

Legal environment and space of civil society organisations in supporting fundamental rights and the rule of law

Croatia

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1 Civic space developments in 2021

1.1 Smear campaign against CSOs during the local elections in Zagreb	
Area	Safe space & protection
Topic	Intimidation / negative narrative / smear campaigns / disinformation campaigns
Impact	Major

During the campaign for local elections in Zagreb in May 2021, a smear and disinformation campaign against civil society organisations (CSOs) was carried out. During the campaign between the first and second rounds of the elections for the Mayor of the City of Zagreb, one of the candidates, Mr. Miroslav Škoro of the Homeland Movement (Domovinski pokret), based his campaign on spreading false information about CSOs. His opponent, Mr. Tomislav Tomašević, representative of the political platform We can! (Možemo!) is, along with some of other prominent representatives of his political platform, a former civil society activist. Mr. Škoro and his party based their campaign on extracting publicly available data and financial reports of various CSOs, claiming that these CSOs were used for extracting public money for private interests of Mr. Tomašević and various members of the Možemo! political platform. Mr. Škoro's campaign held press conferences in which data on the income of various CSOs from 2013 to 2020 were gradually presented - during the first press conference 5 CSOs were presented, while at the last one 41 CSOs were presented, claiming that over HRK 507.838.853,00 (EUR 67.218.908,00) of public money were extracted through these CSOs. They called these CSOs "Cosa Nostra", "foreign mercenaries", "Soros' mercenaries" etc.¹ They implied that the CSOs took money from domestic sources including the City of Zagreb and financed political activities of Možemo! platform.

This spurred an outburst of hatred against CSOs on social media and is considered to be the first real disinformation political campaign in Croatia.² Several of these CSOs reacted to these false claims, such as the Centre for Peace Studies³, Green Action/Friends of the Earth Croatia⁴, Gong⁵, etc. Institutions responsible for financing civil society, such as the Government Office for Cooperation with NGOs and the National Foundation for Civil Society Development did not react properly

¹ Novosti (2021), "[Uzalud vam trud huškači](#)", 28 May 2021.

² Faktograf (2021), "[Škorini propagandisti u završnici kampanje opet šire laži i manipuliraju anketama](#)", 28 May 2021.

³ Centre for Peace Studies (Centar za mirovne studije) (2021), "[CMS u državni i lokalni proračun uplaćuje više nego što iz njega uprihodi](#)", press release, 25 May 2021.

⁴ Zelena akcija (2021), "[REAKCIJA: Miroslav Škoro širi prljave laži o Zelenoj akciji kojima obmanjuje javnost](#)", press release, 25 May 2021.

⁵ Faktograf (2021), "[Domovinski pokret manipulira podacima o financiranju civilnog društva](#)", 28 May 2021.

to inform the public on the rules and regulations of civil society financing. The Head of the Government Office gave a brief statement to the newspaper and portal Jutarnji List⁶ upon request, but no official statements were given by these institutions.

1.2 Intimidation and criminalisation of the work of CSOs working on asylum and migration	
Area	Safe space & protection
Topic	Criminalisation of humanitarian or human rights work
Impact	Major

During 2021, CSOs working on asylum and migration issues reported that they continued to be intimidated and criminalized. This especially applies to the organisation Are You Syrious? (AYS) and their employees and volunteers. In 2018, AYS volunteer Dragan Umičević provided support for seeking asylum to the family of Madina Hussiny, an Afghan girl who died during expulsion from Croatia.⁷ In November 2021, European Court of Human Rights brought a judgement M.H. and Others v. Croatia (applications nos. 15670/18 and 43115/18) in which it found violations of Article 2 (right to life), Article 3 (prohibition on inhuman and degrading treatment), Article 5.1 (right to security and liberty), Article 4 of Protocol No. 4 and Article 34 (right of individual petition) of the European Convention of Human Rights.⁸

The Hussiny family had already been previously illegally expelled from Croatia, so in March 2018 they asked AYS for support in seeking asylum. AYS immediately notified the police about the location of the family, which was already in the territory of Croatia, and asked their volunteer Dragan Umičević to go to the control checkpoint of the police to ensure the family gets access to asylum procedure. The AYS office in Zagreb notified the police about Umičević's arrival.

The police pressed charges against AYS volunteer Dragan Umičević who had supported the family, and in 2021, the High Administrative Court brought a final ruling and fined him with HRK 60.000.00 (EUR 7.970.00) in a misdemeanour proceeding. According to AYS, "This is a man who acted in accordance with law and morality, and the show trial against him, besides being in direct contravention of the Constitution of the Republic of Croatia and the verdict of the European Court of Human Rights, is a continuation of intimidation that we as a society must not

⁶ Jutarnji list (2021), ["Vlada o Škorinim optužbama: Evo što su nam odgovorili o financiranju udruga i njihovoj kontroli"](#), 26 May 2021.

⁷ Are Your Syrious (2021), ["LJUDI DRAGI, SLAVIMO!!"](#), press release, 16 December 2021.

⁸ European Court of Human Rights (ECtHR), M.H. and Others v. Croatia, No. 15670/18 and 43115/18), 18 November 2021.

agree to. By the verdict of the authorities, he now has to pay a fine of HRK 60.000.00 (which is a precedent in our judiciary) and HRK 1.300.00 (EUR 172.84) in court costs. The court knew for certain that Dragan was a retired Croatian Veteran, whose monthly income is HRK 5.000.00 (EUR 664.79), and who has no way to cover this enormous amount.”⁹

Are You Syrious organised a crowdfunding campaign in which it managed to collect funds to cover for the fine and the court costs, and is planning to continue the legal proceedings in this matter.¹⁰

1.3 Environment for civil society development	
Area	Participation and cooperation with authorities
Topic	Civic landscape, civil dialogue and participation in decision-making
Impact	Major

There is an ongoing lack of public initiatives or policies for civil society development that would foster conditions for work of civil society in Croatia. The National Strategy for the Creation of an Enabling Environment for Civil Society Development expired in 2016. The development of a new strategy has started, but it has not yet been drafted or adopted. The National Program for Protection and Promotion of Human Rights expired in 2016 and a new one has also not been adopted for the fifth year in a row. The National Program includes a set of measures for the support of civil society organisations active in the area of protection and promotion of human rights. The adoption of the National Plan for the Protection and Promotion of Human Rights and Combating Discrimination for the period from 2021 to 2027 was announced.¹¹

Negative trends also continued regarding civil dialogue and participation in decision making. According to the impression of CSOs in Croatia, the overall level of civic participation in processes of legislation and policy development is inadequate. Citizen participation in the decision-making process remains relatively weak, with most institutions relying exclusively on consulting online and no longer combining consultation methods such as round tables, panel discussions, etc. Civil

⁹ Are You Syrious (2021), [“AYS News Digest 14–15/12/2021: Volunteer convicted in Croatia for preventing pushback”](#), press release, 16 December 2021.

¹⁰ Are You Syrious (2021), [“LJUDI DRAGI, SLAVIMO!!”](#), press release, 16 December 2021.

¹¹ Croatia, Croatian Government (*Vlada Republike Hrvatske*), Office for Human Rights and Rights of National Minorities (*Ured za ljudska prava i prava nacionalnih manjina*), National Plan for the Protection and Promotion of Human Rights and Combating Discrimination for the period from 2021 to 2027 ([Nacionalni plan zaštite i promicanja ljudskih prava i suzbijanja diskriminacije za razdoblje od 2021. do 2027. godine](#)).

society is often involved in consultations only as a formality and consultations are often primarily formal rather than substantive.¹²

¹² Croatia, Human Rights House Zagreb (*Kuća ljudskih prava Zagreb*), [Human Rights in Croatia: Overview of 2020](#), April 2021.

2 Examples of civil society contributions to the rule of law

2.1 Involvement of CSOs in strategic litigation in access to asylum cases

Topic	Assisting victims in accessing judicial and non-judicial mechanisms of justice or strategic litigation
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Since 2016, various CSOs, journalists and institutions have been warning about illegal and violent expulsions of refugees and other migrants from the borders and the territory of Croatia to neighbouring countries, Serbia and Bosnia and Herzegovina. There have been no effective investigations into these allegations of human rights abuses into these cases.¹³

Centre for Peace Studies, a human rights CSO dealing with access to asylum, pressed 10 criminal complaints against unknown perpetrators police officers since 2017, however, seven of these were dismissed without adequate investigations.¹⁴

In November 2021, the European Court of Human rights brought a judgment in the case of M.H. and Others v. Croatia (applications nos. 15670/18 and 43115/18) in which it found a violation of Article 2 (right to life) 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 (prohibition on inhuman and degrading treatment) in respect of the applicant children unanimously, a violation of Article 5 para. 1 (right to security and liberty) in respect of all the applicants, a violation of Article 4 of Protocol No. 4 to the Convention (prohibition of collective expulsions of aliens) in respect of the applicant mother and her five children, and a violation of Article 34 (right of individual petition).¹⁵ The family Hussiny was represented by lawyer Sanja Bezbradica Jelavić, in cooperation and with support of the Centre for Peace Studies that also provided a third party intervention in the case.

After the publication of the judgement, Centre for Peace Studies and partner CSO Are You Syrious? stated the following: "The Hussiny family sought justice in Croatia, but did not receive it from Croatian institutions. The criminal complaint was rejected because the State Attorney's Office gave full confidence to the findings of the Ministry of the Interior instead of examining the evidence and respecting the testimonies of the victims and witnesses. At the same time, the

¹³ Centre for Peace Studies (*Centar za mirovne studije*) (2021), "[Tisuće svjedočanstava izbjeglica, a niti jedna učinkovita istraga](#)", press release, 02 April 2021.

¹⁴ Information obtained from Centre for Peace Studies' legal officer Antonia Pindulić.

¹⁵ European Court of Human Rights (ECtHR), M.H. and Others v. Croatia, No. 15670/18 and 43115/18), 18 November 2021.

recordings of thermal imaging cameras, as key evidence available to the police, have mysteriously disappeared. This extremely important judgement states, among other things, that our volunteers were intimidated and even persecuted for supporting the family of little Madina, precisely for this case not to reach Strasbourg.”¹⁶ This judgement, among other attempts of the CSOs to ensure justice for the victims of illegal and violent expulsions of asylum seekers from Croatia, represents an important step for protection against these systematic human rights abuses and support to victims through free legal aid provision and strategic litigation.

2.2 Advocating for ensuring adequate whistle-blower protection	
Topic	Keeping the national anti-corruption framework operational (incl. whistle-blowers and their protection etc.)

CSOs in Croatia continuously emphasize^{17 18} the importance of enabling channels of support and assistance available to whistle-blowers in order to establish an effective and comprehensive whistle-blower protection system in Croatia, based on the legislative framework that would ensure available free legal aid and psychosocial support for whistle-blowers. The new draft Act on protection of persons reporting irregularities (whistle-blowers) that is currently in the parliamentary procedure includes provisions on the right of whistle-blowers to free primary legal aid, which was included to the draft Act following the process of public consultations in December 2021 and after being emphasized by CSOs and the Office of the Ombudswoman.¹⁹ However, in order to create an adequate and comprehensive whistle-blower protection framework, it is still necessary to ensure access to psychosocial support to whistle-blowers as well as strengthen the existing system for provision of free legal aid which is burdened by insufficient financial and operational capacities.

¹⁶ Centre for Peace Studies (*Centar za mirovne studije*) (2021), [“ON THE ECtHR JUDGMENT CONFIRMING THAT THE CROATIAN POLICE ARE GUILTY OF MADINA'S DEATH - Prime Minister Plenković must dismiss the top of the Ministry of the Interior and the police”](#), press release, 19 November 2021.

¹⁷ Croatia, Human Rights House Zagreb (*Kuća ljudskih prava Zagreb*), Centre for Peace Studies (*Centar za mirovne studije*), GONG, Protection of whistleblowers is incomplete without psychosocial support ([*Zaštita zviždača nije potpuna bez psihosocijalne podrške*](#)), September 2018.

¹⁸ Croatia, Public consultation on the Draft Act on protection of persons reporting irregularities ([*Javno savjetovanje o Nacrtu prijedloga Zakona o zaštiti prijavitelja nepravilnosti*](#)), portal e-Savjetovanja, December 2021.

¹⁹ Croatia, Public consultation on the Draft Act on protection of persons reporting irregularities ([*Javno savjetovanje o Nacrtu prijedloga Zakona o zaštiti prijavitelja nepravilnosti*](#)), portal e-Savjetovanja, December 2021.

2.3 Advocacy and training activities of CSOs in the area of combating discrimination, hate crime and hate speech

Topic	Supporting public authorities in countering discrimination, hate crime and hate speech
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In 2021, the Office for Human Rights drafted and adopted the new Protocol on procedure in cases of hate crimes²⁰, a non-normative act defining obligations of competent authorities involved in detection, handling and monitoring of results of processing hate crimes. The protocol also contains provisions regarding the composition and competence of the Hate Crimes Monitoring Working Group, the manner and content of cooperation among competent authorities involved in the detection, handling and monitoring of results of processing hate crimes and other activities of these bodies.

While the Protocol was in the public consultation process, a group of five CSOs drafted amendments to the document asking for the Hate Crimes Monitoring Working Group to include more than one CSO representative from vulnerable groups in society. The Government accepted the amendment to the Protocol and five CSOs were appointed in the Working Group: Serb National Council (*Srpsko narodno vijeće Zagreb*)²¹, Croatian Romani Union 'Kali Sara' (*Savez Roma u Republici Hrvatskoj „KALI SARA”*)²², Jewish Community Zagreb (*Židovska općina Zagreb*)²³, Zagreb Pride²⁴ and Centre for Peace, Non-violence and Human Rights Osijek (*Centar za mir, nenasilje i ljudska prava Osijek*).²⁵ In 2021, an informal national working group of CSOs was established comprising 16 CSOs that follow the topic of hate crime and provide support to victims of hate crime. Its members work together on developing tools for monitoring hate crime cases reported to CSOs, creating an effective referral system as well as raising awareness of the importance of reporting and proper qualification of hate crimes. In addition, several CSOs in Croatia have been continuously organising training for police officers on recognizing hate crime and conduct in hate crime cases.^{26 27 28}

²⁰ Croatia, Croatian Government (*Vlada Republike Hrvatske*), Protocol for procedure in cases of hate crimes ([Protokol o postupanju u slučaju zločina iz mržnje](#)), Official Gazette (*Narodne novine*) No. 43/21, 8 April 2021.

²¹ www.snv.hr

²² www.kalisara.hr

²³ www.zoz.hr

²⁴ www.zagreb-pride.net

²⁵ www.centar-za-mir.hr

²⁶ Croatia, Human Rights House Zagreb (*Kuća ljudskih prava Zagreb*), [Hate crime training for police officers held in January](#), January 2021.

²⁷ Croatia, Human Rights House Zagreb (*Kuća ljudskih prava Zagreb*), [Hate crime training for police officers held in November](#), November 2020.

²⁸ Croatia, Centre for Peace studies (*Centar za mirovne studije*), [Against Hate - Guidebook of good practices in combating hate crimes and hate speech](#), pg 44-45.

3 Other relevant developments

3.1 Financing framework for CSOs - Funding landscape

Civil society organisations continue having a high degree of distrust towards domestic institutions that allocate funds from the state budget and European Structural and Investment (ESI) funds. The application process for CSOs' 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, as well as due to the overly lengthy evaluation of projects within ESIF calls for proposals. In addition, the quality assessment method based on the order in which project applications are received (the so-called 'fastest finger first') allegedly favours organisations that submitted projects earlier instead of considering the quality of the project proposal as the basic criterion for awarding funds. Short-term forms of financing for projects of civil society organisations negatively affect the work of organisations engaged in long-term advocacy and watchdog activities. Organisations that provide social services to vulnerable groups face difficulties in terms of the sustainability of their support programs. Delays in announcing and processing calls for project proposals continue to negatively affect the operational capacity of civil society organisations and the turnover of professional staff, whose continuity is crucial for the quality of work in the civil sector.²⁹

3.2 Fostering public debate on rule of law

Civil society organisations contribute to fostering rule of law debate through providing submissions to the call for targeted stakeholder consultations in the process of preparation of the EU annual rule of law report.

Moreover, in order to instigate public debate on challenges related to the rule of law in Croatia, with specific focus on the judiciary and other institutional areas related to checks and balances, Human Rights House Zagreb organised an online round table which took place online on 1 December 2021. The round table "The rule of law in Croatia - challenges and recommendations in the field of judiciary and other institutional areas from a human rights perspective" gathered relevant experts who shared their observations on the rule of law in Croatia from the perspective of the European Commission, Ministry of Justice and Administration,

²⁹ Croatia, Human Rights House Zagreb (*Kuća ljudskih prava Zagreb*), [Human Rights in Croatia: Overview of 2020](#), April 2021.

Constitutional Court of the Republic of Croatia, as well as in the light of the country-focused judgments of the European Court of Human Rights against Croatia and the Ombudsperson's perspective.³⁰

3.3. CSO cooperation with the Office of the Ombudswoman

CSOs maintain continuous dialogue with the Office of the Ombudswoman through various forms of cooperation.

CSOs representatives contribute to the work of the Ombudswoman's Human Rights Council, an advisory body that proposes strategic guidelines to the Ombudsperson in the field of promoting human rights and freedoms and enhances the institution's cooperation with civil society, academia and the media. It meets at least twice a year and consists of eight members selected through a public call - two representatives of civil society organisations, scientific community, the media and national minorities.³¹ The Office of the Ombudswoman also maintains cooperation with 11 CSOs members of the Network of Anti-Discrimination Contact Points which serves as a platform for exchange of information and planning of joint initiatives aimed at combating inequality and promoting equal treatment.³²

CSOs dealing with human rights protection and anti-discrimination continuously cooperate with the Office of the Ombudswoman for the purposes of preparing its Annual Report through provision of information and their observations regarding trends and challenges concerning protection of human rights during the previous year.³³ In addition, cooperation of CSOs with the Office of the Ombudswoman also continues through the joint organisation of conferences, roundtables, discussions and other events that focus on specific topics within the field of protection and promotion of human rights.

³⁰ Croatia, Human Rights House Zagreb (*Kuća ljudskih prava Zagreb*), [Announcement: Online round table "The Rule of Law in Croatia – Challenges and Recommendations in the Field of Judiciary and Other Institutional Areas from a Human Rights Perspective"](#), November 2021.

³¹ Croatia, Office of the Ombudswoman (*Ured pučke pravobraniteljice*), Public call for nomination of candidates for members of the Human Rights Council ([Javni poziv za predlaganje kandidata za člana Savjeta za ljudska prava](#)), January 2020.

³² Croatia, Office of the Ombudswoman (*Ured pučke pravobraniteljice*), Elected Members of the Network of Anti-Discrimination Contact Points ([Odabrane članice Mreže antidiskriminacijskih kontakt točaka](#)), March 2018.

³³ Croatia, Office of the Ombudswoman (*Ured pučke pravobraniteljice*), Ombudswoman Report for 2020 ([Izvešće pučke pravobraniteljice za 2020.](#)), February 2021.