

CROATIA REVIEW

I. Justice System

B. Quality of justice

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

In its 2023 concluding observations, the Committee on the Elimination of Racial Discrimination noted the adoption in October 2011 of the new Criminal Code and its subsequent amendments, in which racial discrimination is prohibited under article 125, public incitement to violence and hatred is criminalized under article 325 and racist, xenophobic and hate motivation is considered an aggravating circumstance under articles 56 and 87. The Committee also noted the adoption in 2021 of the revised protocol for procedures in cases of hate crimes and the establishment of the working group for monitoring hate crimes. It further notes the adoption of the Code of Conduct for Members of the Government and Certain High-Ranking Officials and the Code of Ethics for Members of the Croatian Parliament. However, the Committee was concerned about reports on the underreporting of incidents of racist hate speech and hate crimes by members of groups vulnerable to racial discrimination owing to their lack of trust in the available complaints mechanisms and remedies. Recalling its general recommendations No. 15 (1993) on article 4 of the Convention and No. 35 (2013) on combating racist hate speech, the Committee recommended that the State party assess the reporting system and complaints channels against racial discrimination, racist hate speech and hate crimes to examine and ensure their availability and accessibility to those vulnerable to racial discrimination, particularly members of the Roma and Serb minority groups and non-citizens, and undertake public education campaigns on the rights enshrined in the Convention and on how to file complaints of racial discrimination, racist hate speech and hate crimes ([CERD/C/HRV/CO/9-14](#), paras. 13 (d), 14 (f)).

In its 2023 concluding observations, the Committee on the Elimination of Racial Discrimination further noted the adoption of the Free Legal Aid Act, in November 2013, and the amendments thereto, to simplify the procedure of granting primary legal aid and to introduce secondary legal aid that entails exemption from the costs of courts proceedings. However, the Committee was concerned about reports on shortcomings in the provision of legal aid at the regional and local levels, the long waiting time to obtain legal aid and the insufficient resources available, which prevent full access to justice for victims of racial discrimination (arts. 5 and 6). The Committee thus recommended that Croatia intensify its efforts to enhance the provision of legal aid to those vulnerable to racial discrimination, including members of the Roma and Serb ethnic minorities, migrants, refugees, asylum-seekers and stateless persons, including by allocating adequate financial resources and by ensuring the availability of legal aid at the regional and local levels. It also recommends that the State party raise public awareness about the availability of legal aid services in cases of racial discrimination ([CERD/C/HRV/CO/9-14](#), paras. 19, 20).

Resources of the judiciary (human/financial/material) (Material resources refer e.g. to court buildings and other facilities. Financial resources include salaries of staff in courts and prosecution offices.)

In its 2023 concluding observations, the Committee on the Elimination of Racial Discrimination noted the information provided on the implementation of the Anti-Discrimination Act, the National Plan for Protecting and Promoting Human Rights and Combating Discrimination (2023–2027) and its two action plans, the National Roma Inclusion Plan (2021–2027) and the Operational Programmes for National Minorities (2021–2024). However, the Committee was concerned about the insufficient budget allocation to implement strategies and policies on racial discrimination and the reluctance of some local authorities to implement legislative and policy frameworks on racial discrimination (arts. 1, 2 and 5). In light of this, the Committee recommended that Croatia intensify its efforts to combat all forms of racial discrimination, including all its intersecting forms, and to address structural discrimination by ensuring the effective implementation of its policies on combating racial discrimination by allocating adequate resources and ensuring the full implementation of non-discrimination policy and legal frameworks at the local and regional levels ([CERD/C/HRV/CO/9-14](#), paras. 7 (c), 8 (b)).

Training of justice professionals (including judges, prosecutors, lawyers, court staff, clerks/trainees)

In its 2023 concluding observations, the Committee on the Elimination of Racial Discrimination recommended that Croatia conduct training programmes for police officers, prosecutors and other law enforcement officials on the identification and registration of incidents of racial discrimination, racist hate speech and hate crimes ([CERD/C/HRV/CO/9-14](#), para. 14 (e)).

C. Efficiency of the justice system

Length of proceedings

In its 2023 Concluding Observations, the Committee on the Elimination of Racial Discrimination noted the adoption in 2011 by the Ministry of Justice and Public Administration of the Strategy for the Investigation and Prosecution of War Crimes Committed in the Period 1991–1995, and the establishment, within the county courts and county offices of the State Attorney in Osijek, Rijeka, Split and Zagreb, of specialized departments on the prosecution of war crimes. The Committee also noted the information provided by the State party's delegation on the adoption in July 2021 of the Act on Civilian Victims of the Homeland War, to facilitate the process of determining the status of all civilian victims of war and enable them to exercise their rights, and the statistics on pending cases and judgments handed down. Nevertheless, the Committee was concerned that the prosecution by domestic courts of persons responsible for serious violations of international humanitarian law has not yet been completed. The Committee was also concerned about reports on the overall decrease in the number of investigations and prosecutions since 2013, delays in hearing witnesses and the high number of

proceedings conducted in absentia and; the alleged differences in sentencing of persons belonging to the Serb and Croatian ethnic groups who are convicted of serious violations of international law. Recalling its previous concluding observations ([CERD/C/HRV/CO/8](#), para. 15) and the recommendations made by the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence in his report following the visit to Croatia in 2021 ([A/HRC/51/34/Add.1](#), para. 91), the Committee recommended that the State party: Accelerate the prosecution of the remaining persons responsible for serious violations of international humanitarian law and ensure that all such cases are effectively investigated and prosecuted, irrespective of the ethnicity of the victims and the perpetrators involved and; Take measures to monitor and combat hate speech and incitement to and the promotion of racial hatred and discrimination, including on the Internet and social media and including by its officials and public institutions, targeted at members of the Serb minority, and ensure that such incidents are effectively, thoroughly and impartially investigated and, where appropriate, prosecuted and punished with penalties commensurate to the offences ([CERD/C/HRV/CO/9-14](#), paras. 23 (a), (b), 24 (a), (b)).

Other

Racist hate speech and hate crimes - In its 2023 concluding observations on Croatia, the Committee on the Elimination of Racial Discrimination was concerned about reports on the frequent failure to adequately recognize, process and prosecute hate crimes, which are often prosecuted as misdemeanours rather than criminal offences, and on the low rate of application by the courts of provisions on racist motivation as an aggravating circumstance. The Committee recommended that Croatia firmly condemn any form of hate speech and distance itself from racist hate speech by politicians and public figures, and ensure that hate speech is investigated and appropriately sanctioned ([CERD/C/HRV/CO/9-14](#), paras. 13 (c), 14 (c)).

III. Media pluralism and media freedom

C. Framework for journalists' protection, transparency and access to documents

Other

Racist hate speech and hate crimes – In its 2023 Concluding Observations, recalling its general recommendations No. 15 (1993) on article 4 of the Convention on the Elimination of All Forms of Racial Discrimination and No. 35 (2013) on combating racist hate speech, the Committee on the Elimination of Racial Discrimination recommended that Croatia take measures to monitor and address the spread of racist hate speech in the media, on the Internet and in social media, in close cooperation with media outlets, Internet service providers and social media platforms and members of groups vulnerable to racist hate speech ([CERD/C/HRV/CO/9-14](#), para. 14 (b)).

IV. Other institutional issues related to checks and balances

B. Independent authorities

Independence, resources, capacity and powers of national human rights institutions ('NHRIs'), of ombudsman institutions if different from NHRIs, of equality bodies if different from NHRIs and of supreme audit institutions

In its 2023 Concluding Observations, the Committee on the Elimination of Racial Discrimination recommended that Croatia continue to strengthen the independence of the Office of the Ombudsperson and enable it to carry out its mandate fully, effectively and independently, in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), by taking effective measures, particularly legal measures, to implement the recommendations of the Subcommittee on Accreditation of the Global Alliance of National Human Rights Institutions ([CERD/C/HRV/CO/9-14](#), para. 12).

D. The enabling framework for civil society

Rules and practices on the participation of civil society organisations and human rights defenders to the decision-making process (e.g. measures related to dialogue between authorities and civil society, participation of civil society in policy development and decision-making, consultation, dialogues, etc.)

In its 2023 Concluding Observations, the Committee on the Elimination of Racial Discrimination recommended that Croatia continue consulting and increasing its dialogue with civil society organizations working in the area of human rights protection, in particular those working to combat racial discrimination, in connection with the preparation of the next periodic report and in follow-up to the present concluding observations ([CERD/C/HRV/CO/9-14](#), para. 38).

E. Initiatives to foster a rule of law culture

Measures to foster a rule of law culture (e.g. debates in national parliaments on the rule of law, public information campaigns on rule of law issues, contributions from civil society, education initiatives etc.)

In its 2023 concluding observations, the Committee on the Elimination of Racial Discrimination recommended that Croatia intensify its efforts to combat all forms of racial discrimination, including all its intersecting forms, and to address structural discrimination by enforcing fully the Anti-Discrimination Act, particularly in employment and education, organizing campaigns to raise awareness among individuals and groups that are most vulnerable to racial discrimination about the legal framework for protection against racial discrimination, and facilitating access to remedies for victims of such discrimination. Further, the Committee noted the information provided on the Citizenship Education programme, which covers topics on human rights and racial discrimination at certain levels of education. However, the Committee regretted the lack of information on measures taken to evaluate and enhance the programme and to promote human rights education, including regarding racial discrimination, in university and teacher-training programmes. It was concerned about lack of information on awareness-raising campaigns targeting the general public, law enforcement officials and members of the judicial authorities on the importance of cultural diversity, tolerance and inter-ethnic understanding (art. 7). The Committee thus recommended that the State party review the Citizenship Education programme and ensure that it is provided at all levels of education and that it covers the promotion of understanding and tolerance among nations and ethnic groups. It also recommended that the State party conduct public awareness-raising campaigns, with measurable outcomes, targeting the general public, civil servants, law enforcement officials and members of the judicial authorities on the importance



of ethnic and cultural diversity, tolerance and inter-ethnic understanding ([CERD/C/HRV/CO/9-14](#), paras. 8 (a), 31, 32).