

Contribution to European Commission's Rule of Law report

2025



UNITED NATIONS
HUMAN RIGHTS
Regional Office Europe

RULE OF LAW & HUMAN RIGHTS

The 'rule of law' is a concept at the heart of the United Nations' mission. It refers to a principle of governance which is consistent with international human rights standards ([S/2004/616](#)). There is no rule of law within societies if human rights are not protected and human rights cannot be protected in societies without a strong rule of law. This interlinkage is reiterated by the UN Secretary-General in his [New Vision for the Rule of Law](#): *"Human rights and the rule of law are mutually reinforcing – the advancement of the rule of law is essential for the protection of all human rights, and human rights are central to the rule of law."*

The Office of the UN High Commissioner for Human Rights (OHCHR), also known as UN Human Rights Office, is mandated by the UN General Assembly to promote and protect the enjoyment and full realization, by all people, of all human rights. As part of its mandate, OHCHR works to mainstream human rights to strengthen the rule of law ([Management Plan 2024 - 2027](#)).

Established in 2009, OHCHR Regional Office for Europe (ROE) aims to advance the protection and promotion of human rights in the European Union and its member States. ROE works to mainstream international human rights standards to strengthen the rule of law in the EU by engaging in and contributing to the European Commission's Rule of Law Report. ROE furthermore promotes the UN human rights mechanisms and processes by giving their work visibility at the regional level.

OHCHR ROE'S CONTRIBUTION

The contribution by OHCHR Regional Office for Europe (ROE) is grounded in the Universal Declaration of Human Rights and nine international human rights treaties:

- International Covenant on Civil and Political Rights (ICCPR)
- International Covenant on Economic, Social and Cultural Rights (ICESCR)
- International Convention on the Elimination of All Forms of Racial Discrimination (ICERD)
- Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)
- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
- Convention on the Rights of the Child (CAT)
- Convention on the Rights of Persons with Disabilities (CERD)
- International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICMW)
- International Convention for the Protection of All Persons from Enforced Disappearance (CPED)

The current submission consists of a compilation of findings and recommendations contained in reports of UN international human rights mechanisms including human rights treaty bodies, special procedures and the Universal Periodic Review of the UN Human Rights Council. It also includes statements and reports by the UN High Commissioner for Human Rights and his Office.

UN HUMAN RIGHTS MECHANISM

Each of the nine international human rights treaties creates a **human rights treaty body or committee of independent experts** to monitor the implementation of the provisions of the treaty. With the support from OHCHR, the treaty bodies:

- consider reports submitted by State parties detailing how they are implementing the treaty;
- adopt general comments interpreting the treaty provisions, and organize discussions on themes related to the treaties; and
- consider complaints (communications) from individuals alleging that their rights have been violated by a State party, provided that the State has accepted the complaints procedure.

The **UN Human Rights Council (HRC)** is a subsidiary body of the UN General Assembly and the main intergovernmental body within the UN responsible for human rights. It meets at the UN Office at Geneva in three regular sessions each year, and may convene special sessions to respond to urgent human rights situations. The HRC benefits from substantive, technical, and secretariat support from OHCHR.

The **special procedures of the UN Human Rights Council** are independent human rights experts with mandates to report and advise on human rights from a thematic or country-specific perspective. As of November 2024, there are 46 thematic and 14 country mandates. With the support of OHCHR, special procedures undertake country visits, act on individual cases of alleged violations and concerns of a broader nature by sending communications (letters of allegation) to States and other entities; contribute to the development of international human rights standards; and engage in advocacy.

The **Universal Periodic Review (UPR) of the UN Human Rights Council** is a State-led mechanism that conducts a peer review of the human rights situation of each UN Member State once every 4.5 years. It is carried out by the UPR Working Group of the Human Rights Council. In each review, the State under review reports on the actions it has taken to improve its human rights situation and overcome challenges to the enjoyment of human rights. It also receives recommendations from UN Member States for improvement. In addition to the national reports of States under review, the UPR is informed by compilations of stakeholder information and UN system reports.

In recent years, States have established **National Mechanisms for Implementation, Reporting and Follow-up (NMIRF)**, some of whom with the technical assistance of UN Office of the High Commissioner for Human Rights (OHCHR). This mechanism, which is often based within the ministry of foreign affairs, has a mandate which includes following-up on all treaty body obligations, UPR recommendations, as well as recommendations from other international and regional human rights mechanisms, and generally works closely with government ministries, national human rights institutions and civil society organizations. (See: [National Mechanisms for Reporting and Follow-up: A Study of State engagement with International Human Rights Mechanisms](#); [A Practical Guide to Effective State Engagement with International Human Rights Mechanisms](#))

The **Office of the UN High Commissioner for Human Rights (OHCHR)** also known as **UN Human Rights Office** is the main human rights entity of the UN to protect and promote all human rights for everyone everywhere. The High Commissioner for Human Rights leads OHCHR. He is the principal human rights official of the United Nations.

INSIDE THE CONTRIBUTION

CROATIA

- Period of contribution: January - December 2024
- Contents of contribution:
 - The Human Rights Committee (CCPR) adopted its concluding observation on Croatia on 18 July 2024 and the report ([CCPR/C/HRV/CO/4](#)) was published on 25 July 2024.
- Forthcoming relevant information (January - May 2025):
 - The Committee on Economic, Social and Cultural Rights (CESCR) will consider the State Party report from Croatia during its 77th session (10 – 28 February 2025).
 - The Committee on Enforced Disappearance (CED) will consider the State Party report from Croatia during its 28 Session (17 March 2025 - 4 April 2025).
- Resources:
 - [Rule of Law in Europe | OHCHR](#)
 - OHCHR country page - [Croatia](#)
 - [Universal Human Rights Index \(UHRI\)](#) allows you to explore over 230.000 observations and recommendations made by the international human rights protection system (treaty bodies, special procedures and the Universal Periodic Review)

Pillar I: JUSTICE SYSTEM

There is no true respect for the rule of law without a judicial power guaranteeing compliance therewith. Judges guarantee compliance with laws and with it the reality of democratic coexistence. The duty to promote equality among all persons, especially to ensure that everyone has the right to access justice on an equal basis with others, rests with the judiciary. Guaranteeing access to justice is indispensable to democratic governance and the rule of law, as well as to combating inequality and exclusion.

Respecting the rule of law through fostering the separation of powers and the independence of justice ensures protection of human rights. The judiciary is the ultimate guarantors of human rights. However, at the same time, judges, prosecutors and lawyers are subject to attacks and violations of their rights, including threats, intimidation, external interference in conducting their professional activities, arbitrary detention, prosecution, and killings. These attacks threaten the impartiality and independence of the judiciary and the legal profession and in turn, deter their role as guarantors of human rights and the rule of law.

For more info:

- [Basic Principles on the Independence of the Judiciary](#)
- [Human rights in the administration of justice: a manual on human rights for judges, prosecutors and lawyers](#)
- [International principles and guidelines on access to justice for persons with disabilities](#)
- [General Recommendation No. 33 on women's access to justice \(CEDAW/C/GC/33\)](#)
- [Special Rapporteur on the independence of judges and lawyers](#)

Efficiency of the justice system; independence; accessibility of courts (legal aid)

- The Human Rights Committee welcomes a number of measures implemented by the State party with a view to improving the efficiency of the judicial system and reducing the backlog of cases, including through changes to procedural regulations and the introduction of technology based solutions. The Committee is however concerned about reports indicating a lack of transparency relating to the appointment of members of the State Judicial Council, as well as to possible undue interference in the appointment, career, discipline and removal of judges and prosecutors and the restricted publication of court decisions. It is also concerned about the lengthy duration of court proceedings and the negative impact this has on the public perception of judicial independence. While welcoming the recent increase to the budget allocation for free legal aid, the Committee remains concerned that access to free legal aid is still problematic, with reports indicating a lack of awareness among members of the public about authorised providers and eligibility criteria, insufficient and unpredictable financing for providers and the absence of registered primary legal aid providers in certain parts of the State party (art. 14). ([CCPR/C/HRV/CO/4, para. 33](#))
- The State party should:
 - (a) Enhance the transparency of the selection of members of the State Judicial Council and of members of the High Prosecutorial Council and prevent any type of undue interference by other branches of government in the appointment, career, discipline and removal of judges and prosecutors ;
 - (b) Systematically publish court decisions and make them easily accessible and searchable;
 - (c) Continue and expand measures aimed at shortening judicial proceedings and at making judges, prosecutors and courts accountable, namely for any type of misconduct or for unjustified excessive delays;
 - (d) Take appropriate measures to strengthen the free legal aid system for all persons without sufficient means, including by providing sufficient and sustainable financing for organisations providing free legal aid services, ensuring the availability of quality legal aid services in all parts of the State party's territory, and raising awareness among members of the public about authorised providers and eligibility criteria. ([CCPR/C/HRV/CO/4, para. 34](#))

Pillar II: ANTI-CORRUPTION

Corruption has a destructive effect on State institutions and it undermines the functioning and legitimacy of institutions and processes, the rule of law and ultimately the State itself. In particular, corruption effects on the capacity of States to respect, protect and fulfil human rights particularly of those persons and groups in situation of vulnerability and marginalization.

Corruption pose a major challenge to many societies as they divert public revenues and cripple public budgets that should provide healthcare, housing, education, and other essential services, they undermine States' ability to meet their minimum core obligations and their pre-existing legal obligations to maximize all available resources to respect, protect and fulfil human rights.

For more info:

- [Corruption and human rights | OHCHR](#)
- [OHCHR Key messages on the negative impact of corruption in the enjoyment of human rights](#)

The institutional framework capacity to fight against corruption

- While noting the legislative, institutional and policy framework in place to combat corruption, including the Act on Prevention of Conflicts of Interest adopted in 2021 and the new Law on the protection of reporters of irregularities adopted in 2022, the Human Rights Committee is concerned at the reportedly inconsistent application of this framework resulting in the continued prevalence of corruption particularly in regard to publicly owned or publicly controlled companies, including at the regional and local level. While noting the statistical information provided on corruption-related indictments and judgments, the Committee is concerned about the low number of prosecutions and convictions, in particular for high-level corruption offences, the reported lack of capacity of the Commission for the Resolution of Conflicts of Interest, and the insufficient protection of whistle-blowers. ([CCPR/C/HRV/CO/4, para. 9](#))
- The State party should take all necessary measures to strengthen implementation and enforcement of its legislative and policy framework on corruption. In particular the State party should:
 - (a) Take appropriate measures to strengthen and accelerate the investigation, prosecution of all cases of corruption, particularly those involving high-level public officials and politicians, and ensure that perpetrators, if found guilty, are sanctioned adequately, and that victims receive full reparation;
 - (b) Ensure effective implementation of the Act on Prevention of Conflicts of Interest adopted in 2021, notably by strengthening the capacity of the Commission for the Resolution of Conflict of Interest, including by providing it with the necessary human, financial and technical resources to allow it to undertake systematic and thorough verification of asset declarations and effectively pursue non-compliance with reporting obligations under the Act;
 - (c) Enhance enforcement measures to address corruption, including by ensuring effective confiscation of illegally obtained gain by the Office for the Suppression of Corruption and Organized Crime (USKOK);
 - (d) Provide effective training to law enforcement officials, prosecutors and judges on detecting, investigating and prosecuting corruption and related offences;
 - (e) Guarantee effective protection for whistle-blowers, including by providing targeted training for employers and persons fulfilling the role of internal reporting channel on the new Law on the protection of reporters of irregularities adopted in 2022;
 - (f) Ensure effective implementation of the Lobbying Act, adopted in March 2024, in order to effectively regulate communication between lobbyists and high-level public officials and politicians;
 - (g) Continue to implement training and awareness-raising campaigns to inform public officials, politicians, the business community and the general public about the economic and social costs of corruption and the mechanisms in place to address it. ([CCPR/C/HRV/CO/4, para. 10](#))

Pillar III: MEDIA FREEDOM

Free, independent, plural and diverse media are a core component of the right to freedom of expression, a cornerstone of democratic societies and plays an essential role in strengthening the rule of law. Journalists and the media are crucial to ensure transparency and accountability for public and governmental authorities.

For more info:

- [OHCHR and the safety of journalists and the issue of impunity](#)
- [Special Rapporteur on freedom of opinion and expression](#)
- [General comment No.34 on Article 19: Freedoms of opinion and expression \(CCPR/C/GC/34\)](#)

Lawsuits (incl. SLAPPs - strategic lawsuits against public participation) and convictions against journalists (incl. defamation cases)

- While noting the measures taken by the State party to enhance the safety of journalists through enhanced cooperation with organizations representing journalists, the Human Rights Committee is concerned about the prevalence of intimidation and, in some cases, physical attacks against journalists and the lack of effective judicial response by the authorities. The Committee is also concerned about the continued criminalization of defamation, the vague and ambiguous wording of related terms in the Criminal Code and the high prevalence of strategic lawsuits claiming significant compensation of damages against journalists and their editors for alleged defamation, all of which discourage the media from publishing critical information on matters of public interest and have a chilling effect on freedom of expression. The Committee is troubled by the amendments to the Criminal Code, made in January 2024, that introduce a new criminal offence of “unauthorized disclosure of the content of an investigative or evidentiary action” punishable by up to three years’ imprisonment. The Committee is concerned specifically that this offence appears to be incompatible with the State party’s whistle-blower protection legislation, as it does not allow for a public interest defence for anyone revealing information who is not a journalist, potentially compromising journalists’ sources (arts. 6, 7 and 19). ([CCPR/C/HRV/CO/4, para. 37](#))
- In accordance with article 19 of the Covenant and the Committee’s general comment No. 34 (2011) on the freedoms of opinion and expression, the State party should:
 - (a) Ensure the prompt, independent and impartial investigation of all reported cases of violations of freedom of expression, including threats and violent attacks against journalists, prosecute suspected perpetrators, try them expeditiously and, if found guilty, punish them with penalties commensurate with the seriousness of the offence and provide victims with reparations;
 - (b) Ensure the effective implementation of prevention and response frameworks to promote the safety of journalists, including agreements recently concluded with organizations representing journalists;
 - (c) Consider decriminalizing defamation and, at a minimum, restrict the application of criminal law to the most serious cases;
 - (d) Ensure that safeguards are in place to prevent the use of strategic defamation litigation to target or restrict the activities of journalists, human rights defenders and the media and discourage the publication of critical information on matters of public interest;
 - (e) Introduce limitations on potential civil damages for defamation;
 - (f) Review amendments to the Criminal Code, made in January 2024, which introduced the new criminal offence of “unauthorized disclosure of the content of an investigative or evidentiary action”, with a view to ensuring the availability of a public interest defence in all cases. ([CCPR/C/HRV/CO/4, para. 38](#))

Pillar IV: CHECKS AND BALANCES

Civic space is the environment that enables civil society to play a role in the political, economic and social life of our societies. In particular, civic space allows individuals and groups to contribute to policy-making that affects their lives, including by: (1) accessing information; (2) engaging in dialogue; (3) expressing dissent or disagreement, and (4) joining together to express their views. An open and pluralistic civic space that guarantees freedom of expression and opinion as well as freedom of assembly and association, is a prerequisite for making development and peace sustainable.

For more info:

- [OHCHR and protecting and expanding civic space](#)
- [Special Rapporteur on human rights defenders](#)

- [The Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms](#)

There is no relevant information under this pillar for the coverage period.