



Civic Space Report 2024

CROATIA





About the author

Human Rights House Zagreb is a human rights organisation established in 2008 as a network of civil society organisations with the goal of protecting and promoting human rights and fundamental freedoms. HRH's vision is to build a democratic, pluralistic and inclusive society founded upon the values of human rights protection, the rule of law, social justice and solidarity. Through research, monitoring, advocacy and education, HRH contributes to the protection, promotion, development and advancement of human rights and fundamental freedoms. By publishing annual overviews of the state of human rights, thematic reports and policy briefs, we help create better laws and public policies.

About this report

This analysis was published as part of the European Civic Forum's Civic Space Report 2024. The full report contains chapters written by its secretariat, by member organisations, or by partner organisations and individuals. Much of the content originally appeared as part of ECF's submission to the European Commission's Rule of Law consultation. Each chapter reflects the views and analysis of its respective author. For more information about the European Civic Forum, please visit www.civic-forum.eu

Read the full report at

civic-forum.eu/CivicSpace24

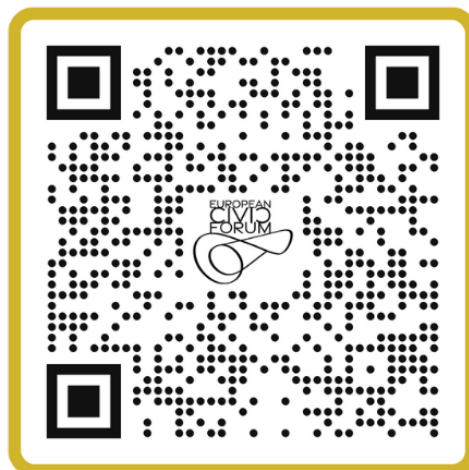


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Key trends

- 🔍 **SLAPP cases against journalists and some civic actors remain a concern**
- 🔍 **Government has failed to deliver National Plan for Creating an Enabling Environment for civil society**
- 🔍 **Civil dialogue between government and civil society remains eroded due to ineffective Government council**

Summary

Civic space is rated as 'narrowed' in Croatia¹. In its 2023 Rule of law report on Croatia, the European Commission recommended that the government "Make further efforts to address the issue of strategic lawsuits against public participation targeted at journalists, including by reviewing the legal provisions on defamation and encouraging wider use of procedural rules that allow dismissing groundless lawsuits, taking into account the European standards on the protection of journalists"². In 2023 there was no review of legal provisions related to defamation. Although the Judicial Academy reviewed and improved educational materials for the training of judges on Strategic Lawsuits Against Public Participation, currently the number of participating judges and their profiles remain unknown.³

Last year's EC report also noted that "the preparation of the new National Plan for Creating an Enabling Environment for the Civil Society Development 2021- 2027 has not progressed. This remains the case to date. Even though the process of drafting a new strategic document was initiated in 2021, and the Working Group for drafting the National Plan was established in January 2022, the document was not presented for the public consultations, and it is unknown when it will be adopted.

¹ <https://monitor.civicus.org/country/croatia/>

² https://commission.europa.eu/system/files/2023-07/27_1_52610_coun_chap_croatia_en.pdf

³ [https://hudoc.exec.coe.int/#{%22execidentifier%22:\[%22DH-DD\(2023\)1507E%22\]}](https://hudoc.exec.coe.int/#{%22execidentifier%22:[%22DH-DD(2023)1507E%22]})

Furthermore, dysfunctionality, sidelining and overall marginalisation of the Government's Council for Civil Society Development continued in 2023 with only one session of the Council held. Although the elections for the new civil society members of the next iteration of the Council were concluded in time, it took the Government approximately six months to appoint the new Council only at the beginning of 2024. This additionally eroded the possibility for genuine dialogue between the government and civil society and deprived access and opportunity for civil society organisations to participate in decision-making processes relevant to areas of their work.

Institutional, political and socio-economic landscape

In 2023, civic space continued to be burdened by the erosion of the institutional framework for civil society development. The adoption of the new National Plan on Human Rights is regarded as a step forward⁴. However, the quality, scope and ambitiousness of the proposed measures and activities are inadequate to tackle complex challenges in areas of fundamental rights, democracy, rule of law or economic and regional inequalities.

The judiciary remains burdened by a low level of citizens' trust, insufficient transparency, and poor quality of judgements. At the end of 2023, 28 leading judgments of the European Court of Human Rights against Croatia were pending implementation. This points to systemic problems in the area of respect for and the protection of human rights⁵. The violation of the human rights of refugees and asylum seekers remains a concern. As documented by a recent investigation into pushbacks taking place at the border of Croatia and Bosnia and Herzegovina, Croatian police "regularly and often

⁴ <https://www.ombudsman.hr/hr/kuca-ljudskih-prava-predstavila-godisnje-izvjesce-o-stanju-ljudskih-prava-u-hrvatskoj/>

⁵ <https://www.coe.int/en/web/execution/croatia>

violently” push back refugees, asylum seekers, and migrants to Bosnia and Herzegovina without assessing their asylum requests or protection needs⁶.

Although the fight against corruption has accelerated, primarily due to the work of the European Public Prosecutor’s Office, the prevention of corruption has weakened, primarily through the weakening of the Commission for Conflict of Interest⁷. Regional inequalities and differences in access to basic social services between urban and rural parts of Croatia remain pronounced with more than a fifth of Croatia’s population still at risk of poverty⁸.

Civic freedoms: regulatory environment and implementation

The Croatian Act on Associations regulating the right to association remains in place and, for the most part, is adequate from the civic space perspective.

For seven years, Croatia has been without a fundamental public policy in the field of civic space. The current, third attempt to create the new National Plan for Creating an Enabling Environment for Civil Society Development for 2021-2027 was initiated in 2021, and for the past three years was unsuccessful in producing a new policy document. Additionally, after six years without a fundamental human rights policy, at the beginning of 2023, the Government finally adopted the National Plan for the Protection and Promotion of Human Rights and Combating Discrimination until 2027. Although the plan recognises the importance of improving cooperation with civil society and human rights defenders, the accompanying Action Plan on Human Rights for 2023 did not predict any new measures that would aim to remedy identified problems in the field of public participation, financing of civil society and in other relevant domains. The process of drafting action plans for the National

⁶ <https://www.hrw.org/news/2023/05/03/croatia-ongoing-violent-border-pushbacks>

⁷ https://www.kucaljudskihprava.hr/wp-content/uploads/2023/12/KLJP_GI2022-Online-1.pdf

⁸ https://www.kucaljudskihprava.hr/wp-content/uploads/2023/12/KLJP_GI2022_DIGI.pdf

Plan for 2024 and 2025 began in the middle of 2023 with the inclusion of more than 10 representatives of civil society organisations as members of the working group. Unfortunately, the aforementioned action plans for 2024 and 2025 still need to be adopted which halts the implementation of the overall National plan.

Freedom of peaceful assembly

Freedom of peaceful assembly is protected by the Constitution of the Republic of Croatia and regulated by the Public Assembly Act.

Freedom of peaceful assembly was significantly and negatively impacted by the securitisation of Saint Mark's Square in Zagreb which is surrounded by metal fences blocking free and unhindered access of the public to the square, including, most importantly for protest purposes. The current *regime* was introduced in late 2020 following a shooting at the government building, and ever since it has not been removed. The government cites security concerns as a reason for not reinstating full and free access and movement on the square thus public gatherings could only be organised on St. Mark's Square with prior notification, while access is possible only through designated police checkpoints. The square is where most important institutions have their seats - Government, Parliament and the Constitutional Court.

Therefore, this has severely affected citizens' right to free expression and protest given that this is the most politically relevant location where they can be heard and seen by elected democratic representatives and officials.

Safe space

Although in 2023 there were no recorded cases of violence against human rights defenders and civil society organisations, Strategic Lawsuits Against Public Participation (SLAPPs) continued to be a consistent problem that hampers freedom of expression in Croatia. Although journalists are the main targets of SLAPPs, environmental CSOs are also at risk.

At the beginning of 2023, a first-instance court decision was rendered in the 2017 SLAPP case against the Friends of the Earth Croatia (Zelena Akcija). Following the public campaign by the association against the construction of a golf resort on the hill above Dubrovnik, a private investor initiated a criminal procedure for honour and reputation and a civil procedure for damages against three designated legal representatives of the association at the time, in which the sum of claims (without interest and court costs) amounts to about €26,000. The court ruled in favour of the investor and found Friends of the Earth guilty of damaging the honour and reputation of the investor. An appeal is currently ongoing before the High Criminal Court.⁹

Funding for civil society

The financial framework and conditions for civil society remain inadequate in 2023. With the scarce presence of foreign private donors and undeveloped private and corporate philanthropy, the National Foundation for Civil Society Development and the European Social Fund are the backbone of the financial support system of the Croatian civil sector. However, there is a general lack of national public funding for programs of civil society organisations working on human rights, democracy, the rule of law, transparency and similar topics relevant to the functioning of a democratic society. The lack of funding for watchdog, research, and advocacy activities is particularly worrying. CSOs continue to be burdened with increasing administrative requirements, such as rigidity in implementing reporting and budget changes, which take up a large portion of human and financial resources at the expense of quality preparation and implementation of program

⁹ https://www.kucaljudskihprava.hr/wp-content/uploads/2022/12/KLJP_ThematicDefenders1-1-1.pdf

activities. While the administrative requirements that organisations must meet are continuously increasing, the financial support for ensuring sustainable administrative, financial, and operational activity for the organisations is not proportional to these requirements. The main reason for the lack of financial viability and sustainability of civil society lies in the lack of national public funding that would fund long-term programs for civil society organisations working in different areas according to the identified needs.

Civil dialogue and the right to participation

Challenges to the participation of civil society organisations in the decision-making process remained the same as in previous years. E-consultations are almost always held solely as a way to fulfil formal obligations, while numerous issues with this form of public consultation continue to raise concerns, including the shortening of the consultation period without justification¹⁰. Public consultations on draft laws and public policies are often more formal than substantive, which weakens opportunities for participation and has a negative impact on the quality of public policies. The appointment of civil society organisations to advisory bodies is often non-transparent in practice, while those appointed through the Council for Civil Society Development do not always reflect the most qualified candidates, which sends the message that the government does not care about the meaningful participation of civil society in decision-making processes¹¹.

Challenges in exercising the right to participation are also manifested in the shortcomings in the work of the Council for Civil Society Development, which has almost completely ceased to be an actual platform for consultation and dialogue between civil society organisations and the government, thereby increasingly failing to fulfil its role of encouraging intersectoral cooperation. The above concerns on civic participation were showcased during the process of drafting the new Election Constituencies Act which was not transparent. The government did not establish an official working group in charge of drafting the new legislation that would have included external experts on electoral

¹⁰ https://www.kucaljudskihprava.hr/wp-content/uploads/2022/12/KLJP_ThematicDefenders1-1-1.pdf

¹¹ https://www.kucaljudskihprava.hr/wp-content/uploads/2022/12/KLJP_ThematicDefenders1-1-1.pdf

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issues from academia and civil society. There was no consultation with the wider public during the drafting process which is contrary to the international electoral standards, good democratic practices, and the right to public participation. Names of the drafters of the new law were not publicly made available immediately. Following a decision of the Information Commissioner, the Ministry of Justice and Public Administration published the names of the officials from the Directorate for the Political System and General Administration sector within the Ministry, without explicitly stating anywhere that they are the creators of the new election law.

Civil society resilience

It is worth mentioning the government Council for Human Rights as an example of good practice of intersectoral cooperation between the state and civil society. Established in 2021 and chaired by the Vice President of the Government, the Council is composed of representatives of the institutions and three members representing human rights organisations. The Council holds regular sessions and discusses topics relevant to its mandate (e.g. implementation of the Ombudsman's recommendations, hate speech and hate crime issues, etc.). Overall, the Council sessions provided an opportunity for a genuine dialogue on current and relevant human rights issues between decision-makers, decision-makers and independent national human rights bodies (NHRIs).

Recommendations

Targeted recommendation:

- 🔍 In an inclusive, genuine, and constructive process, develop and adopt without delay a new National Plan for Creating an Enabling Environment for Civil Society Development until 2027.
- 🔍 **Adopt key policies to develop the capacities of the sector and protect civic space, in a transparent, inclusive and participatory process engaging civil society: the National Strategy for the Creation of an Enabling Environment for Civil Society Development and National Program for Protection and Promotion of Human Rights;**
- 🔍 **Address the issue of strategic lawsuits against public participation (SLAPPs) targeted at CSOs' public watchdogs and journalists, including by addressing the abuse of legal provisions on defamation and encouraging awareness, taking into account European standards on the protection of journalists.**
- 🔍 **Restore the previously functional framework of cooperation between CSOs and public authorities, in particular by reviewing the composition of the Council for Civil Society Development to ensure fair representation of civil society organisations. Even more vital is restoring cooperation standards based on open, critical dialogue and consensus-building;**
- 🔍 **Improve the existing system of financial support taking into account the different needs of CSOs**



About European Civic Forum

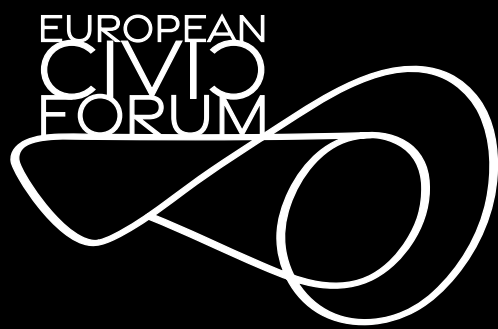
European Civic Forum (ECF) is a pan-European network of more than 100 associations and NGOs across 30 European countries,

Founded in 2005 by our member organisations, we have spent nearly two decades working to protect civic space, enable civic participation and build civil dialogue for more equality, solidarity and democracy in Europe.



About Civic Space Watch

Civic Space Watch collects findings and analyses from actors in Europe on the conditions for civil society to operate, capturing national and trans-European trends in civic space. Through ongoing monitoring of social media and regular contact and interviews with a strong network of members and partners on the ground, we strive to provide easy access to resources and improve information sharing within civil society across Europe.



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