



autonomna
ženska kuća
zagreb



**Croatia's Compliance with the International Covenant on Civil and Political Rights
Suggested List of Issues Prior to Review**

Submitted by The Advocates for Human Rights

a non-governmental organization in special consultative status with ECOSOC since 1996

and

Autonomous Women's House Zagreb - Women against Violence against Women

a feminist, non-governmental and nonprofit organization serving victims of domestic violence

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The Advocates for Human Rights (The Advocates) is a volunteer-based non-governmental organization committed to the impartial promotion and protection of international human rights standards and the rule of law. Established in 1983, The Advocates conducts a range of programs to promote human rights in the United States and around the world, including monitoring and fact-finding, direct legal representation, education and training, and publications. For more than 30 years, The Advocates have been committed to ensuring protection for refugees and immigrants, women, ethnic and religious minorities, children, and other marginalized communities around the world.

Autonomous Women's House Zagreb ("AZKZ") is a feminist, non-governmental and non-profit organization, whose priority is working in civil society. Its mission is to provide support and help to women who have survived violence and empowerment of women's position in society. AZKZ opened the first shelter for women survivors of violence and their children in Eastern Europe in 1990, and is still running the only shelter in the country with a secret address, providing accommodation, legal aid and representation and psychological aid, with a holistic approach to empowering women and their children. Besides the Shelter, AZKZ runs a Counseling Centre for women, with a free hotline, in person counseling, risk assessment and safety planning, psychological counseling and legal aid. AZKZ has carried out numerous public campaigns against violence against women and has advocated for legal changes and better implementation of existing legislation.

EXECUTIVE SUMMARY

Croatia fails to uphold its obligations under the International Covenant on Civil and Political Rights

1. Despite advances in recognizing and preserving some basic rights, Croatia has failed to protect numerous fundamental human rights and meet its obligations under the International Covenant on Civil and Political Rights (ICCPR). In addition to certain vulnerable populations in the State experiencing on-going systematic discrimination, there has been a recent and notable increase in violence by State and non-state actors towards migrants crossing the border into Croatia and pervasive efforts on the part of State and non-state actors to discourage and even prevent journalists from exercising their freedom of expression.
2. The ICCPR recognizes that certain basic rights are guaranteed regardless of a person's race, color, sex, language, religion, political or other opinion, nation or social origin, birth or other status (Article 2; Article 25), and men and women have an equal right to enjoy such rights (Article 3). Among such rights is equal protection of the law and effective protection against discrimination because of a person's race, color, sex, language, religion, political or other opinion, nation or social origin, birth or other status (Article 26), and hate crimes perpetrated against minorities are an affront to such persons' rights under Article 27. The ICCPR further recognizes the freedom of movement, pursuant to which asylum seekers and refugees may seek a life in another country (Article 12), and the ICCPR explicitly protects every person's inherent right to life and protection under the law (Article 6). Moreover, under the ICCPR, no person may be subjected to cruel, inhuman or degrading treatment or punishment (Article 7). Additionally, the right to freedom of expression, including the right to seek, receive and impart information, is fundamental (Article 19).

I. The State fails to protect minorities from hate crimes and discrimination.

3. In its April 2015 Concluding Observations, the Human Rights Committee reiterated its concern about the continued reports of racist attacks against members of ethnic minority groups, particularly Roma and Serbians.¹
4. The office of the Ombudsman reports that national minorities are most affected by hate crimes.² Serbians and Roma remain subject to discrimination in the public and private spheres, including in the form of hate speech and discrimination in the workplace, and the political interests of minority groups remain underrepresented in Parliament.³ 28% of employers say they will not hire Roma.⁴
5. The issue of segregation of Roma children in schools continues to be a problem in the State, and Roma also continue to face discrimination with respect to acquiring housing.⁵

¹ UN Human Rights Committee, Concluding observations on the third periodic report on Croatia, adopted by the Committee at its 113th session (16 March – 2 April 2015), U.N. Doc. CCPR/C/HRV/CO/3, ¶ 9.

² Interview with Ministry Official, Zagreb, July 4, 2019.

³ Interview with Member of Parliament, Zagreb, July 5, 2019; Interview with Ministry Official, Zagreb, July 4, 2019; Interview with Ministry Official, Zagreb, July 4, 2019; Freedom House, "Freedom in the World 2018 – Croatia profile", accessed on August 28, 2019, <https://freedomhouse.org/report/freedom-world/2018/croatia>.

⁴ Interview with Ministry Official, Zagreb, July 4, 2019.

⁵ Interview with Ministry Official, Zagreb, July 4, 2019.

6. Suggested questions relating to the protection of minorities from hate crimes and discrimination:

- a. How is the State working to educate the public about minority issues and combating perpetuated stereotypes about the Roma and other minority populations in Croatia?
- b. What steps is the State taking to address issues of discrimination against minority populations in the workplace, housing and education?
- c. How is the State addressing issues of racially-motivated crimes perpetrated against members of minority populations?

II. The State fails to protect individuals from violence and discrimination on account of sexual orientation or gender identity.

7. In its April 2015 Concluding Observations, the Human Rights Committee expressed its concern about the prevalence of stereotypes and prejudice against lesbian, gay, bisexual and transgender persons in Croatia, including acts of violence perpetrated against such persons.⁶
8. Numerous civil society organizations, journalists, academics, clergy and others have reported manifest stereotyping of, and prejudice against, those who take a non-traditional view on “gender”, including a notable backlash to the implementation of the Istanbul Convention due to widespread misinformation campaigns regarding the term “gender” and so-called gender ideology.⁷
9. Members of the LGBTI community have reported feeling unsafe attending public events, including Pride events, and are fearful to walk the streets at night due to perceived threats of violence.⁸ There are approximately 30 hate crimes against LGBTI persons identified by police each year.⁹
10. Additionally, same-sex couples have been denied the opportunity to foster and adopt children under the law, and there have been reports of fostered children being removed from the homes of same-sex couples after significant time had passed, strictly because the couple was same-sex.¹⁰

11. Suggested questions relating to protecting the rights of LGBTI individuals:

- What steps is the State taking to address the dissemination of misinformation about the Istanbul Convention and its implementation?

⁶ UN Human Rights Committee, Concluding observations on the third periodic report on Croatia, adopted by the Committee at its 113th session (16 March – 2 April 2015), U.N. Doc. CCPR/C/HRV/CO/3, ¶ 9.

⁷ *Croatia rally: Traditionalists reject European gender treaty*, March 24, 2019, <https://www.bbc.com/news/world-europe-43528212>; Igor Ilic and Daria Sito-Sucic, *Croatians protest against European treaty they say threatens traditional family*, March 24, 2018, <https://www.reuters.com/article/us-croatia-protests/croatians-protest-against-european-treaty-they-say-threatens-traditional-family-idUSKBN1H00GW>; Interview with an Attorney, Zagreb, July 3, 2019; Interview with Representative of Non-Governmental Organization, Zagreb, July 3, 2019; Interview with a Catholic Priest, Zagreb, July 5, 2019; Interview with a Member of Parliament, Zagreb, July 5, 2019; Interview with a Member of Parliament, Zagreb, July 3, 2019; Interview with a Journalist, Zagreb, July 4, 2019.

⁸ Interview with Ministry Official, Zagreb, July 4, 2019.

⁹ Interview with Ministry Official, Zagreb, July 4, 2019.

¹⁰ Sonia Elks, *Croatia faces pressure to include LGBT+ couples as boosts foster homes*, November 28, 2018, <https://www.reuters.com/article/us-croatia-lgbt-foster/croatia-faces-pressure-to-include-lgbt-couples-as-boosts-foster-homes-idUSKCN1NX2I2>; Interview with Member of Parliament, Zagreb, July 5, 2019.

- How does the State monitor and address hate crimes perpetrated against LGBTI individuals?
- Will the State consider adopting laws that allow same-sex couples to legally foster and adopt children?

III. The State fails to protect the rights of asylum seekers, migrants and refugees, and the State subjects migrants and asylum seekers to cruel, inhuman and degrading treatment.

12. In its April 2015 Concluding Observations, the Human Rights Committee expressed its concern about the number of refugees that have not been resettled and continue to reside in collective shelters, noting that the implementation of the housing care program has slowed down significantly since 2012.¹¹
13. Civil society groups report that migrant groups – especially women with children – often have to wait for over two years to receive their asylum determinations.¹² Such a determination is required for asylum-seekers to receive certain housing and education benefits, including the ability of children to attend kindergarten. The delay takes a torturous psychological toll on the asylum-seekers, who live in fear of being sent back to the dangers they have escaped if they are not granted status in Croatia.¹³
14. Croatian civil servants have reported that access to Croatian language lessons for individuals granted asylum is limited and often difficult to obtain.¹⁴ Without access to language training, many migrants are unable to find work or otherwise participate in Croatian society.
15. In the last few years, news media and non-governmental organizations have documented and reported numerous occurrences of Croatian police violently assaulting and robbing undocumented migrants crossing the border into Croatia, including those who are seeking asylum.¹⁵ Members of civil society familiar with migrant issues have witnessed firsthand such injuries and have spoken directly with the individuals impacted by this violence.¹⁶
16. Additionally, migrants and asylum-seekers have been refused access to their attorneys while in government detention, despite repeated requests from lawyers and detainees to have access to counsel.¹⁷
- 17. Suggested questions relating to the rights and treatment of refugees, migrants and asylum-seekers at the border:**
- What steps is the State taking to expedite both the processing of asylum claims and the resettlement of asylum-seekers to independent living quarters?

¹¹ UN Human Rights Committee, Concluding observations on the third periodic report on Croatia, adopted by the Committee at its 113th session (16 March – 2 April 2015), U.N. Doc. CCPR/C/HRV/CO/3, ¶ 13.

¹² Interview with Representative of Non-Governmental Organization, Zagreb, July 3, 2019.

¹³ Interview with Representative of Non-Governmental Organization, Zagreb, July 3, 2019.

¹⁴ Interview with Representative of Non-Governmental Organization, Zagreb, July 3, 2019; Interview with a Journalist, Zagreb, July 3, 2019.

¹⁵ 'Beaten and robbed': How Croatia is policing its borders, July 29, 2019, <https://www.bbc.com/news/av/world-europe-49132735/beaten-and-robbed-how-croatia-is-policing-its-borders>; *Injured migrants allege Croatian police brutality, pushback*, August 7, 2019, <https://www.aljazeera.com/news/europe/2019/08/injured-migrants-allege-croatian-police-brutality-pushback-190807154913976.html>.

¹⁶ Interview with Representative of Non-Governmental Organization, Zagreb, July 3, 2019.

¹⁷ Interview with an Attorney, Zagreb, July 3, 2019.

- How is Croatia addressing the demands for increased access to Croatian language classes, and how does Croatia assist asylum grantees with accessing such classes?
- What steps is the State taking to investigate and address incidents of assault and other crimes committed by police and border patrol against migrants?
- What training do police and border patrol receive with respect to the treatment of migrants?
- What is the State’s policy on handling asylum requests made by persons crossing the border into Croatia, and what steps is the State taking to ensure that each such request is afforded proper consideration under the law?
- What steps is the State taking to ensure that detained migrants are permitted access to their legal counsel, and how does the State examine and address claims that migrants are being denied access to counsel?

IV. The State fails to promote gender equality.

18. In its April 2015 Concluding Observations, the Human Rights Committee noted its concern that women remain underrepresented in both the public and private sectors, including in decision-making positions, as well as the persistence of stereotypes with respect to the position of women in society.¹⁸
19. Civil society reports that women are frequently directed into lower paying jobs that are “more suited to their genders,” and civil society organizations have reported an underrepresentation of women in senior work place roles.¹⁹ Employers frequently inquire during job interviews about a woman’s family and/or family planning, which results in women being passed over for positions that they are otherwise qualified to hold.²⁰
20. There have been numerous reports of female journalists who have been verbally threatened and had their employment terminated as a result of gender discrimination.²¹
21. **Suggested questions relating to promoting gender equality:**
 - What steps is the State taking to promote equal pay and the advancement of women in the workplace, as well as to combat gender-based stereotyping and discrimination in Croatia?
 - Is the State willing to enact legislation that makes it illegal for employers to ask about a person’s family or family planning, and related questions, during job interviews?

V. The State fails to protect women from gender-based violence and domestic violence.

22. In its April 2015 Concluding Observations, the Human Rights Committee noted its concern that penalties for domestic violence are applied inconsistently because domestic violence can be defined as a misdemeanor under Croatian law, that perpetrators of domestic violence receive lenient sentences, that both perpetrators and victims are sometimes arrested and

¹⁸ UN Human Rights Committee, Concluding observations on the third periodic report on Croatia, adopted by the Committee at its 113th session (16 March – 2 April 2015), U.N. Doc. CCPR/C/HRV/CO/3, ¶ 14.

¹⁹ Interview with a Journalist, Zagreb, July 4, 2019; Interview with Ministry Official, Zagreb, July 5, 2019.

²⁰ Interview with Ministry Official, July 5, 2019; Interview with Representative of Non-Governmental Organization, Zagreb, July 3, 2019.

²¹ Interview with Ministry Official, Zagreb, July 5, 2019.

convicted in incidents of domestic violence (dual arrests), and that the few protective orders actually issued are largely ineffective due to a lack of enforcement. Additionally, the Human Rights Committee expressed its concern that relatively few women are benefiting from the free legal aid system and that there are insufficient shelters to protect victims of domestic violence.²²

23. Since the 2015 Concluding Observations were issued, there have been some improvements in policy and funding to support victims of gender-based violence, including the adoption of a Law on Protection against Domestic Violence (LPDV) in 2017 that strengthened existing misdemeanor remedies for survivors of violence such as protective measures;²³ however advocates note a concerted effort to turn back the clock on reform in recent years. Stakeholders attribute this to the “return to patriarchal norms” where women are defined by their ability to bear children and are considered subservient to men.²⁴
24. The State continues to provide inadequate funds for victim services and prevention, putting women and children at risk of more harm; dual arrests of both survivors and perpetrators are still common, which deters reporting of domestic violence; reports of femicide are numerous; and, perpetrators often receive minimal punishment for their actions.²⁵ Many survivors of violence also continue to lack legal access to important remedies or protective measures under Croatian law. For example, the provisions of the LPDV are not available to women who do not have children with an intimate partner or who have lived with their partner for less than three years. These women must privately prosecute any complaints against an abuser and are not entitled to orders of protection. Additionally, the LPDV is gender-neutral and is often applied in ways that treat survivors of violence in the same manner as perpetrators of violence, leading to sometimes bizarre outcomes (women arrested and charged with a crime or subjected to restraining orders or “psychosocial counseling” alongside their abusers) and putting survivors and their children at risk of further violence. Police, prosecutors and judges often lack adequate and appropriate training in how to apply the LPDV or other measures in Croatian Law that are intended to protect women from violence, including security measures for survivors before, during and after criminal proceedings.²⁶
25. While the State ratified the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention), there have been significant problems with the implementation of the Istanbul Convention and the State’s laws have not yet been fully aligned with the Istanbul Convention.²⁷ For example, courts have found a perpetrator guilty of domestic violence but have still awarded him custody of the survivor’s child or children, which is directly contrary to the Istanbul Convention and not in

²² UN Human Rights Committee, Concluding observations on the third periodic report on Croatia, adopted by the Committee at its 113th session (16 March – 2 April 2015), U.N. Doc. CCPR/C/HRV/CO/3, ¶ 15.

²³ Law on Protection against Domestic Violence, July 7, 2017.

²⁴ Autonomous Women’s House Zagreb, *Croatia: Response to the Questionnaire on Domestic Violence and Terror*, p.2, May 15, 2019.

²⁵ Advocates for Human Rights and Autonomous Women’s House Zagreb: *Implementation of Croatia’s Domestic Violence Legislation: Follow-up*, 2016, available at, http://www.theadvocatesforhumanrights.org/uploads/croatia_final_report_2016.pdf; Interview with Police, Zagreb, June 3, 2014; Interview with Ministry Official, Zagreb, June 3, 2014.

²⁶ Interview with Ministry of Interior, June 2, 2014; Interview with Lawyer, June 4, 2014.

²⁷ Interview with Attorney, Zagreb, July 3, 2019.

accord with the ICCPR.²⁸ The State has recently announced the opening of new shelters and counseling centers, referencing implementation of the Istanbul Convention; however, the State continues to neglect to provide adequate, sufficient and timely financing for existing shelters and counseling centers.²⁹

26. Suggested questions relating to protecting women from gender-based violence:

- Will the State expand the definition of persons covered under The Law on Protection from Family Violence (LPDV) and the Criminal Code to include women in intimate relationships who have never lived with their partner?
- Will the State consider expressly prohibiting mediation between perpetrators and survivors in all cases, particularly in cases involving divorce and/or child custody, where there are allegations of domestic violence?
- Will the State train judges to inform victims of their right to appeal rulings by the court, including protective order denials and including in cases of dual arrests?
- Will the State consider repealing laws that hold victims responsible when children witness domestic violence and amend laws and policies to ensure that violence by one parent against another is identified and taken into account in custody decisions?
- Will the State take steps to ensure that perpetrators that violate protective orders are appropriately punished for such violations, including ensuring that perpetrators face not only fines under the law but also, when appropriate, jail time?
- Will the State amend criminal laws regarding rape to define rape as any non-consensual sexual act, even in marriage?
- Will the State assess and modify its policies with respect to dual arrests in instances of reported domestic violence to eliminate instances when a perpetrator and a victim are both arrested in connection with a domestic violence report?
- What steps has the State taken to provide gender sensitive training to the police, court officials, health care works and other individuals who interact with domestic violence victims regarding how to address potential and probable incidents of domestic violence?
- Will the State train judges on how to apply Croatian law to ensure survivor safety, before, during and after any proceedings against a perpetrator of violence, including the provisions in the LPDV?
- Will the State adopt a new funding model for shelters and counseling centers run by civil society organizations, thereby ensuring adequate, sufficient and timely financial resources to assist and support women who have survived intimate partner or domestic violence?

VI. The State fails to protect the freedom of expression and freedom of press.

27. In its April 2015 Concluding Observations, the Human Rights Committee stated that there has been insufficient investigation into acts of intimidation against and attacks on journalists,

²⁸ Interview with Advocate, July 3, 2019.

²⁹ Personal Communication from NGO to The Advocates for Human Rights, via email, Aug. 30, 2019 (on file with authors).

and the Committee further noted that it was concerned about the criminalization of defamation.³⁰

28. The State continues to systematically silence journalists who are critical of the State by terminating their employment at State-affiliated media companies, such as Hrvatska radiotelevizija (HRT), and by initiating lawsuits against journalists.³¹ For example, HRT has filed more than 30 lawsuits against its own journalists and other media outlets.³²
29. The State has failed to protect journalists from, and has even promoted, censorship and efforts to eliminate critical journalism by permitting more than 1,100 lawsuits to be brought against journalists by politicians and public figures under charges of “mental anguish” and “damage to honor and reputation,” despite such journalists presenting factual information and acting ethically under the journalism code of ethics.³³ These charges carry with them significant monetary penalties, which dissuades journalists from exercising their freedom of expression.³⁴
30. Journalists have also been subject to physical violence and threats of physical violence, including death threats, for their work in Croatia.³⁵ More than 70 incidents of threats of violence towards journalists have been formally reported over the last five years, and 18 cases of physical violence has been reported over that same period of time.³⁶
31. **Suggested questions relating to protecting the freedom of expression and freedom of press:**
 - What steps is the State taking to investigate threats and acts of violence targeting journalists?
 - Does the State monitor lawsuits brought against journalists and media outlets?
 - Will the State put measures in place to protect journalists from arbitrary, unjustified and/or politically-motivated lawsuits?

³⁰ UN Human Rights Committee, Concluding observations on the third periodic report on Croatia, adopted by the Committee at its 113th session (16 March – 2 April 2015), U.N. Doc. CCPR/C/HRV/CO/3, ¶ 23.

³¹ Interview with a Journalist, Zagreb, July 4, 2019; Interview with a Journalist, Zagreb, July 4, 2019; Interview with a Journalist, Zagreb, July 4, 2019.

³² Interview with a Journalist, Zagreb, July 4, 2019; Interview with a Journalist, Zagreb, July 4, 2019; Interview with a Journalist, Zagreb, July 4, 2019.

³³ Anja Vladislavljevic, *Croatia journalists take to streets over court pressures*, March 1, 2019, <https://balkaninsight.com/2019/03/01/croatia-journalists-take-to-streets-over-court-powers/>; Interview with a Journalist, Zagreb, July 4, 2019; Interview with a Journalist, Zagreb, July 4, 2019; Interview with a Journalist, Zagreb, July 4, 2019; Interview with a Journalist, Zagreb, July 3, 2019; Organization for Security and Co-operation in Europe, Dunja Mijatovic, “Defamation and Insult Laws in the OSCE Region: A Comparative Study”, March 2017, accessed August 28, 2019, <https://www.osce.org/fom/303181?download=true>.

³⁴ Anja Vladislavljevic, *Croatia journalists take to streets over court pressures*, March 1, 2019, <https://balkaninsight.com/2019/03/01/croatia-journalists-take-to-streets-over-court-powers/>; Interview with a Journalist, Zagreb, July 4, 2019; Interview with a Journalist, Zagreb, July 4, 2019; Interview with a Journalist, Zagreb, July 4, 2019; Interview with a Journalist, Zagreb, July 3, 2019; Organization for Security and Co-operation in Europe, Dunja Mijatovic, “Defamation and Insult Laws in the OSCE Region: A Comparative Study”, March 2017, accessed August 28, 2019, <https://www.osce.org/fom/303181?download=true>.

³⁵ Anja Vladislavljevic, *Croatia Failing to Defend Journalists Against Threats*, June 26, 2018, <https://balkaninsight.com/2018/06/26/croatian-authorities-failed-to-protect-journalists-from-threats-06-26-2018/>; Interview with a Journalist, Zagreb, July 4, 2019; Interview with a Journalist, Zagreb, July 4, 2019; Interview with a Journalist, Zagreb, July 3, 2019.

³⁶ Interview with a Journalist, Zagreb, July 4, 2019; Interview with a Journalist, Zagreb, July 4, 2019.

- Will the State take steps to ensure that any employment dismissals of, and lawsuits brought against, journalists and media outlets by the State or State-affiliated entities, such as HRT, are proper, valid and free from political motivation?
- Is the State willing to take steps to provide additional funding for minority media outlets and media that features or represents minority viewpoints within the State?

VII. The State fails to protect civil society organizations that work to promote the rights of refugees and immigrants, women, ethnic and religious minorities, children, and other marginalized communities in Croatia.

32. Members of civil society have reported incidents of harassment and threats of violence, including death threats, towards them and their organizations because of their work promoting basic human rights.³⁷
33. Members of civil society in Croatia report that the State is directing funding, including funding from the European Union, away from organizations whose objectives and policies do not align with those of the State, which has led to censorship of programs whose messages do not align with the State's agenda and views.³⁸ This practice has forced numerous civil society organizations to reduce staff and/or to shut down permanently.³⁹
34. **Suggested questions relating to the protection of human rights-focused civil society organizations:**
 - What steps is the State taking to address the harassment of, and threats made against, civil society organizations and their members?
 - Will the State consider putting policies and procedures in place to ensure that it does not reduce or eliminate funding or services to a civil society organization strictly because it engages in activities aimed at protecting the interests of vulnerable and/or minority populations? Will the State consider producing more prompt and transparent disclosure about how funding decisions are determined with respect to civil society organizations?

³⁷ Interview with Representative of Non-Governmental Organization, Zagreb, July 3, 2019; Interview with Representative of Non-Governmental Organization, Zagreb, July 5, 2019; Interview with Representative of Non-Governmental Organization, Zagreb, July 3, 2019.

³⁸ Interview with Representative of Non-Governmental Organization, Zagreb, July 5, 2019; Interview with Representative of Non-Governmental Organization, Zagreb, July 3, 2019; Interview with Representative of Non-Governmental Organization, Zagreb, July 3, 2019; Interview with Representative of Non-Governmental Organization, Split, July 4, 2019.

³⁹ Interview with Representative of Non-Governmental Organization, Zagreb, July 3, 2019.