

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

Croatia

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1 Five most significant civic space developments in 2020

1.1 Lack of policies for civil society development

General conditions for work of civil society in Croatia have deteriorated in the past year due to the combination of continuing issues and additional challenges that emerged in relation to the spread of Covid-19 epidemic. There were no public initiatives or policies adopted that would aim at strengthening civil society development in Croatia. The National Strategy for the Creation of an Enabling Environment for Civil Society Development¹ expired in 2016, when the process of drafting a new strategy started. The proposal for a new strategy was made and went through a broad and participatory public consultation process, but it did not receive the consent of the competent authorities. Since then, the development of a new strategy has started, but it has not yet been drafted or adopted, despite the repeated announcements by the Government Office for Cooperation with NGOs that the Strategy will be brought in 2020. In addition, the National Program for Protection and Promotion of Human Rights² expired in 2016 and a new one has also not been adopted for the fourth year in a row. The National Program consists of a set of important measures for the support of civil society organisations active in the area of protection and promotion of human rights. According to CIVICUS country monitor, civic space in Croatia is assessed as narrowed, which was also stated in the European Commission's Rule of Law Report for Croatia for 2020.³

1.2 Civil dialogue and participation in decision-making

Negative trends in 2020 are also visible with respect to the civil dialogue and participation in decision making. The Government did not maintain a dialogue with civil society with respect to adoption of emergency measures related to the coronavirus epidemic. There were also no Government consultations in that regard with the Council for Civil Society Development, an advisory body to the Government acting towards developing cooperation between the Government and civil society organisations.⁴ In addition, in the new convocation of the Council from May 2020, CSO representatives in the Council have limited influence on the

¹ Government of the Republic of Croatia, National Strategy for the Creation of an Enabling Environment for Civil Society Development, 12 July 2012, available at: <https://udruga.gov.hr/UserDocsImages/UserFiles/File/National%20Strategy-Civil%20Society-Croatia-2012-2016-eng.pdf>.

² Government of the Republic of Croatia, National Program for Protection and Promotion of Human Rights for the Period of 2013 - 2016, available at: <https://www.refworld.org/pdfid/54c0c61b4.pdf>.

³ European Commission, 2020 Rule of Law Report, Country Chapter on the rule of law situation in Croatia, SWD(2020) 310 final, available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1602579986149&uri=CELEX:52020SC0310>.

⁴ Government of the Republic of Croatia, Website of the Council for Civil Society Development, available at: <https://udruga.gov.hr/highlights/the-council-for-the-civil-society-development/163>.

decisions adopted by the Council because a majority of Council members come from various Government departments which limits the opportunities of CSO representatives to influence the priorities and policies of the Council. This resulted in the election of a president of the Council who for the first time did not get the support of the majority of CSOs represented in the Council.

Another issue was that the Government Office for Cooperation with NGOs conducted the election process for members of the European Economic and Social Committee (EESC) representing civil society that resulted in an unequal treatment of Croatian nominees from Group III.⁵ In case of Group III nominees, neither were civil society candidates provided with the opportunity to present themselves to the Council members, nor were the Council members allowed to discuss the candidacies. Furthermore, the civil society representatives were appointed by means of an electoral procedure at the Council which is made up of 20 representatives of public authorities (state, regional and local government institutions, agencies and their associations) and 17 representatives of civil society and social partners. This procedure took place despite the fact that the Council members from civil society had submitted a written proposal for a two-stage electronic election procedure (first round of voting by 17 Council CSO members, followed by confirmation vote of all 37 Council members). This proposal was ignored at the constituting meeting of the Council held on 20 May 2020 and the presentation of candidates never took place. Instead, the Office for Cooperation with NGOs initiated the election process by means of electronic voting towards the end of the workday on Friday 29 May 2020, with a deadline of Tuesday, 2 June 2020, at noon, without allowing for candidate presentations. The vote was open to all members of the Council, which in itself prevents self-representation of CSOs in the EESC. This procedure was therefore in collision with the self-representation principle guiding democratic relations between government and civil society, social partners included.⁶ In addition, according to the representatives of CSOs in Croatia, the overall quality of civic participation in processes of legislation and policy development is not on an adequate level. Online public consultations are available through the platform "e-savjetovanja", but the quality of participation is hampered by the fact that citizens' inputs and recommendations are often not genuinely welcome and taken into consideration by public authorities.⁷

⁵ CROSOL, Election of members of the European Economic and Social Committee in Croatia: CIVIL SOCIETY REPRESENTATIVES WITHOUT VOICES FROM CIVIL SOCIETY, 10 June 2020, available at: <https://crosol.hr/en/election-of-members-of-the-european-economic-and-social-committee-in-croatia-civil-society-representatives-without-voices-from-civil-society/>.

⁶ Ibid.

⁷ Joint NGO Submission on behalf of the Coalition of Croatian human rights NGOs in relation to Croatia's 3rd UN Universal Periodic Review, JS4 - Joint Submission 4, October 2019, available at: <https://www.ohchr.org/EN/HRBodies/UPR/Pages/UPRHRStakeholdersInfoS36.aspx>.

1.3 Emergency measures related to COVID-19 epidemic

Emergency measures adopted as a response to the outbreak of the Covid-19 epidemic reflected on the work of CSOs in 2020. Due to restrictions on movement and assembly, it was impossible to carry out activities such as education, conferences and other events. Campaigns and other advocacy activities were more difficult to implement since the information about coronavirus dominated the media space. For some associations it was not possible to hold an online assembly without amending the statute, but some cities and municipalities showed understanding for such situations and accepted online sessions of assemblies and other bodies, with the obligation for associations to amend the statute accordingly within a reasonable time. In April 2020, the Croatian Government did not include the civil society sector in the recovery measures when it announced mitigation measures for the consequences of Covid-19 epidemic intended for beneficiaries of EU funds and the Decision on restricting the use of funds foreseen in the state budget. This was followed by a reaction of CSOs' initiative which emphasized the need to adopt measures for protection of work of CSOs in Croatia in relation to the coronavirus epidemic.⁸ Moreover, some local administration units (such as Split and Brod-Posavina County) abolished or put on hold financing of CSOs from the local budget which negatively affected the work of CSOs on the local level. A European Social Fund (ESF) call for proposals was announced for projects aimed at tackling the consequences of the coronavirus epidemic, but it has not yet been published.

1.4 Financing of civil society work

The findings of a recent research on access to **funding for CSOs**⁹ indicated a high level of distrust of CSOs towards domestic institutions that allocate funds from the state budget as well as European Structural and Investment (ESI) funds, as opposed to the EU programs in relation to which no similar problems were detected. The research identified significant administrative barriers that increase the workload of CSOs. In addition, the CSOs pointed out the inconsistencies in recognising the problems of local communities. Certain existing problems in society and communities have not been recognised by domestic donors and as such are not included in the existing funding programs or the new programs that are being developed. Therefore, CSOs seek alternative ways of funding in order to be able to operate in those areas. 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 in order for them to be included in civil society funding programs. The short-term format of public funding for CSO projects negatively affects the work of CSOs engaged in long-term advocacy and watchdog activities. Due to the absence of systemic public

⁸ Civilnodruštvo.hr, Initiative "For a stronger civil society": Government needs to adopt measures for preservation of work of civil society, 20 April 2020, available at: <https://www.civilnodrustvo.hr/inicijativa-za-snazno-civilno-drustvo-vlada-treba-donijeti-mjere-za-ocuvanje-rada-civilnog-drustva/>.

⁹ Human Rights House Zagreb, Access to financing for civil society organizations in Croatia: EU programs, ESI funds and state budget, December 2020, available at: <https://www.kucaljudskihprava.hr/publikacije/>.

financing for organizations providing social services in deprived communities to vulnerable groups, these CSOs face difficulties in securing the sustainability of their support programs. In addition, delays in announcing and processing project calls have had a negative effect on the operational capacity of CSOs and the turnover of professional staff, which is crucial for the quality of social services provision.¹⁰

1.5 Restrictions to media freedoms

With respect to the situation in the media and public space, a national media strategy has not been adopted yet, which is why Croatia still does not have a clearly defined media policy as a basis for the announced change in media legislation. Many factors have a chilling effect on journalists and development of a pluralistic media landscape which hampers broad public debate on controversial topics. With that regard, frequent lawsuits against journalists and editors for defamation, insult and shaming are continuously concerning, and so are the attacks, threats and intimidation of journalists, especially those investigating controversial topics such as war crimes, organized crime or corruption. Additional matters of concern are the Government's interference in the work of public television as well as lawsuits by public television against its journalists seeking large damages.¹¹ The work of non-profit media in Croatia has been seriously hampered since the Ministry of Culture made sharp cuts to public funding schemes for independent media in 2016. The absence of domestic public funding in combination with delays in the EU funding scheme is putting non-profit media in a difficult position by forcing them to reduce their work, which is of great importance for promotion and protection of human rights of most vulnerable groups in Croatian society.¹²

2 Examples of promising practice

The citizen initiative "People for People" established three years ago helps the elderly and poor residents of the Sisak-Moslavina County and organises collection of aid for people with difficult living conditions. Help is provided for many individuals, families, associations, hospitals and homes for children. The initiative operates through a special Facebook page "People for People"¹³ which quickly

¹⁰ Joint NGO Submission on behalf of the Coalition of Croatian human rights NGOs in relation to Croatia's 3rd UN Universal Periodic Review, JS4 – Joint Submission 4, October 2019, available at:

<https://uprdoc.ohchr.org/uprweb/downloadfile.aspx?filename=7851&file=CoverPage>.

¹¹ Human Rights House Zagreb, Human Rights in Croatia: Overview of 2019, March 2020, available at: https://www.kucaljudskihprava.hr/wp-content/uploads/2020/04/KLJP_godisnjeIzvjesce2019_ENG_web.pdf

¹² Joint NGO Submission on behalf of the Coalition of Croatian human rights NGOs in relation to Croatia's 3rd UN Universal Periodic Review, JS4 – Joint Submission 4, October 2019, available at:

<https://uprdoc.ohchr.org/uprweb/downloadfile.aspx?filename=7851&file=CoverPage>

¹³ Facebook page "Ljudi za ljude" is available here:

https://www.facebook.com/ljudizaljude/?ref=page_internal

began to spread and today has more than 46.000 members. Communication related to fundraising takes place through social networks, while donations are physically collected once a week in Zagreb. In the situation of the coronavirus epidemic, the initiative launched the action #helpyourneighbors in order to ensure the purchase of food and groceries for the elderly.¹⁴ In addition, in cooperation with Zelena akcija/FOE Croatia, during 2020 the initiative organised the humanitarian campaign "Ray of Sun - Light of Hope", raising about 14.140 euro to bring electricity to five households in Sisak-Moslavina County using solar systems.¹⁵ The People for People Initiative is also very active in provision of humanitarian assistance and relief in Sisak-Moslavina County after devastating earthquakes that took place in December 2020.

Another initiative "Jedni za druge" (Each for other) was initiated at the start of the Covid-19 epidemic by citizens through Facebook in order to serve as a connection platform for volunteers and members of groups at risk who need assistance with getting groceries, medicines and running daily errands. In cooperation with telecom A1 Croatia, the initiative started its free telephone line which could be used to reach volunteers in all parts of the country. The Facebook group gathered more than 10.000 members in two days and over 15.000 altogether.¹⁶ ¹⁷ Its activities were put on hold in August 2020 following the drop in demand of its services, but the founders remained open to resume the group's activities in cases of future need.

In relation to the measures adopted as a response to the outbreak of the Covid-19 epidemic, some cities and municipalities did not charge the rent to CSOs which rent office spaces that are owned by those cities and municipalities.

In August 2020, the Central State Office for Demography and Youth held a meeting with youth representatives¹⁸ during which they set the basis of their future cooperation and discussed problems faced by youth in the frame of the COVID crisis as well as youth employment, housing and education. It was agreed that youth associations will help raise awareness of responsible behaviour among the youth during the pandemic and the Office shall assist in the adoption of measures that will benefit the youth.

¹⁴ Večernji.hr, I started visiting people so they would not die alone, and then I realized I could help them, 5 January 2020, available at: <https://www.vecernji.hr/vijesti/pocela-sam-obilaziti-ljude-da-ne-umru-sami-a-onda-shvatila-da-im-mogu-pomoci-1370435>

¹⁵ Zelena akcija/FOE Croatia, Ray of sun - light of hope: The campaign ended! We collected 105% of our target!, 12 March 2020, available at: https://zelena-akcija.hr/en/opcenito/priopcenja/ray_of_sun_light_of_hope_the_campaign_ended_we_collected_105_of_our_target

¹⁶ Facebook group "Jedni za druge" is available here: <https://www.facebook.com/groups/523065185274554>

¹⁷ Večernji list news portal, Initiative "Jedni za druge" has a free hotline, 20 March 2020, available at: <https://www.vecernji.hr/vijesti/inicijativa-jedni-za-druge-ima-besplatan-telefonski-broj-1387219>

¹⁸ Government of the Republic of Croatia, Meeting of the representatives of youth associations and the Central State Office for Demography and Youth held, 13 August 2020, available at: <https://vlada.gov.hr/vijesti/odrzan-sastanak-predstavnika-udrugamladih-i-drzavnog-ureda-za-demografiju-i-mlade/30123>

3 Any other developments

3.1 Restrictions to freedom of assembly during COVID crisis

Since the beginning of the Covid-19 epidemic, numerous measures have been adopted to **restrict the freedom of movement and assembly of citizens**. With that regard, it is important to point out the inconsistency of certain adopted measures. Throughout the year and depending on the epidemiological situation, various measures imposed restrictions of public gatherings, but at the same time several exceptions from those restrictions allowed for certain gatherings to take place. For example, a Civil Protection Headquarters' decision from April 2020¹⁹ imposed a ban on holding all public events and gatherings of more than five people in one place, but religious gatherings were allowed from 2 May onwards. In addition, changing the decision on gatherings in order to allow the commemoration of the Remembrance Day in November²⁰ has caused a number of public controversies. The consistency of the Civil Protection Headquarters was called into question with respect to imposing restrictions of gatherings as well as unclear criteria for allowing exceptions.²¹ By allowing certain assemblies to take place, other forms of gatherings were placed in an unequal position while the constitutional right to public assembly should be available to everyone under equal conditions, regardless of the category and motive of the assembly.

3.2 Criminalisation of humanitarian and human rights work

Cases of criminalisation of humanitarian and human rights work are present in Croatia. In 2020, the Centre for Peace Studies was contacted by multiple individuals who were under charges for "facilitating illegal migration" as a result of giving a ride to refugees and other migrants within the territory of Croatia. The court found them guilty on the same grounds as in the case of an Are You Syrious (AYS) volunteer - unconscious negligence. Individuals that contacted the Centre for Peace Studies were charged for "facilitating illegal migration" and according to decisions of the court that are not public, should have presumed that a person they are driving is not residing legally in Croatia and will attempt to cross the border irregularly. In one of the decisions, the judge stated that by the way a

¹⁹ Civil Protection Headquarters, Decision on necessary measures to restrict social gatherings, work in trade, service activities and holding sports and cultural events during the declared epidemics of the disease COVID-19 (OG 51/20), 24 April 2020., available at: https://narodne-novine.nn.hr/clanci/sluzbeni/2020_04_51_1035.html

²⁰ Civil Protection Headquarters, Decision amending the Decision on necessary epidemiological measures restricting gatherings and introducing other necessary epidemiological measures and recommendations to prevent the transmission of COVID-19 through gatherings (OG 122/20), 9 November 2020, available at: https://narodne-novine.nn.hr/clanci/sluzbeni/2020_11_122_2375.html

²¹ Dnevnik.hr, Remembrance procession is not the only one: These are the exceptions with which the National Headquarters has so far allowed its own rules on assembly, 17 November 2020, available at: <https://dnevnik.hr/vijesti/koronavirus/iznimke-od-mjera-koje-national-headquarters-brings---628335.html>

person looked it should have been presumed that the person is an “illegal migrant”.

Furthermore, cases of **intimidation, harassment and disciplining of human rights defenders active in organisations who provide help and support refugees and other migrants** have been Croatian reality for the past few years. The most recent case of a programme manager of the organisation Are you Syrious (AYS), shows the extent of the measures implemented by the Croatian authorities with the aim of intimidating human rights defenders who have been vocal in criticising illegal practices frequently employed by the Ministry of Interior.²² On 11 May 2020, the AYS program coordinator’s partner received a decision of the Ministry of the Interior revoking the decision granting him asylum in the Republic of Croatia and giving him a deadline of 30 days from the date of the enforceability of the decision to leave the European Economic Area. According to the Front Line Defenders, this constitutes pressure on the family member of a human rights defender, primarily working on the rights of refugees and other migrants.²³ Croatian police have harassed AYS programme’s partner on multiple occasions. “On 9 October 2019, he received a phone call summoning him to the police station at Petrinjska Street No. 30 for an interview allegedly concerning the register of persons who have entered the Republic of Croatia. On 10 October 2019, he arrived at the police station where he was questioned, among other things, about his relationship with Tajana Tadić, people who he met in the Centre for Asylum Seekers, as well as some people he is not acquainted with. In addition, content on his mobile phone was checked by a police officer, without a warrant. During the interview, he was asked by a police officer to meet informally at a cafe and was told that he should help police by providing them with information about other refugees. When he refused, the police officer reportedly started to threaten him with revocation of his refugee status and deportation to Iraq. Following the interrogation, the police officer confiscated his residence permit despite the fact that such an action was illegal, and returned it only after Tajana Tadić's intervention.”²⁴

²² Front Line Defenders, Urgent appeal, Croatia: Pressure on family member of migrant rights defender Tajana Tadić, 30 October 2020, available at: <https://www.frontlinedefenders.org/sites/default/files/croatia - ua - tajana tadic - 30 oct 2020.pdf>.

²³ Ibid.

²⁴ Ibid.