The Council has 11 members. The Croatian Parliament elects and dismisses nine members of the Council. The selection of members by the Croatian Parliament is carried out based on a public call published and carried out by the Committee for Information, Informatization and Media of the Croatian Parliament. Two members of the Council are elected and dismissed by journalists and other employees of HRT who creatively participate in the creation of programs. Only seven candidates applied for the positions. No candidate received enough votes in the parliament, so the vote was repeated in September and four new members were appointed.

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71 [Croatian Radiotelevision](#).

72 [Croatian Reporting News Agency](#).

73 [Official Gazette 137/2010, 76/2012, 46/2017, 73/2017, 114/2022](#).

74 [The Supervisory Board](#).

75 [HINA: Parliamentary opposition: The Act on Croatian Radiotelevision should be changed](#).

76 [The Program Council](#).

In July, a tender for the editor of the informative media service (IMS) of Croatian Radiotelevision was opened. It is one of the key positions in the program of public radiotelevision. The editor is elected for a term of five years. Katarina Periša Čakarun, the former editor, was elected for another term in the office. Čakarun has been the editor of IMS since 2016, and her tenure has been marked by criticism for bringing HRTV closer to the political interests of the ruling party, HDZ. The branch of the Croatian Journalists' Association at Croatian Radiotelevision and the branch of the Trade Union of Croatian Journalists at HRT warned<sup>77</sup> that the implementation of the procedure for selecting the editor of the Informative Media Service was non-transparent and unprofessional. They warned that it can be concluded from the tender process that it was made for one particular candidate. Neither the public and the employees know who is on the commission that conducted the competition, according to which methodology it was determined that the candidate meets certain conditions of the competition, nor it is not known why the conditions of the competition were changed compared to the previous one (from 2018). It is not known how many candidates registered for the competition, how many of them met the conditions of the competition, and finally, from the decision and explanation on the selection of Katarina Periša Čakarun, it is not clear why she was the only

candidate who meets the required conditions of the competition.

### **Editorial standards (including diversity and non-discrimination)**

The Ombudsperson for gender equality,<sup>78</sup> Višnja Ljubičić, sent a warning to HRT after receiving a complaint from women's associations about discrimination because not a single woman was invited to the political show on the topic of the past year, which had six participants.<sup>79</sup> In her warning and recommendations, the Ombudsperson pointed out that she does not get involved in or dispute the expertise of the invited participants, but that she considers the fact that this is not an isolated case to be particularly worrisome. She said that it is a practice of public television not to have a single guest in news programs in which important social, political and other topics of public interest are discussed.

### **Online media**

#### **Impact on media of online content regulation rules (including content removal obligations, liability rules)**

Article 94(3) of the Electronic Media Act (EMA)<sup>80</sup> regulates user-generated content, i.e., comments by the users on articles published

77 Trade Union of Croatian Journalists and Media Professionals, [Croatian Journalists' Association: The selection of Periša Čakarun is another nail in the coffin of professionalism and media freedoms at HRT](#).

78 [The Ombudsperson for gender equality](#).

79 HINA: [Ombudsman Ljubičić sent a warning to HRT due to discrimination against women](#).

80 [Electronic Media Act](#), Official Gazette 111/2021.

online. The users have to register to a page and publishers will warn them in a clear and easily visible and understandable way about commenting rules and violations. In this way, the responsibility for the comments lies not with the publishers, but with those who break the law.

### ***Competence and powers of bodies or authorities supervising the online ecosystem***

The Electronic Media Council receives complaints about violations of the Electronic Media Act and decides on complaints at its meetings. Analysing the Council's conclusions, we noticed that in most cases the Council does not consider possible hate speech when deciding, i.e. it does not go into the merits of the complaint itself when it refers to hate speech.

### ***Financing framework (including allocation of advertising revenues, copyright rules)***

Financing framework is one of the main sources of problems with media independence in Croatia.

The Fund for the Promotion of Pluralism and Diversity of Electronic Media<sup>81</sup> is a fund of the Agency for Electronic Media (AEM). The Fund's financial resources are provided by the Croatian Radio and Television Act (3% of RTV fee revenues). The Fund's resources encourage the production and publication of audio-visual and radio programs and content

of television and/or radio broadcasters at the local and regional level, non-profit television and/or radio broadcasters, non-profit media service providers referred to in Articles 19 and 79 of the Electronic Media Act, providers of electronic publications, non-profit producers of audio-visual and/or radio programs.

The Fund's resources are distributed according to the Ordinance on the Fund for the Promotion of Pluralism and Diversity of Electronic Media,<sup>82</sup> which was amended in 2022.

Ratios for the distribution of the Fund's funds among certain types of users are:

1. Television broadcasters and non-profit television broadcasters on the local and regional level - 35%;
2. Radio broadcasters and non-profit radio broadcasters on the local and regional level - 38%;
3. For-profit providers of electronic publications as referred to in Article 71 para 1 of the Electronic Media Act - 9%;
4. Non-profit providers of electronic publications as referred to in Article 55 para 5 of the Electronic Media Act - 5%;
5. Non-profit radio and television content providers as referred to in Articles 26 and 92 of the Electronic Media Act - 1.5%;

81 [The Fund for the Promotion of Pluralism and Diversity of Electronic Media.](#)

82 [Official Gazette 84/2022.](#)

6. Non-profit audio-visual and radio content providers - 1.5%.

The Council for Electronic Media distributes the remaining 10% of the Fund's funds between six categories of publishers, based on the assessment of the public's needs, the development of trends, and the development of the media industry before the announcement of the public call. The funds for 2023 were appointed in March (the call was open in late 2022); one more call (for for-profit providers of electronic publications) was opened in March and the funds were appointed in July.

The funding for non-profit media (community media) is problematic. Non-profit media contribute to the development of the internal pluralism of the media system, the encouragement of social inclusion, critical thinking and media literacy, and the education of media workers. Given that their work is not motivated by profit (their publishers are mostly civil society organisations), non-profit media are often the only source of information on areas of public interest such as independent culture, labour rights, environmental sustainability etc. The special role of non-profit media is recognized

in international documents of the Council of Europe,<sup>83</sup> the European Parliament,<sup>84</sup> and UNESCO.<sup>85</sup> Despite this, Croatia has not created a stable and predictable environment for the development of non-profit media. After the abolition of the support program for non-profit media at the Ministry of Culture in 2016, the Fund for the Promotion of Pluralism and Diversity of Electronic Media became one of the key and rare sources of support for the sustainability and development of the non-profit media sector.<sup>86</sup>

But, as the analysis from the Informal Initiative for the Sustainable Development of the Non-profit Media Sector states in their analysis of the sector,

*“From 2017 until today, under the Ordinance on the Fund for the Promotion of Pluralism and Diversity of Electronic Media (Official Gazette 84/2022), the share of funds for non-profit electronic publications remains at 5% of the Fund's funds, while for non-profit providers of radio and television services and non-profit producers of audio-visual and radio programs are allocated 1.5% each, which means that only 8% of funds*

83 Council of Europe, Recommendation CM/Rec (2007)2 of the Committee of Ministers to member states on media pluralism and diversity of media content, 2007; Council of Europe, Declaration of the Committee of Ministers on the role of community media in promoting social cohesion and intercultural dialogue, 2009.

84 European Parliament, European Parliament resolution of 25 September 2008 on Community Media in Europe, 2008.

85 UNESCO, Defining Community Broadcasting. Community Media Sustainability Policy Series, 2017.

86 See: <https://www.neprofitni-mediji.eu/to-su-zapravo-neprofitni-mediji>.



*are allocated from the Fund for the entire non-profit media sector.”<sup>87</sup>*

The Initiative concludes:

*“In Public Tender No. 1/22 for the allocation of funds from the Fund, all funds for non-profit organisations providers of electronic publications (5%) and non-profit producers of audio-visual and radio programs (1.5%) were distributed, while funds for for-profit providers of electronic publications were not spent in either that invitation nor in the next public tender provided exclusively for for-profit providers electronic publications. Thus, from 14% of the Fund’s resources (€586,634.81), as much as is intended for profit providers, not even 45% of these funds were distributed, i.e. the amount corresponding to 60% of total funds for non-profit providers of electronic publications. Therefore, it is clear that the shares of funds in the Ordinance on the Fund for the Promotion of Pluralism and Diversity of Electronic Media are inadequately distributed, i.e. that there are funds in the Fund itself which can already be used for activities of public interest, which is certainly the case with the non-profit media sector.”<sup>88</sup>*

We would like to underline that the Council also allocates funds to non-profit media for projects that spread hatred, which it interprets as pluralism of opinions and attitudes. Thus, in 2023, the Council allocated funds from the Fund to the project of the right-wing portal Narod.hr, ‘Epidemic of transsexualism in Croatia and the world’.<sup>89</sup>

Even though the call for the distribution of the Fund is usually opened at the end of the year (October) so that the decision on the distribution of funds can be made in the first quarter of the year, the call for the distribution of the fund for 2024 was not opened in 2023. If we take into account that the funds for 2023 should have been spent by the end of 2023 and all the content financed from the Fund should have been published by the end of 2023, and the fact that the call for 2024 was only published in January 2024 instead of October 2023, we can assume that will the lack of funds in the first half of the year poses a problem for the sustainability of non-profit media in 2024.

Additionally, each year, the Electronic Media Council publishes a call for tenders for co-financing of projects on the topic of encouraging

87 Available at: <https://www.neprofitni-mediji.eu/u-fondu-za-pluralizam-ve-postoje-sredstva-za-dodatnu-podrku-neprofitnim-medijima>.

88 Ibid.

89 Agency for Electronic Media: Adopted decision on the allocation of funds from the Fund for Encouraging Pluralism and Diversity of Electronic Media No. 01/22; Interpretation of the decision: <https://www.telegram.hr/politika-kriminal/vem-u-ime-obiteljji-smo-novac-za-istrazivanje-epidemije-transseksualizma-dali-da-smanjimo-podjele-u-drustvu/>.

media literacy.<sup>90</sup> The subject of this public call is the collection of offers for co-financing the preparation and creation of educational materials on various platforms, projects, events, seminars, conferences, workshops, lectures or research, on the topic of media literacy, development and awareness-raising of its importance, as well as related areas and other projects. The purpose of co-financing is to strengthen and develop citizens' media literacy skills, develop educational materials and programs on various platforms, and raise public awareness of the importance of media literacy. The budget for 2023 was €53,089. In November 2023 AEM opened the call for tenders for 2024 and the budget is €53,000.

Additionally, on 16 December 2022, AEM publicly presented the call for tenders from the fund for the 'fact-checking' projects under the measure 'Establishment of media fact-checking and public data publication system' of the National Recovery and Resilience Plan. The general goal of the measure to establish the accuracy of information, which is carried out by the Agency for Electronic Media and the Ministry of Culture and Media, is to strengthen society's resistance to misinformation by reducing the amount of misinformation and false information in the public space, strengthening information reliability and security when consuming media content and using social media

networks, as well as strengthening the quality of journalism and credible reporting, and strengthening media literacy.

For the implementation of the first part of the measure, the establishment of an information verification system, €5,968,170 in grants was provided. Higher education and scientific institutions and civil society associations were able to apply to the public call<sup>91</sup> for the allocation of funds as lead applicants, while the media could be partners. The text of the first call (published in December 2022) was changed three times, which indicates that it was not thoroughly prepared. The funds (€2,292,217.39) were allocated in July. A new call was opened in September 2023<sup>92</sup> and the results (allocated €1,719,223.36) were published in December.

The Agency for Electronic Media also encourages journalistic excellence by awarding grants to journalists for journalistic work and research on topics of public interest in the fields of culture, health, local topics, ecumenism and religion, human rights, the position of women in society, topics of interest to minorities in society, children and youth, education, sports, economy, international relations and the European Union. The special goals that this project seeks to achieve are related to additional engagement of journalists and in-depth research on topics of public interest, strengthening of critical capacity

90 Available at: <https://www.aem.hr/blog/2023/11/09/javni-poziv-za-sufinanciranje-projekata-na-temu-poticanja-medijske-pismenosti-4/>

91 Available at: <https://npoo.aem.hr/2022/12/30/objavljen-javni-poziv-za-uspostavu-sustava-provjere-tocnosti-informacija/>.

92 Available at: <https://npoo.aem.hr/2023/09/08/15646/>.

and social influence, the expansion of the number of topics and relevance of the content of electronic publications and the professionalisation of the journalistic and authored work they contain, along with rewarding and motivating journalists for truthful and judicious reporting and high-quality authored work, i.e. strengthening the autonomy of journalists. Funds for this project are provided under the Regulation on criteria for determining beneficiaries, and the distribution of part of the income from the lottery for the year 2023<sup>93</sup> (€200,000) was made to 118 journalists.<sup>94</sup>

On the other hand, the for-profit sector, especially local media, faces problems with pressures connected with the lack of economic independence of the media. Gong, a watchdog organisation focused on enhancing democratic processes, together with the Croatian Journalists' Association and the Trade Union of Croatian Journalists and Media Professionals, organised a series of focused interviews with dozens of representatives of the journalistic profession.<sup>95</sup> Most interlocutors have singled out the growing problem of pressure from advertisers, large private companies, and governments via the ministries, as well as various forms of concealed advertising. Some advertising models that have become more dominant in the Croatian media space – such as conferences organised by

media owners and newsrooms, together with companies and state institutions and native advertisements – counter the basic task of journalism: timely and independent information. Media owners are not looking for editors who will insist on high professional standards, but instead they are increasingly looking for editors who are willing to meet the demands of advertisers and political figures.

The discussions are particularly prominent for local media in the function of promoting the work of local public companies. For many years of funding, most local media has been transformed into auxiliary PR tools, instead of fostering critical discourse toward local government and providing independent information. According to the Electronic Media Act, state administration bodies and public institutions founded by the Republic of Croatia, as well as legal entities owned or predominantly owned by the Republic of Croatia, are obliged to spend 15% of the annual amount intended for the promotion or advertising of their services or activities on TV, radio or online media. According to the research<sup>96</sup> conducted by Ivanka Toma for the Society for the Protection of Journalist Copyrights, in respect of the majority of electronic media, the most important source of income is local self-government units, ranging from 40-80% of the outlet's budget.

93 Available at: [https://narodne-novine.nn.hr/clanci/sluzbeni/2023\\_03\\_31\\_533.html](https://narodne-novine.nn.hr/clanci/sluzbeni/2023_03_31_533.html).

94 Available at: <https://www.aem.hr/blog/2023/10/18/kvalitetno-novinarstvo-2023/>.

95 Đurđica Klancir, [Guidelines for responsible and safe journalism in times of crisis](#).

96 Ivanka Toma: [Portals in Croatia, a means of information or manipulation?](#).

The problem with state promotion in media illustrates the recent political scandal when Nacional magazine<sup>97</sup> announced that it had recordings on which Jurica Lovrinčević, adviser to the Minister of Economy, Davor Filipović, can be heard talking to Mreža TV journalist Marino Vlahović. Allegedly, Lovrinčević is asking the journalist to pay him half of the advertising budget for the government and state-owned companies that he allocated to them. Lovrinčević allegedly extorted the media by promising them the allocation of public funds from several sources (state companies) in exchange for part of the money and a positive media image. Because of the affair, both Minister Filipović and his advisor Lovrinčević were dismissed, although the Prime Minister persistently denies responsibility.

### **Safety and protection of journalists and other media actors**

The SafeJournalists network<sup>98</sup> published their annual Western Balkans Journalist Safety Index<sup>99</sup> for the previous year (2022). In the report for Croatia for the year 2022, the journalist safety index was rated slightly better than in 2021, but it's still interpreted more as stagnation than progress. "Prevention and process" were rated with the same average rating as in

2021, while "legal and organisational environment" and "safety of journalists" were rated slightly better. This report also showed that journalists still underreport threats and attacks, that the number of lawsuits against journalists and the media is still high (including SLAPPs), and that institutions still do not have mechanisms to combat violence against journalists.

#### **Frequency of verbal and physical attacks**

In 2023, multiple instances of various types of attacks on Croatian journalists took place. The SafeJournalists network, as well as Croatian Journalists' Association, keep track of some of the attacks.

In January, Ante Aračić sent the following message to journalist Andrej Dimitrijević via Facebook: "You trash of a journalist, when I see you around town I will first slap you and then spit on you. Throw yourself off the building, faggot monkey." Dimitrijević immediately reported the threat to the police.<sup>100</sup>

The Croatian Journalists' Association reports about the pressure on the Srednja.hr portal coming from the Faculty of Croatian Studies, University of Zagreb. A letter was sent to the editorial office of the portal with the official memorandum of the Faculty, which was signed

97 Nacional, *We bring the tape! Lovrinčević told a journalist: "For him, that's half a serious hunt." I hope he will be normal...*

98 SafeJournalists, available at: <https://safejournalists.net/>.

99 Available at: <https://public.flourish.studio/visualisation/16020113/>

100 See: <https://safejournalists.net/reports/druge-prijetnje-novinarima-andrej-dimitrijevic-zagreb-18-1-2023/?lang=hr>.

by 39 people, among them students, administrative staff and teachers of the Faculty, in which they call out journalist Duje Kovačević for excessively focusing on the work of that faculty in his articles. The letter also contained links to 48 texts published on that portal in the last few years. In the letter, insults are made against Kovačević, a former student of the Faculty of Croatian Studies. He is called, among other things, a “young journalist” who has a “negative personal fixation” on the faculty and “frustrations” related to “failing college”. The highlight of the letter, however, is the appeal addressed to the Srednja.hr portal to stop reporting and deal critically with topics related to the work of the Faculty, i.e. to stop covering the institution, which is also being investigated by the state attorney.<sup>101</sup>

In February, the Croatian Journalists’ Association sent a complaint to the rector of the University of Zagreb, Dr. Stjepan Lakušić, on the inadmissible behaviour of Jadranka Frece, dean of the Faculty of Food and Biotechnology in Zagreb, who, through lawyer Zoran Vujasin, has been behaving towards Dora Kršul, journalist of the Telegram.hr portal, and Jelena Pavić Valentić, editor-in-chief of the Telegram.hr portal, in an offensive and threatening manner for several months. Lawyer Zoran Vujasin, on behalf of the dean, insulted and threatened Kršul, whose questions he labelled as “illegal” or “harassing”. A particularly shameful aspect

of the communication included threats of lawsuits for intrusive behaviour if Kršul does not stop sending inquiries about the Faculty’s business.<sup>102</sup>

Threats were made in March to the editorial office of the Morski.hr portal in response to a series of articles discussing the legality of the construction of the port of Krilo Jesenice. The threats were made by a man who presents himself as the president of the Association of Tourist Shippers of the Croatian Chamber of Commerce, Ante Rakuljić, threatening the author of the article and the editor-in-chief, Jurica Gašpar.

In the series of articles, it is stated, among other things, that the port was created without a construction permit and completed by illegally dumping garbage into the sea, and that 130 ships were docked there without a safety plan. Rakuljić called the editorial office, insulted the editors and journalists, and claimed that the articles published on the portal were paid for or written by people outside the editorial office close to the Ministry of the Sea, Transport and Infrastructure. Despite being warned that the conversation was being recorded, he made serious threats that he would “destroy their business”, and repeatedly suggested to Gašpar that they should not write about the port and the workers there in a negative context.<sup>103</sup>

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101 Croatian Journalists’ Association, [We condemn the pressure of the Faculty of Croatian Studies on the Srednja.hr portal.](#)

102 Croatian Journalists’ Association, [CJA’s complaint on the behaviour of the dean Jadranka Frece.](#)

103 Croatian Journalists’ Association, [CJA strongly condemns the threats to the editor of the Morski.hr portal.](#)



In April, Hrvatski tjednik magazine published an issue with a cover that reads, “Plenković is paying 600,000 euros for this! 80 of Pupovac’s media Chetniks from the two nests of Novosti and Vida TV are paid by Plenković with our money for the special war against Croatia.” In the same issue, there is also a text signed by Ivica Marijačić, in which it is stated that “Croatia is paying almost 80 instigators in two of Pupovac’s media nests for a special war against Croatia.” The labelling of individual journalists and media outlets published by the Serbian National Council as “Chetnik nests”, “Ultra-Serbian chauvinists”, “haters of Croatia and the Croatian people” and “state enemies” is an example of inciting speech that incites hatred towards members of the Serbian national minority in Croatia and journalists who work in the mentioned media.<sup>104</sup>

In May, the Croatian Journalists’ Association received a written threat to journalist Drago Hedl. Another written threat to journalist Chiara Bilić was also sent to CJA. CJA reported both threats to the police.<sup>105</sup>

The Deputy Mayor of Split, Bojan Ivošević, called out Dalmatinski Portal and the journalist Živana Šušak Živković, claiming that they are “doing dirty work” for his political competition. The reason for Ivošević’s statement is a text in

which the amendment of the ordinance on the use of city “staff” apartments is mentioned, and the fact that this move will at least indirectly have an impact on the status of his father, also a user of a city apartment. With his statement, Deputy Mayor Bojan Ivošević calls out journalists and the media without reason, exposing them to additional public name-calling and contempt, which is unacceptable behaviour of a public official.<sup>106</sup>

The Croatian Journalists’ Association expressed their concern with the systematic campaign that is happening in the Croatian Parliament against the Novosti newspaper and the journalists who work for it, with false and dangerous accusations being made. In two parliamentary sessions in April and May, there were shameful, dangerous and unacceptable statements by MPs such as Željko Sačić (Croatian Sovereignists), who accused Novosti of spreading anti-Croatian propaganda, and Croatian Serbs of inciting terrorism and the spread of Chetnikism. Nikola Grmoja, from Most, presented the dangerous thesis that Novosti should only deal with issues that concern the Serbian national minority. MP Ružica Vukovac (For a Just Croatia) joined the barrage of dangerous attacks by attacking Novosti because, as she says, they write untruths about the Homeland War and World War II, asserting, among other things, that they spread

104 Documented at: <https://safejournalists.net/reports/druge-prijetnje-novinari-i-urednici-novosti-i-vida-tv-zagreb-20-4-2023/?lang=hr>.

105 Documented at: <https://safejournalists.net/reports/druge-prijetnje-drageo-hedl-zagreb-5-5-2023/?lang=hr> and <https://safejournalists.net/reports/druge-prijetnje-chiara-bilic-zagreb-5-5-2023/?lang=hr>.

106 Croatian Journalists’ Association, CJA - Branch of Split-Dalmatian County: [We strongly condemn the statement of the Deputy Mayor of Split, Bojan Ivošević.](#)

intolerance towards the majority Croatian people. The same MP called for the initiation of proceedings against the editor of Novosti, Andrea Radak, for inciting intolerance. The President of the Croatian Parliament, Gordan Jandroković (HDZ), reacted to the accusation, asserting that it is unacceptable to call for prosecution because of what some newspapers write.<sup>107</sup>

Nikolina Martinović, editor-in-chief of portal 035, received a death threat on 15 July 2023, when, after the publication of a police report on the portal, one of the actors from the police report called her asking for the article to be deleted. After she refused to delete it, the man told her, among other things: “I’ll kill you, I’ll wipe the floor with you, you idiot, be careful when it gets dark”. The man received a restraining order and was later sentenced to a suspended prison sentence of 10 months, with a probation period of two years.<sup>108</sup>

The Minister of Culture and Media, Nina Obuljen Koržinek, in a statement to journalists in November, tried to deny Telegram’s revelations about possible corrupt work within her

Ministry. The minister attacked the journalist Dora Kršul, trying to discredit her integrity and professionalism, claiming that the journalist acted maliciously and deliberately published incorrect information. The Croatian Journalists’ Association considers it dangerous how top officials belittle journalists to avoid answering to the public, and express concern because the Minister of Culture calls out journalists from a position of power.<sup>109</sup>

### **Law enforcement capacity to ensure journalists’ safety and to investigate attacks on journalists and media activists**

In 2023, some improvements were made concerning mechanisms for combating violence against journalists. In September, the Deputy Prime Minister and Minister of the Interior, Davor Božinović, the President of the Croatian Journalists’ Association (CJA), Hrvoje Zovko, and the President of the Trade Union of Croatian Journalists and Media Professionals (TUCJ), Maja Sever, signed the Cooperation Agreement<sup>110</sup> and two accompanying protocols: the Protocol on the behaviour of the police, journalists and other media workers at public

107 Croatian Journalists’ Association, [CJA condemns the hunt on newspaper Novosti](#).

108 Documented at: <https://safejournalists.net/reports/prijetnja-smrcu-nikolina-martinovic-slavonski-brod-15-7-2023/?lang=hr>.

109 Documented at: <https://safejournalists.net/reports/druge-prijetnje-upucene-novinarima-dora-krsul-za-greb-8-11-2023/?lang=hr> and <https://www.hnd.hr/hnd-o-verbalnom-napadu-na-kolegicu-krsul-sramotni-ispad-resorne-ministrice>.

110 Available at: [https://mup.gov.hr/UserDocsImages/2023/9/Potpisivanje%20sporazuma%20HND%20MUP/Sporazum%20o%20suradnji%20MUP\\_HND\\_SNH.pdf](https://mup.gov.hr/UserDocsImages/2023/9/Potpisivanje%20sporazuma%20HND%20MUP/Sporazum%20o%20suradnji%20MUP_HND_SNH.pdf).

gatherings of public interest,<sup>111</sup> and the Protocol on police behaviour when learning about a criminal offence committed to the detriment of journalists and other media workers in the performance of their work tasks.<sup>112</sup> This is part of the implementation of the Recommendation of the European Commission from 16 September 2021<sup>113</sup> on guaranteeing the protection and safety of journalists, and strengthening their position, as well as other media workers, in the European Union.

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

At least 945 lawsuits against the media and journalists were active in Croatia in 2023, according to the results of a yearly survey conducted by the Croatian Journalists' Association.<sup>114</sup>

Out of a total of 945 lawsuits, 910 refer to lawsuits for compensation for damage due to a violation of honour and reputation, which are conducted against publishers, their editors and journalists due to published articles. When it comes to criminal proceedings, nine media outlets reported a total of 35 such proceedings.

Prosecutors are most often persons from public and political life, including politicians holding power, then legal persons, and judges. Hanza Media (publisher of Jutarnji list, Globus, and Slobodna Dalmacija, among others) has the most lawsuits among publishers – 421 civil proceedings and 11 criminal ones. Styria faces the second highest number of lawsuits – for only Večernji list and 24sata, 190 civil cases and six criminal cases have been initiated. The longest court case thus far has lasted 33 years and is against Večernji list. This is connected to the problem of the efficiency of the justice system, as is mentioned in the European Commission 2023 Rule of Law Report.<sup>115</sup>

In total, more than €5.4 million is claimed in lawsuits covered by CJA's research of 22 media outlets. This figure is apparently smaller compared to last year's research, but Hanza Media did not submit data on compensation claims this year. Since almost half of the 945 lawsuits relate only to that publisher, and according to last year's survey Hanza Media had an average of €12,608 per lawsuit, it can be assumed that the total amount of all compensation claims in this number of lawsuits is twice as high. However, not all of these lawsuits are SLAPPs, and it is

111 Available at: [https://mup.gov.hr/UserDocsImages/2023/9/Potpisivanje%20sporazuma%20HND%20MUP/PROTOKOL\\_2\\_Javna%20okupljanja%20od%20interesa%20za%20javnost.pdf](https://mup.gov.hr/UserDocsImages/2023/9/Potpisivanje%20sporazuma%20HND%20MUP/PROTOKOL_2_Javna%20okupljanja%20od%20interesa%20za%20javnost.pdf).

112 Available at: [https://mup.gov.hr/UserDocsImages/2023/9/Potpisivanje%20sporazuma%20HND%20MUP/PROTOKOL%20\\_1\\_%20prijava%20KD%20na%20C5%A1tetu%20novinara%20.pdf](https://mup.gov.hr/UserDocsImages/2023/9/Potpisivanje%20sporazuma%20HND%20MUP/PROTOKOL%20_1_%20prijava%20KD%20na%20C5%A1tetu%20novinara%20.pdf).

113 Available at: <https://digital-strategy.ec.europa.eu/en/library/recommendation-protection-safety-and-empowerment-journalists>.

114 Croatian Journalists' Association, [CJA research: the number of lawsuits against journalists and the media is not lowering, at least 945 lawsuits are active](#).

115 European Commission, [2023 Rule of Law Report - Country Chapter Croatia](#), p. 10.

not known how many of these lawsuits could be considered SLAPPs. In 2022, the Ministry of Culture and Media established a working group dealing with the problem of SLAPPs. Despite this, there is still no official definition of a SLAPP in Croatia, nor do the courts separate and classify such lawsuits. The working group has not yet developed any mechanism to prevent such lawsuits.

After a lengthy court process, the Supreme Court ruled that the Network of Anti-Fascist Women in Zagreb (MAZ) must pay €2,110 to the University of Zagreb, in a case in which former rector Damir Boras sued MAZ. The Supreme Court completely changed two earlier identical judgments of the Municipal and County Courts. The University of Zagreb sent a denial and correction to an article in which the leadership of the University was criticised, and the MAZ editorial office immediately published the denial/correction in its entirety. However, in the same year, the university filed a lawsuit against MAZ because it did not publish the denial/correction following the Media Act. Namely, although the denial/correction was published in its entirety in the original form as it was received, a title differed from the original and a short editorial introduction was added. In the municipal and then in the county court, the university lost because the courts at both levels ruled that MAZ had published the denial/correction following the Media Act.<sup>116</sup>

Because of three caricatures, published in the sports section of the newspaper 24sata at the end of March 2020, Krešimir Antolić, the former head of GNK “Dinamo”, filed a private criminal complaint against artist Nikola Plečko (alias Nik Titanik).<sup>117</sup>

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

The Prime Minister of the Republic of Croatia, Andrej Plenković, after the session of the wider presidency of the Croatian Democratic Union, announced that he would amend the Criminal Procedure Act and the Criminal Code to prevent the leaking of information from files and thereby criminalise the making of “political problems”. The statement of Prime Minister Plenković, which was reported by the media, reads as follows: “Things like this, that things from the printouts cause our political problems and leaks - that will not happen because it will be a criminal offence.” Following the announcement, the Croatian Journalists’ Association sent a complaint to Ombudsperson Tena Šimonović Einwalter in February.<sup>118</sup>

Amendments to the Criminal Code were submitted for public consultation in October. The Croatian Journalists’ Association considers the proposed new criminal offence “Unauthorised disclosure of the content of investigative or evidentiary action” (Article 307.a) to be a law

116 Croatian Journalists’ Association, [CJA calls for help and solidarity with MAZ portal colleagues](#).

117 Croatian Journalists’ Association, [CJA about the lawsuit against Nik Titanik: the society in which caricaturist is prosecuted criminally has a serious problem!](#)

118 Croatian Journalists’ Association, [CJA sends a complaint to the Ombudsperson about the announcement of Prime Minister Plenković](#).

with dangerous intentions, which is very much directed against the journalistic profession and the interests of the public, and opposes its introduction.<sup>119</sup>

They find the timing of the announcement of the amendment proposition to be indicative – it happened after the media published the transcripts from two corruption scandals connected to the governing party (the “Josipa Rimac” case at the beginning of 2023: first about the “AP scandal”, and then the transcripts about Government spokesman Marko Milić and employment in Croatian forests).

Although the Ministry of Justice and Administration, which is proposing the aforementioned changes, has repeatedly emphasised that it will not be possible to prosecute journalists for this criminal offence, “protective clauses” that prevent the prosecution of journalists do not exist in the legal proposal itself. Also, there are no exceptions in cases where the information is of public interest.

The application of this law will seriously limit media coverage of important affairs and ultimately deprive them of information of public interest. Such a legal solution would represent a new exhaustion and intimidation of journalists and the media, i.e. – like SLAPPs – another

form of judicial abuse aimed at limiting the freedom of reporting and the right of the public to be informed about the actions of the authorities.

In December, the Croatian Journalists’ Association sent a petition to the government with more than 2,000 signatures collected against the amendments to the Criminal Code.<sup>120</sup>

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

The office of the President of the Republic of Croatia prevented a journalist of Jutarnji list, Krešimir Žabec, from doing his job by denying him accreditation for the press conference called by the President of the Republic of Croatia, Zoran Milanović, on the occasion of the (non) appointment of the director of the Military Security Intelligence Agency (VSOA).<sup>121</sup> “Because it’s not a media company, it’s a cartel. The government finances them, and have no shame, they organise a gipsy wedding in Split, not a Roma wedding. It’s not a media outlet, whoever writes there is not a journalist for me,” Milanović said in response to a journalist’s inquiry as to why his colleague from the Jutarnji list was not allowed to come. Then his spokesman, Nikola Jelić, intervened, explaining that

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119 Croatian Journalists’ Association, [Public consultation: CJA strongly against article 307.a of the Criminal Code](#).

120 Croatian Journalists’ Association, [CJA sent Prime Minister Andrej Plenković a petition with two thousand signatures against the dangerous intentions law](#).

121 Jutarnji list, [The Office of the President of the Republic refused to issue accreditation to the journalist of Jutarnji list](#).



the journalist was not prohibited from coming, but that he was not invited.<sup>122</sup>

Journalist Valentina Wiesner was excluded from the publicly funded conference “Consumer Protection in Insurance and Pension Savings

- EU Strategy and Croatian Practice”, organised by the Croatian Financial Services Supervisory Agency (HANFA). CJA qualified this act as an attempt at censorship.<sup>123</sup>

## Checks and balances

### Key recommendations

- *The government needs to develop a systematic approach to the implementation of the recommendations of the Ombudsperson.*
- *The government needs to prescribe an automatic suspensive effect of the legal remedy against the expulsion and return orders.*

## Process for preparing and enacting laws

### 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

In 2023, the legislative process continues to be defined by the weak role of the Parliament and the dominance of the executive branch. Impact

assessments and policy analyses are still seldom used, are non-transparent and unavailable to the public.<sup>124</sup>

Public consultations continue to be held *pro forma*, with only acknowledgement of the comments made by the public. Consultations are in practice announced late in the legislative process or during holidays with short deadlines,<sup>125</sup> which weakens the opportunities for participation and harms the quality of public policies.

122 HINA, CJA: Inadmissible and unacceptable practice of President Milanović.

123 Croatian Journalists' Association, CJA's open letter to Ante Žigman, President of the Croatian Financial Services Supervision Agency.

124 Croatian Parliament, available at: <https://www.sabor.hr/hr/sjednice/pregled-dnevnih-redova>.

125 The Office of the Ombudsperson (Ured pučke pravobraniteljice), *Annual report for 2022 – Human Rights Defenders (Izvoješće pučke pravobraniteljice za 2022. godinu – branitelji ljudskih prava)*, April 2023.

## ***Independent authorities***

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The Commission in its report for 2023 made six recommendations to Croatia, including to further improve the implementation of the recommendations and respond more systematically to the Ombudsperson Office's requests for information.

Namely, access to information is necessary for the Ombudsperson to conduct examination procedures in individual cases, as well as to analyse the situation in the annual report. The recommendations in the annual report are a key tool with which, after analysing the situation in certain areas, the Ombudsperson indicates the necessary changes. However, these changes can only occur if the recommendations are seriously considered and implemented, or if they are implemented to a greater extent than before.<sup>126</sup>

This extends to other Ombudsperson institutions: for gender equality, for persons with disabilities and the Ombudsperson for children.

As indicated in the Ombudsperson's Annual Report for 2022, published in 2023, National Preventive Mechanism (NPM) representatives had satisfactory cooperation with police in 2022. There were no restrictions in the implementation of the mandate, and the representatives of the NPM were able to view the data and records that were kept in written or

electronic form. After the visits, 27 recommendations and one warning were sent, of which six new recommendations were sent during the control visit. However, in the same report, the Ombudsperson repeated a recommendation to the Ministry of the Interior to enable the institution of the Ombudsperson to see all the data on the treatment of irregular migrants, including the data found in the information system of the Ministry of Interior. In this regard, the Ombudsperson drew attention to the fact that in the 2022 EC Rule of Law Report, the impossibility of accessing data on the treatment of irregular migrants was pointed out, including direct access to the Information System of the Ministry. Namely, for effective assessment of the overall state of observed violations of rights and freedoms in the Republic of Croatia, the Ombudsperson institution has a special role to, among other things, examine allegations of illegalities and irregularities in the work of state bodies and conduct regular visits to places of deprivation of liberty, to prevent torture and other cruel forms inhuman or degrading treatment or punishment, which includes the treatment of irregular migrants and applicants for international protection.<sup>127</sup>

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126 See: <https://www.ombudsman.hr/hr/europska-komisija-pozvala-republiku-hrvatsku-da-poboljsa-provedbu-preporuka-pucke-pravobraniteljice/>.

127 Ombudsperson's Office, [Annual Report for 2022](#).

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

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

According to Article 98 (5) of the Law on Administrative Procedure,<sup>128</sup> every administrative decision needs to be reasoned, and the reasoning has to include,

*“a brief presentation of the parties’ request, the established factual situation, the reasons that were decisive in the evaluation of individual evidence, the reasons for which one of the parties requests was not accepted, the reasons for reaching conclusions during the procedure, and the provisions based on which the administrative matter was resolved”.*

However, according to the law, administrative decisions based on national security or public order grounds mostly do not contain legal and factual reasons. Article 50 (1.3) of the Law on International and Temporary Protection<sup>129</sup> prescribes that international protection can be annulled “if the person who is granted international protection poses a threat to national security or public order of the Republic of Croatia”. Further on, Article 5 (2) of the Law on

Foreigners,<sup>130</sup> which is *ius generalis* in comparison to the Law on International and Temporary Protection, prescribes that in the decision denying or terminating the residence of a citizen of a third country or expelling a citizen of a third country for reasons of national security, the legal provision will be stated without explaining the reasons behind the decision. Therefore, this relates to the situation where the assessment that one is a threat to national security is based on classified data collected by the Security and Intelligence Agency of the Republic of Croatia (SIA). Only the data collected by SIA which is not labelled with some level of secrecy can be disclosed in the administrative decision, while the classified data will not be revealed. The mere existence of the additional reasons that are connected to the classified data will be mentioned, for example briefly outlining that SIA stated that they have other data which lead to the same assessment, while their revelation could harm the interests of the national security of the Republic of Croatia. Moreover, the immigration authority in the vast majority of cases is not even aware of the grounds for such SIA’s assessment, since they do not have access to the file. SIA’s classified data are labelled with some level of secrecy and they are protected under the Data Protection Law<sup>131</sup> and the Law on Information Security.<sup>132</sup>

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128 [Law on Administrative Procedure](#), Official Gazette No. 47/09, 110/21.

129 [Law on International and Temporary Protection](#) (Official Gazette No. 70/15, 127/17, 33/23).

130 [Law on Foreigners](#), (Official Gazette No. 133/20, 114/22, 151/22).

131 [Data Protection Law](#), (Official Gazette No. 79/07, 86/12).

132 [Law on Information Security](#), (Official Gazette No. 79/07)

***Powers accorded to the courts to carry out judicial review (including the scope and suspensive effect of review powers)***

Judicial review of administrative actions typically occurs through an administrative dispute, wherein courts assess the conformity of state administration bodies with legal norms. Article 3 of the Act on Administrative Procedure outlines the scope of administrative disputes, specifying that they pertain to assessing the lawfulness of general acts of local and regional self-government and legal persons with public powers.

Despite this, administrative lawsuits often lack a suspensive effect, becoming effective only in specific cases prescribed by the law. Administrative courts can grant suspensive effect under certain conditions, but the delay in reaching decisions on requested suspensive effect often leaves parties in a legal void. This is particularly problematic in cases involving expulsion orders for third-country nationals, where the absence of an automatic suspensive effect raises concerns about breaching Convention rights, notably Articles 2 and 3. The current legal remedies in Croatia do not align with the standards established by the ECtHR, which emphasises the necessity of a suspensive effect in cases involving the breach of the *non-refoulement* principle. Furthermore, Article 13 of the EU Return Directive emphasises the right of third-country nationals to

appeal or review return-related decisions with the power to temporarily suspend removal during pending reviews.

***Electoral framework***

In 2020, the Constitutional Court independently initiated the procedure for the assessment of compliance of Articles 2-11 of the Election Constituencies Act with the Constitution, based on the authority from Article 38, Paragraph 2 of the Constitutional Act, and in 2022, in the course of the constitutional court proceedings, it received two proposals for the initiation of compliance.<sup>133</sup>

At the session held on 7 February 2023, the Constitutional Court concluded that the current electoral system based on ten electoral units, determined by the provisions of Articles 2-11 of the Election Constituencies Act, significantly deviates from the principle of equal voting rights, primarily in its substantial aspect, which guarantees the equal voting power of each voter, i.e. the weight of each voice. The Constitutional Court repealed the Election Constituencies Act with the provision that the repealed Act ceases to be valid on 1 October 2023. After this decision, the process of drafting a new Election Constituencies Act was initiated. Even though the new Act was put in the public consultation process from 25 May until 24 June 2023, which fulfilled the obligation from Article 11 of the Act on the Right to

133 [Constitutional Court of the Republic of Croatia, Decision no. U-I-4089/2020 from 7 February 2023 and six separated opinions of the judges, Official Gazette Nos. 24/2023.](#)

Access to Information,<sup>134</sup> the process of drafting the new Act was not transparent. There was no working group established, so no consultations with the experts in the area nor wider public discussion during the drafting process, which is contrary to international electoral standards and good democratic practices.<sup>135</sup> The public was not informed of the persons involved in the process of drafting the new Act. Only after the Information Commissioner's decision, based on Gong's demands for access to information, did the Ministry of Justice and Public Administration provide the names of officials from the Directorate for the Political System and general administration sector within the Ministry, without explicitly stating anywhere that they were the creators of the new election law.<sup>136</sup> In October 2023, the law was put into the legislative process, and the opposition parties announced that they would challenge its constitutionality because of the circumstances of the drafting procedure not being transparent and in line with democratic standards.<sup>137</sup>

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134 Ministry of Justice and Public Administration, Constituencies Act is again under discussion before the Croatian Parliament.

135 Gong, Experts and the opposition agree - changes to the electoral legislation must be carried out inclusively and professionally, 12 May 2023.

136 Gong, Malenica avoided a high sentence, claims that the HDZ state secretary and two officials came up with the constituencies, 19 September 2023.

137 See: <https://www.novilist.hr/novosti/hrvatska/oporba-trazi-ocjenu-ustavnosti-tek-usvojenog-zakona-o-izbornim-jedinicama/>.



## Civic space –

### Key recommendations

- *Ensure quality access and participation in decision-making processes for the citizens and civil society in Croatia.*
- *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.*

### Freedom of association

#### **Equal treatment among CSOs, including by reference to CSOs' focus of activities, type of activities, and geographical location of activities**

The Ombudsperson's Annual Report for 2022,<sup>138</sup> published in 2023, noted the critique towards some governmental tenders being allocated according to the 'fastest finger' method, meaning projects get funded according to the time they were received rather than their quality, putting organisations with infrastructural difficulties in a less favourable position. Cases of non-transparent awarding of office spaces owned by the state to CSOs are also mentioned in the report.

#### **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.)**

The most problematic part in this regard is still not having a key policy document for civil society and the continuous deterioration of the previously well-established framework. As reported in previous rule of law reports, the new National Plan for Creating an Enabling Environment for the Development of the Civil Society for 2023-2030 has still not been adopted and there is no progress in the matter, as the latest news from the Governmental Office for Cooperation with NGOs is that it is still being finalised. The work of the Council for Civil Society Development, the key advisory body to the government acting towards developing cooperation between the government and civil society organisations in Croatia, has also been institutionally blocked – new elections for the

138 Ombudsperson's Office, [Annual Report for 2022](#).

Council were finalised in July 2023, but the new Council composition has not yet been confirmed by the government and the constitutive session was not held. As evident from publicly available documents, the last meeting of the Council was held in March 2023.<sup>139</sup>

Besides the debilitating framework, the Ombudsperson's Annual Report for 2022<sup>140</sup> states the following main issues regarding the right to association – the funds allocated towards CSOs from the state budget have still not recovered to the amounts allocated in 2015; project calls are delayed and the process of selection and payment slow; there is a lack of calls prioritising certain areas such as human rights protection and promotion, tackling discrimination, and watchdog activities; there is an overwhelming administrative burden within state-funded projects.

One example of visible progress in terms of financing the work of CSOs providing free legal aid in 2023 is a modification of the tender cycle model from a one-year to a three-year funding model provided by the Ministry of Justice and Public Administration.<sup>141</sup>

### **Other**

The level of participation and access to decision-making for the interested public remains unsatisfactory, as stated in the previous rule of law report. The Ombudsperson's Report<sup>142</sup> notes that, in practice, this consists of the following issues: CSO representatives being present in working groups more to satisfy the form rather than being actual partners in the process; often having extremely short periods for public consultations; lack of transparency in constituting expert working groups; and lack of possibilities to influence the work within such groups.

Some cases of illegal pressuring union members have been noted in Croatia in 2023. For example, there was a case of the City Connect company in Varaždin,<sup>143</sup> where employees who were union representatives were handed out decisions on the cancellation of their contracts after they were working on improving the working and material conditions of their colleagues. This type of pressuring the Right to Association has been noted also in the Ombudsperson's report for 2022 stating that some union commissioners were prevented from performing their tasks, and in certain cases, it appears that they were transferred to less favourable positions

139 See: <https://udruge.gov.hr/istaknute-teme/savjet-za-razvoj-civilnoga-drustva/zapisnici-sa-sjednica-savjeta/144>.

140 Ombudsperson's Office. Annual Report for 2022.

141 See: <https://mpu.gov.hr/vijesti/javni-natjecaj-za-financiranje-projekata-ovlastenih-udruga-i-pravnih-klinika-za-pruzanje-primarne-pravne-pomoci-za-2023-godinu-26927/26927>.

142 Ombudsperson's Office. Annual Report for 2022.

143 See: <https://radnickaprava.org/tekstovi/novosti/nesto-je-trulo-u-city-connectu> and <https://faktograf.hr/2023/06/14/city-connect-se-pokusava-rijesiti-sindikarno-organiziranih-radnika-koji-traze-bolje-uvjete-rada/>.

and received warnings and warnings before dismissal.

### ***Criminalisation of activities, including humanitarian or human rights work***

Human Rights House Zagreb's report on the state of human rights for 2022, published in 2023,<sup>144</sup> notes the continuous lack of political support towards human rights defenders and their organisations, and that they are often being pressured or intimidated through media coverage, social networks, comments on media portals – especially those working on protecting and promoting the human rights of migrants and refugees, LGBTIQ+, national minorities, victims of gender-based violence and organisations working on dealing with the past and transitional justice. Smear campaigns against such CSOs were intensifying in the second part of the year as they were being used in the pre-election campaigns. Most of the attacks towards the CSOs are, according to the Human Rights House's report, coming from the ultra-conservative and populist politicians, but more are also coming from the ruling party and the Prime Minister. One example is his referral to CSOs working on migration as the ones that were trying to sabotage Croatia's efforts to join the Schengen Area, alongside oppositional parties because they were pointing to police violence and human rights violations happening on state borders. This narrative is commonly used by the current Prime Minister.

The Ombudsperson's Annual Report for 2022<sup>145</sup> states that 61% of consulted CSOs encountered obstacles that limit their activities, namely 44% with verbal attacks, harassment, intimidation and smear campaigns, 18% with the criminalisation of their work, and 15% with physical attacks or property damage. Obstacles to work cited by CSOs include excessive administrative burden, SLAPPs and a lack of funding for their work.

### ***Freedom of peaceful assembly***

The right to public assembly is guaranteed by the Constitution and the Law on Public Assembly.

According to media reports in 2023, workers and platform workers, nurses and technicians protested for better work positions, and farmers against the measures for the prevention of swine flu.

At public gatherings in 2023, as in 2022, participants advocated for a green transition, the cessation of fossil fuel use, and against the new law on maritime property at the Climate March; pointed out the problem of rising violence against women and femicide, economic inequality and attacks on women's reproductive rights at the Night March annually held on 8 March; advocated for equality and safety of LGBTIQ+ population at the Pride Parade; and gathered for peace, ceasefire and freedom at demonstrations organised by the Initiative for Free Palestine. Walk for Life, targeting

144 See: [https://www.kucaljudskihprava.hr/wp-content/uploads/2023/12/KLJP\\_GI2022-Online-1-1.pdf](https://www.kucaljudskihprava.hr/wp-content/uploads/2023/12/KLJP_GI2022-Online-1-1.pdf).

145 Ombudsperson's Office. Annual Report for 2022.

female reproductive rights, Walk for Freedom, promoting anti-vaccination, and gatherings of Catholic men praying in the city squares also took part.<sup>146</sup>

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

Protests at St. Mark's Square, a public place where the government, the Parliament, and the Constitutional Court are located, were prohibited from 2005 until 2011; thereafter, they were limited to 400 m<sup>2</sup> (on some occasions only 200 m<sup>2</sup>), but restricted again since October 2020, after an armed attack in front of the Government building occurred.<sup>147</sup>

In July 2023, civil society organisation Gong submitted a proposal to the Constitutional Court for the evaluation of the constitutionality of the decision closing St. Mark's Square for free assembly and movement for over a thousand days. Gong claims that “the right to freedom of assembly and the organisation of assemblies, which were usually held on St. Mark's Square due to the proximity of the institutions of the government and the Parliament” has been made difficult for citizens. The Constitutional Court declared itself not in charge of deciding in this case.

Previously, the Ministry of the Interior and the Security Intelligence Agency answered that St. Mark's Square is closed due to the risk of repeated attacks, and the level of danger is classified as confidential. The Parliamentary Council for Citizen Monitoring of Security-Intelligence Agencies responded that “it did not review the security assessments made for the area and facilities on St. Mark's Square”, which is why the area is kept fenced off.<sup>148</sup>

In their separate opinions, constitutional judges pointed out that the freedom and interests of citizens are subordinated to the interests of the holders of state authorities, but the majority of judges still sided with the government, declaring themselves without jurisdiction and rejecting Gong's claim.

Gong considers this dangerous confirmation that the principle of separation of powers, which implies mutual verification of the branches of government, does not work in Croatia, as the executive authority abused its position of power and took public space on St. Mark's Square from citizens of the Republic of Croatia.<sup>149</sup>

146 Ombudsperson's Office. Annual Report for 2022.

147 See: [https://www.kucaljudskihprava.hr/wp-content/uploads/2023/12/KLJP\\_GI2022-Online-1-1.pdf](https://www.kucaljudskihprava.hr/wp-content/uploads/2023/12/KLJP_GI2022-Online-1-1.pdf).

148 See: <https://gong.hr/2023/05/02/saborsko-vijece-za-nadzor-obavjestajnih-agencija-o-ogradama-na-markovom-trgu-nismo-pogledali-u-sigurnosne-procjene/>.

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

### ***Policing practices, including dispersion of protests, use of force***

On 26 August, during the Adriatic Climate camp on the island of Krk, around 100 protesters walked to the Liquefied Natural Gas (LNG) terminal, protesting against the expansion of the capacity of the LNG terminal. A self-organised group of activists called “Extinction Rebellion Zagreb” entered the terminal area, and intervention police attempted to stop them with water cannons. During the protest, a security intervention occurred, followed by the police intervention and the detention of about 30 activists. There is video documentation on the forced detention, but activists decided not to press charges.<sup>150</sup>

### ***Other***

In 2023, the initiative “40 Days for Life” continued to be active. Framed as peaceful pro-life vigils, activities were organised in front of hospitals and health centres, in contravention of the Law on Public Assembly.

Every first Saturday of each month, the brotherhood “Knights of the Immaculate Heart of Mary” organised a collective prayer at the main squares across Croatia.<sup>151</sup> The prayer is for the

homeland, peace and conversion of the Croatian people; for men - to become spiritual authorities in the family who will bravely witness and transmit the Catholic faith, for living in pre-marital chastity, for chastity in clothing and behaviour, and for the renewal of Catholic marriages; for the end of abortion and the openness of married couples to life; for holy, authentic and uncompromising church pastors and new spiritual vocations; for souls in purgatory and personal intentions. A group of activists contested this gathering with counter-protests.<sup>152</sup> Both gatherings evidence the right to peaceful assembly and freedom of speech.

### ***Freedom of expression and of information***

#### ***Rules on hate speech and their enforcement***

In Croatia in 2023, there was no information provided on the implementation of the Digital Services Act (DSA) and especially the allocation of the role of the Digital Services Coordinator (DSC), a body entrusted with numerous authorities, among which is the allocation of the “trusted flagger” status. Only at the end of October, information was found in the media, that the DSC will be entrusted to HAKOM, the Croatian Regulatory Authority

150 See: <https://www.index.hr/vijesti/clanak/interventna-privela-30ak-aktivista-kod-Ing-terminala-na-krku/2490473.aspx>.

151 See: <https://muzevnibudite.com/i-ove-subote-muskarci-mole-krunicu-u-10-ak-hrvatskih-gradova-3/>.

152 See: <https://www.jutarnji.hr/kultura/art/arijana-lekic-fridrih-polozila-je-na-trgu-cvijece-u-formi-instalacije-u-spomen-7-ubijenih-zena-u-2023-godini-15390924>.



for Network Industries,<sup>153</sup> a body with possibly relevant technical expertise but no real contact or very limited previous contact with civil society. In this particular case of DSC, HAKOM would benefit from starting to consider their stakeholders differently (because they are usually market-oriented) and take steps to develop normal relationships and horizontal cooperation. A suggestion is to put an indicator for cooperation with civil society in the reports, oversight and analysis of the DSA implementation. Another suggestion is that Digital Services Coordinators should be obliged to organise a yearly event (counselling) with the civil society on the matter of the implementation of the DSA, to receive feedback relevant to the improvement of both implementation and cooperation. And lastly, it is important to remember the role of CSOs in the future AI Act and to prepare the terrain for the cooperation of authorities and civil society.

### **Other**

It is important to highlight concerns regarding the Ministry of the Interior's rapid amendments to the Law on Offences against Public Order and Peace during a seven-day e-Consultation, opened on 2 April. Despite a directive from the Information Commissioner to extend the public discussion to 30 days, the Ministry closed the consultation on 9 April, ignoring the request. The government then submitted a

fast-tracked proposal for the Law on Offences against Public Order and Peace amendments to Parliament, facing opposition resistance on 14 April, before succeeding in passing it on 19 April under the urgent procedure. The Information Commissioner warned the Minister of the Interior about misinterpreting access to information laws, emphasising the inadequacy of MoI's justification for the short consultation period and the public's reaction to substantive changes. The Ministry revealed the establishment of an Interministerial Working Group to draft a new law, planning to publish it on the e-consultation portal for 30 days or more. However, the public was unaware of this group, and its members remained undisclosed. Criticism includes the fiscal irresponsibility of changing the law three times in less than a year.<sup>154</sup>

Moreover, the Ombudsperson's Annual Report for 2022 highlighted the low acceptance rate (21%) of public input in consultations, indicating a lack of genuine consideration for public opinions.<sup>155</sup>

## **Attacks and harassment**

### **Administrative harassment**

A report by the Human Rights House Zagreb from 2020<sup>156</sup> indicated a high level of distrust of Croatian CSOs, especially towards European

153 See: <https://www.vecernji.hr/vijesti/hakom-ce-istrazivati-i-kaznjavati-one-koji-prekrse-zakon-o-digitalnim-uslugama-1719643>

154 Centre for Peace Studies, [Ministre Božinoviću, poštuju propise ove zemlje!](#), published on 19 April 2023.

155 Ombudsperson's Office, Annual Report for 2022.

156 See: [https://www.kucaljudskihprava.hr/wp-content/uploads/2021/03/Pristup-financiranju-za-organizacije-civilnog-drustva-u-Hrvatskoj\\_web.pdf](https://www.kucaljudskihprava.hr/wp-content/uploads/2021/03/Pristup-financiranju-za-organizacije-civilnog-drustva-u-Hrvatskoj_web.pdf).

Structural and Investment (ESI) funds, because of its demanding administrative tasks and non-transparent evaluation process, primarily lacking evaluation feedback, as opposed to the EU programs (such as Justice program, REC program, LIFE program) to which no similar problems were detected. The research identified significant administrative barriers that increase the workload of CSOs. The application process for associations' projects is often too demanding in the administrative sense. The project application phase is also problematic due to the inconsistent implementation of the indicative calendar of public calls for proposals and tenders for ESI funds and the state budget.

The same is not the case when applying for projects from the European Union Programs. Considering that the process of creating public policies is often carried out in a non-participatory manner, the CSOs are not able to put certain social problems and needs on the agenda to be included in civil society funding programs. In addition, delays in announcing and processing project calls have harmed the operational capacity of CSOs and the turnover of professional staff, which is crucial for the quality of social services provision. The findings of this research also point to the overly lengthy evaluation of projects within ESIF calls for proposals. Due to the frequently lengthy evaluation process for reports and requests for reimbursement of project funds from ESI funds, many associations encounter liquidity problems in the implementation of these projects.

In addition, the implementation of projects financed from ESI funds is characterised by significant administrative demands that negatively affect the associations' work with beneficiaries. The quality assessment method, based on the order in which applications are received (the so-called "fastest finger first" method - "*Najbrži prst*"),<sup>157</sup> favours associations that submitted projects earlier instead of considering the quality of the project proposal as the basic criterion for awarding funds.

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

In 2023, the verdict by the Municipal Court in Dubrovnik was issued in the biggest civil society SLAPP case, of the plaintiff Razvoj golf d.o.o. (a subsidiary of Elitech B.V., Netherlands) against the defendants – elected representatives of the leading Croatian environmental NGO Zelena akcija (Friends of the Earth – FoE Croatia). Since 2010, they have criticised the plan to build a gated community-style golf resort comprising 248 villas, 400 apartments, and two hotels in the vicinity of the UNESCO-protected old city of Dubrovnik. Razvoj Golf is an SPV formed for the implementation of the project. Since its involvement in the campaign, FoE Croatia has managed to get a judge to annul the permits for the project (an environmental permit and a location permit) on account of a breach of the environmental *acquis communautaire*. Following

157 See: <https://lidermedia.hr/biznis-i-politika/poduzetnici-bijesni-zbog-principa-najbrzi-prst-to-nije-rijesen-je-za-dodjelu-sredstava-142047>.

the annulment, in September 2017, the investor, via its Dutch-based shell company, initiated arbitral proceedings against the state of Croatia, allegedly claiming €500 million in damages. The claim was filed based on the Croatia-Netherlands Bilateral Investment Treaty (BIT) from the 1990s. This resulted in enormous pressure on the Croatian institutions to reissue the annulled permits. FoE Croatia reacted by running a public campaign which included posters of blood-smeared golf clubs and a message that the investor is interested in racketeering (and not golfing). Nevertheless, the permits were reissued just six weeks after Croatia was sued before the arbitration tribunal. The new permits were identical to the ones annulled by the court and have completely ignored the legal interpretations put forward in the annulment decision. FoE Croatia was sued by the investor in the civil court for damages (approximately €5,000), a gag order was requested banning any and all discussion about the project and elected officials of FoE Croatia were sued for libel in the criminal court. In May 2023, the arbitration tribunal denied the damages request in its entirety.

The domestic court of first instance found FoE Croatia officials guilty and fined them €3,374 each, plus expenses and an obligation to publish the 15-page decision in two national media outlets. The court found that their qualification of the investor's behaviour was untrue and therefore caused damage to the investor. The defendants appealed and the second instance decision is pending.

This SLAPP against FoE Croatia aims to silence, censor and intimidate the work of human rights defenders in the field of environmental protection. Legal proceedings against FoE Croatia initiated in 2017 by a private investor concerning the planned construction of a golf resort on Mount Srđ above Dubrovnik are still ongoing. The investor is claiming over €26,552 from the organisation in criminal proceedings for defamation and civil proceedings for damages. Meanwhile, the investor requested that the commercial court issue a provisional measure prohibiting activism and the right to freedom of expression against FoE during the realisation of the project on Srđ. Consequently, FoE Croatia has experienced a financial burden because of the duration and delays in the proceedings, consumption of the organisation's capacities, as well as the general public's negative perception of the organisation.

## ***Online civic space***

### ***Law enforcement capacity to investigate online threats and attacks***

After more than four years, the Municipal State Attorney's Office in the city of Šibenik in 2023 dismissed the criminal complaint filed by civil society organisations Gong, Human Rights House Zagreb and the Centre for Peace Studies from 2019 against the editor-in-chief of the HOP portal Igor Drenjančević and unknown authors of articles in which they published a list of the names of "chetniks" and "terrorists" in the Croatian police, or in other words, Serbs

employed by the Ministry of Interior.<sup>158</sup> The municipal state attorney's decision failed to identify the responsible individuals at the media portal. In addition, the application was rejected because the Municipal State Attorney's Office did not see the publication of the identities, residences and names of the police stations where employees of Serbian nationality work, coupled with unverified accusations that they tortured and killed Croats during the war, as an incitement to violence and hatred. The complaint was dismissed without addressing the instruction to clarify the right of the victims of the aforementioned criminal offence to take over the case, instead of merely the applicants of the criminal report. Moreover, the victims from the list, around 138 people, were never contacted to testify whether they had consequences stemming from this harmful and hateful content.

## **Public participation**

### **Rules and practices on dialogue with civil society**

Croatia faces difficulties and challenges that impede the enjoyment of the right to public participation. The involvement of civil society organisations in decision-making and consultation processes is often more formal than substantive, which weakens the opportunities for participation and harms the quality of public policies. Human rights defenders state that the

practice of appointing civil society organisations to the working groups and advisory bodies is often non-transparent, while candidates selected through the Council for Civil Society Development are not always the most qualified ones, which sends the message that the government does not care about civil society participation in decision-making processes in a meaningful way. Civil society organisations are unsatisfied with the e-consultations, stating that they are almost always a matter of pure formality instead of a genuine avenue for collecting the opinions from the interested public to improve the proposed policy solution. Authorities often have difficulties in responding in due time, and well-reasoned comments from experts and the public are often ignored.<sup>159</sup> The Information Commissioner emphasised the negative trend of shortening the consultation period without explanation. Of particular concern is the fact that shortening the duration of consultations has in most cases become the rule, especially at the local level. In addition to the shortening of the consultation period, there are still cases of reports on conducted consultations not being published, and public consultation plans not being adopted or published.<sup>160</sup>

### **Other**

The policy framework for the development of civil society is still inadequate – the last National Plan for Creating an Enabling

158 See: <https://www.portalnovosti.com/cetnici-u-ponudi-i-potraznji>.

159 See: [https://www.kucaljudskihprava.hr/wp-content/uploads/2023/09/KLJP\\_GI2022\\_Eng.pdf](https://www.kucaljudskihprava.hr/wp-content/uploads/2023/09/KLJP_GI2022_Eng.pdf).

160 Information Commissioner, Report on the Implementation of the Act on the Right to Access Information for 2022, March 2023.

Environment for Civil Society Development was for the period ending in 2016, resulting in seven consecutive years without a fundamental public policy on civil society development. Even though the process of drafting a new strategic document was initiated in 2021, while the Working Group for drafting the National Plan for Creating an Enabling Environment for Civil Society Development for 2021-2027 was established in January 2022, the document is still not adopted.<sup>161</sup>

In 2023, a new National Plan for Gender Equality for the period until the year 2027<sup>162</sup> was introduced, as well as an Action Plan for the year 2024.<sup>163</sup> In these policy documents, civil society is only mentioned as a partner and stakeholder, but there are no adequate or effective measures to facilitate development in this area. Also, a new national plan for the protection and promotion of human rights and combating discrimination for the period

until the year 2027<sup>164</sup> was introduced, and was included in action plans for 2023,<sup>165</sup> while new action plans for the period 2024-2025 are being drafted.<sup>166</sup> In the new national plan, the role of civil society in the promotion and protection of human rights is recognised, and the plan foresees measures that,

*“increase the visibility of the activities of civil society organisations and strengthen the capacities of public officials to apply the standards of planning, implementation and monitoring of the allocation of financial resources[...] actions are planned that improve the transparency of financing of civil society organisations from public sources, financing models and sustainability for projects and programs of civil society organisations aimed at protecting human rights. Financial support aimed at strengthening the capacity of local civil society organisations to effectively address the needs of the local community is also planned”.*<sup>167</sup>

161 See: [http://www.kucaljudskihprava.hr/wp-content/uploads/2023/09/KLJP\\_GI2022\\_Eng.pdf](http://www.kucaljudskihprava.hr/wp-content/uploads/2023/09/KLJP_GI2022_Eng.pdf).

162 Office for Gender Equality to the Government of the Republic of Croatia, [National Plan for Gender Equality for the Period Until the Year 2027](#).

163 Office for Gender Equality to the Government of the Republic of Croatia, [Action Plan for the Year 2024](#).

164 Office for Human Rights and the Rights of the National Minorities to the Government of the Republic of Croatia, [National Plan for the Protection and Promotion of Human Rights and Combating Discrimination for the Period Until 2027](#).

165 Office for Human Rights and the Rights of the National Minorities to the Government of the Republic of Croatia, [Action plan for protection and promotion of human rights for 2023; Action plan for combating discrimination for 2023](#).

166 Office for Human Rights and the Rights of the National Minorities to the Government of the Republic of Croatia, [Development of the action plan for protection and promotion of human rights for 2024-2025; Action Plan for Combating Discrimination for 2024-2025](#).

167 Office for Human Rights and the Rights of the National Minorities to the Government of the Republic of Croatia, [National plan for the Protection and Promotion of Human Rights and Combating Discrimination for the Period until 2027](#).



However, neither the Action Plan for the Protection and Promotion of Human Rights for 2023 nor the Action Plan for Combating

Discrimination for 2023 introduce new measures concerning civil society that would facilitate stronger development in this area.

## **Disregard of human rights obligations and other systemic issues affecting the rule of law environment**

### **Key recommendations**

- *Conduct efficient investigations of human rights violations, and commit to timely and efficient implementation of decisions by supranational courts.*
- *Ensure accountability of the officials involved in systematic human rights violations in Croatia.*
- *Ensure independent and efficient monitoring of police work.*

## **Systemic human rights violations**

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

According to the Danish Refugee Council's (DRC) reports,<sup>168</sup> unlawful expulsions from Croatian territory continued in 2023. From the beginning of January until the end of November, DRC recorded 3,210 pushbacks from Croatia to Bosnia and Herzegovina. The victims were mainly Afghan nationals. At least half of the victims reported denial of access to asylum, physical violence and theft or destruction of personal belongings. From September onwards,

at least 70% reported abusive and humiliating treatment, and some even arbitrary detention. Since autumn, according to the Border Violence Monitoring Network (BVMN), as well as other organisations, there has been an increase in police activities along the border in Una-Sana Canton, with reports of individuals being beaten and forced into the river by individuals identified as Croatian police. The BVMN documented instances of forced undressing, with reports of Croatian authorities burning clothes and belongings before pushing people back into Bosnian territory. Families with minors also reported experiencing violence from border authorities. Additionally, there are cases of

168 Danish Refugee Council (DRC), [Border Monitoring Factsheets January-November 2023](#).

individuals going missing after attempting to cross the border.<sup>169</sup>

Since the beginning of 2023, Croatian authorities have been carrying out readmissions of migrants and refugees to Bosnia and Herzegovina in increasing numbers to expel people from Croatia.,<sup>170,171</sup> The testimonies of expelled individuals, as well as information from non-governmental organisations<sup>172</sup> working in Bosnia and Herzegovina, raise serious concerns that readmission procedures are being misused and applied in a manner that is contrary to European law, primarily by denying individuals access to asylum.<sup>173</sup> In addition to the potential neglect and violation of procedural rights of persons, this information also points to potential violations of key principles of international law, such as the principle of *non-refoulement* (including persons from Afghanistan, Syria, Cuba, Pakistan, Morocco etc.), and the

principle of the best interests of the child. The fact that individuals from especially vulnerable groups, such as unaccompanied children and families with young children, are among those returned through the readmission procedure is especially concerning.

Denial of access to asylum and pushbacks have led several national courts of the EU Member States to suspend Dublin transfers of asylum seekers to Croatia, in the light of the risk of violating Article 3 of the ECHR.<sup>174</sup> In 2023, the administrative court in Braunschweig, Germany, argued that there are indeed systematic deficiencies in the Croatian asylum system due to the widespread practice of pushbacks along its borders and it is not guaranteed that Dublin returnees are not also subject to this violation,<sup>175</sup> while the District Court of Amsterdam (The Netherlands), in two separate cases, ruled that the State Secretary should

169 Border Violence Monitoring Network (BVMN), Balkan Regional Report October 2023, 15 December 2023.

170 Novosti, Novi pristup: autobusom do granice pa..., 31 March 2023; Jutarnji list, Veliki zaokret Hrvatske u borbi protiv ilegalnih migranata: Sve se promijenilo 30. ožujka..., 6 April 2023; DW, Vraćanje migranata iz Hrvatske u BiH: zakonski push-back, 13 April 2023; BHRT, Iz Hrvatske ove godine vraćeno oko hiljadu migranata, 10 April 2023.

171 According to the Ministry of the Interior, from 1 January to 17 July 2023, 7,906 readmissions were announced, Bosnia and Herzegovina responded positively to 4,241, and 1,375 of them were implemented. Source: Jutarnji list, Opasna praksa u BiH: 'Namjerno odugovlače, daju im vremena da ilegalno pobjegnu iz Hrvatske', 27 July 2023.

172 Border Violence Monitoring Network, Illegal Pushbacks and Border Violence Reports: Balkan Region, March 2023.

173 Protecting Rights at Borders (PRAB) VI: What we do in the shadows, published on 30 May 2023.

174 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.

175 Decision by the Administrative Court of Braunschweig (Germany) of 8 May 2023, file number 2 A 269/22.

conduct further investigation into the situation of Dublin returnees and risks of pushbacks, as that the information provided by the Croatian authorities was not sufficient to conclude that there were no risks of pushbacks.<sup>176</sup>

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

As in previous years, victims of illegal expulsions in Croatia continue to face significant barriers to accessing remedies, such as unfamiliarity with the legal system, language issues, and illegal expulsions from the country. Crucially, according to European Court of Human Rights standards, the lack of an effective remedy before expulsion undermines the criteria for effectiveness. Illegal expulsions occurring outside legal procedures leave individuals without means to prevent unlawful actions by police officers.

Despite compelling evidence, the Croatian State Attorney's Office consistently rejects criminal complaints against authorities. The Ministry of Interior denies any wrongdoing, without providing justification or evidence of an unbiased investigation. Internal investigations, conducted by the Ministry on itself, lack independence and are undisclosed to the public and the Ombudsperson. The limited number of investigations signals the government's unpreparedness to address violence and uphold the rule of law. The absence of independent

inquiries further undermines the rule of law and the functioning of the legal state.

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

The Ombudsperson submitted an Alternative Report to the United Nations Committee for the Elimination of Racial Discrimination (CERD) for the 110th Session for the Combined Ninth to Fourteen Periodic Report of the Republic of Croatia. The report addresses various pressing issues related to human rights and discrimination in Croatia. The Anti-Discrimination Act, with its 17 prohibited grounds, is discussed, highlighting a rise in discrimination complaints, particularly in labour and employment, and an increase in negative sentiments toward the Serbian national minority. The Protocol for Hate Crime Cases, adopted in 2021, aims to enhance the monitoring and suppression of hate crimes. Concerns are raised about limited awareness of free legal aid options, with recommendations for increased communication. Roma discrimination remains a significant concern, especially in education and housing. Minority representation challenges persist, with a need for effective measures. Housing issues, particularly for returnees, and the prevalence of hate speech, both online and in public spaces, are emphasised. The report concludes with recommendations for legal amendments, consistent prosecution against hate speech,

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176 Case numbers: NL23.7025 (appeal) and NL23.7026 (preliminary provision), decisions from 6 June 2023.

public campaigns, and the introduction of compulsory human rights education in schools. Croatia submitted the last report on the implementation of the Convention in 2020.<sup>177</sup>

### **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 2023, Croatia had 26 leading judgments pending implementation; the average time leading cases have been pending in Croatia was 2 years and 8 months; and the percentage of leading cases from the last 10 years still pending was 29%.<sup>178</sup>

As previously reported, in April 2022, the ECtHR ruling in *M.H. and Others v. Croatia* became final.<sup>179</sup> In September 2022, the Committee of Ministers classified the case under enhanced supervision. The government submitted three action plans so far, and communications from the Ombudsperson of the Republic of Croatia and NGOs followed.<sup>180</sup> *M.H. and Others v. Croatia* was scheduled for examination on the consolidated indicative list of cases for the September 2023 CM-DH meeting.<sup>181</sup> Decisions in the case as adopted by the Committee of Ministers at their 1475th CM-DH meeting outline individual measures, including the reopening of the criminal investigation, and general measures such as the establishment of an independent border monitoring mechanism. Decisions encourage Convention-compliant treatment of migrants, accessibility improvements in the asylum procedure, and efforts to enhance the effectiveness of criminal investigations. They also call for information on limiting the detention of children, preventing

177 Croatian Ombudsperson, [Alternativno izvješće UN-ovom Odboru za eliminaciju rasne diskriminacije \(CERD\)](#), 11 August 2023; Submission to the [United Nations Committee for the Elimination of Racial Discrimination for the 110th Session for the Combined Ninth to Fourteen Periodic Report of the Republic of Croatia](#), July 2023.

178 European Implementation Network, [Country Map](#); [Data for Croatia](#).

179 The Court found a violation of Article 2 of the European Convention on Human Rights as concerned the investigation into the death of the Afghan family's daughter, a violation of Article 3 in respect of the applicant children unanimously, a violation of Article 5 para 1 in respect of all the applicants, a violation of Article 4 of Protocol No. 4 to the Convention in respect of the applicant mother and her five children, and a violation of Article 34. The Court concluded that the evidence before it was sufficient to deduce that the restriction of contact between the applicants and their lawyer and the criminal investigation and pressure to which that lawyer was subjected were aimed at discouraging them from taking their case to Strasbourg.

180 All communication available here: [https://hudoc.exec.coe.int/ENG/?i=DH-DD\(2023\)891E](https://hudoc.exec.coe.int/ENG/?i=DH-DD(2023)891E).

181 CoE, Committee of Ministers, [Consolidated indicative list of cases for the 1475th meeting \(September 2023\) \(DH\)](#) adopted at the 1468th meeting, 7 June 2023.

delays in asylum proceedings, and ensuring accessibility of content in restriction of movement orders. The authorities were invited to provide relevant information by 1 June 2024.<sup>182</sup> By the end of 2023, a year and a half since the judgement became final, the official criminal investigation into Madina's death still hasn't been opened, which makes the implementation of the judgement inadequate.

On 17 January 2023, the ECtHR delivered judgement in the case of *Daraibou v. Croatia* (Application no. 84523/17),<sup>183</sup> finding a grave violation of Article 2 of the Convention (right to life) in both its substantive and procedural aspects. The case concerned a fire that broke out in the basement room of a police station, used for migrant detention. Three migrants detained in the room died in the fire, and the applicant, also a detained migrant, had suffered severe injuries. The Court found that the police station and its personnel had been ill-prepared to deal with the outbreak of a fire and that several questions had been left unanswered, despite a prompt start to the investigation. Moreover, no attempt had been made to establish whether there had been broader institutional shortcomings which could have prevented a similar tragedy from happening again in the future. The judgement became final on 17 April 2023.

## **Other systemic issues**

In 2023, there were issues with the effective investigation of possible criminal offences and police cover-ups in other areas as well.

In late September, Osijek police officer Marko Šmazil fatally shot student Mihaela Berak, initially claiming her death was a suicide. However, the police later deemed it accidental, stating that Šmazil fired while cleaning his gun. The case was reclassified as murder by the State Attorney's Office (DORH). The office confirmed Šmazil's detention but highlighted that, as per protocol, this was the result of the police acting independently. The case raised concerns about police conduct, particularly as Whatsapp messages between the victim and Šmazil revealed his possessiveness. Despite the conflicting narratives, DORH opted not to investigate the Osijek police for their handling of the case.<sup>184</sup> On 20 November, by taking to the streets and holding symbolic public actions in 16 cities in Croatia, women's organisations demanded justice for Mihaela Berak and her family and sanctions for all those responsible for omissions in this case.<sup>185</sup>

On 11 November, former minister of defence Mario Banožić was involved in a traffic accident in which the driver of another vehicle

182 Council of Europe, Committee of Ministers, 1475th CM-DH meeting (19-21 September 2023): [Decisions in \*M.H. and Others v. Croatia\*](#).

183 See: <https://hudoc.echr.coe.int/eng#%7B%22appno%22:%5B%2284523/17%22%7D>.

184 Index.hr, [DORH neće istraživati policiju koja je tvrdila da je policajac slučajno ubio djevojku](#), 14 November 2023.

185 Novi List, [Žene izlaze na ulice i zahtijevaju pravdu za Mihaelu Berak i njenu obitelj](#), 17 November 2023.



was killed.<sup>186</sup> There were many inconsistencies during the investigation that still puzzle the public, the biggest one being the results of the breathalyser. The prosecutor's office first announced that the minister's blood sampled at the hospital in Vinkovac contained 0.21 parts per million of alcohol, yet two days after the accident, the Ministry of Interior's Ivan Vučetić Forensic Science Centre reported that the blood sample did not contain alcohol. The second issue concerns the fact that the minister is a protected person and as such he has an escort and a driver. If the minister does not want an escort, he must give a written statement to that effect and renounce the status of a protected person. On this occasion, the ex-minister was driving alone and there was no mention of the reasons why he gave up on the escort or driver. This case deviates from other traffic accidents with fatal outcomes where the perpetrators were treated differently, in a stricter manner, and the public was precisely informed on the circumstances.

Late November 2023, high-ranking officials in the Sisak police force were arrested due to suspicion of covering up the illegal use of firearms during an attempted arrest of suspected drug dealers. The incident, which happened in early November, involved the attempted arrest of suspected drug dealers, during which shots

were fired, resulting in conflicting accounts and a criminal complaint against the officers. Contradictory statements about the handling of surveillance footage further complicated the case. A crucial piece of evidence was a school surveillance video contradicting police claims, showing an officer firing at the departing vehicle. The investigating judge of the Zagreb County Court ordered pre-trial detention for the Sisak-Moslavina Police Administration deputy chief Nikica Batinović, the head of criminal police Igor Pasanec, the leader of the Public Order and Safety Sector Marijan Brnad, and two police officers from the Drug Department, Igor K. and Igor P. They are accused of forging official reports and attempting to justify improper use of firearms. The arrests raised concerns about potential police misconduct and misuse of force.<sup>187</sup>

## ***Fostering a rule of law culture***

### ***Efforts by state authorities***

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There were no significant initiatives by the state authorities for fostering a rule of law culture. The representation of the European Commission in Croatia published an article in July 2023 upon

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186 See: <https://www.jutarnji.hr/vijesti/crna-kronika/ovo-su-sve-nelogicnosti-u-slucaju-banozic-nas-poznati-odvjetnik-u-nevjerici-ako-je-to-istina-15400640>.

187 Jutarnji list, [Doznali smo što su rekli uhićeni policajci koje su 'pokušali pregaziti dileri': 'Možda smo malo pretjerali...'](#), 1 December 2023; [Pucali na dilere, lažirali da su ih pokušali pregaziti, a onda se pojavila nadzorna snimka...](#), 30 November 2023.

the publication of the fourth report on the rule of law.<sup>188</sup> The Ombudsperson's Office published an article on their webpage regarding the recommendation for the government to improve the implementation of the Ombudsperson's recommendations.<sup>189</sup>

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

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A meeting with the President of the European Bank for Reconstruction and Development, Ms. Odile Renaud-Basso, was held on 6 July 2023 with the representatives of civil society (Human Rights House Zagreb, Centre for Peace Studies, SOLIDARNA Foundation), who presented the findings of the Rule of Law report for 2023.<sup>190</sup>

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188 See: [https://croatia.representation.ec.europa.eu/news/izvjesce-o-vladavini-prava-za-2023-napredak-u-pogledu-65-preporuka-ali-potrebne-su-daljnje-mjere-2023-07-05\\_hr](https://croatia.representation.ec.europa.eu/news/izvjesce-o-vladavini-prava-za-2023-napredak-u-pogledu-65-preporuka-ali-potrebne-su-daljnje-mjere-2023-07-05_hr).

189 See: <https://www.ombudsman.hr/hr/europska-komisija-pozvala-republiku-hrvatsku-da-poboljsa-provedbu-preporuka-pucke-pravobraniteljice/>.

190 See: <https://www.ebrd.com/news/2023/ebd-president-to-visit-croatia.html>.

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## Contacts

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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 19 national civil liberties NGOs from across the EU.

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