



2023 Rule of Law Report - targeted stakeholder

consultation

Civil societies organizations' joint submission

January 2024

Justice System

Introduce continuous training for judges on the European Convention on Human Rights, transitional justice, LGBTQ rights, freedom of expression, SLAPP and public interest to reinforce judicial capacities.

Strengthen and employ existing mechanisms within the justice system to ensure judges' accountability.

Establish a special office within the Presidency of the Supreme Court that would be authorized to start investigations based on complaints from citizens. Based on its findings, the President of the Supreme Court, the only person in the judiciary who has democratic legitimacy, would then submit the case to the State Judicial Council (SJC).

Make the elections of judges and members of the SJC more transparent.

Publish statistics on the duration of proceedings, implement measures to shorten excessively lengthy and ineffective judicial procedures and to make courts accountable for overly long proceedings (e.g. sanctions for exceeding the time beyond the longest prescribed deadlines).

Immediately make all court decisions publicly available and easily searchable (since still only a minor percentage of all court decisions in Croatian are currently publicly available) thus making case law accessible.

Involve relevant and interested CSOs and the public in developing action plans for the implementation of concrete ECtHR Judgments and Decisions by submitting the draft plans for E-consultation with the aim of creating the most targeted, high-quality and expedient measures to eliminate and prevent new violations of the Convention.

Media pluralism and media freedom

Repeal amendments to the Criminal Code, which make unauthorized disclosure of the content of investigative or evidentiary actions a criminal offense since it is widely considered an attack on the journalism profession and public interest and a way to shield criminal proceedings against high-ranking government officials from the public.

Make the online platform with data on media ownership from the register of real owners mandated by the newly introduced National Plan for the Development of Culture and Media comprehensive and fully operational (by obliging, among other things, the legal entity with a secret member according to the Companies Act to enter information about that person in the Register of Beneficial Owners).

Change the procedure for electing members of the Electronic Media Council in order to reduce political influence and include journalists (as representatives of the journalistic profession) as members. Currently, members of the Electronic Media Council are elected by a simple majority instead of a two-thirds majority.

Introduce normative and other preconditions for establishing an independent and comprehensive self-regulatory media council (that would include print media) with the authority and capacity to address media pluralism, raise journalistic and media standards for reporting on vulnerable and marginalized social groups, regulate and sanction hate speech and protect freedom of expression in the media.

Expert Working Group for Designing Policy to Suppress SLAPP established by the Ministry of Culture and Media should address issues such as the lack of the official definition of SLAPP in Croatia, classifying of such lawsuits by the courts, developing mechanisms to prevent such lawsuits, proposing limitations on potential civil damages for defamation.

Adopt a new media strategy and amendments to the Act on the Croatian Radio-Television, which should provide the framework for building a professional and independent public broadcasting service.

Implement the recommendations of the Information Commissioner with regard to improving the implementation of requests for access to information under the Freedom of Information Act by public authorities.

Improve the monitoring of the flow of funds to the media from the state and local budgets, as well as from the budgets of public and state-owned companies. Establish of a national fund for journalism that would publicly and transparently finance the media according to the rules of the profession.

Anti-corruption framework

Strengthen the role of the Commission for the Resolution of Conflict of Interest by reversing the deterioration brought on by the amendments of the Law on Conflict of Interest in 2021 and the continuous decline in its capacity and resources rendering the Commission incapable of performing its administrative duties.

Review provisions related to free legal aid for whistleblowers, enabling them to exercise the right to free legal aid regardless of their financial status and allocate sufficient financial resources for providers of free primary legal aid, which could expand their activities to providing legal assistance to whistleblowers to enable their appropriate training and increase their capacity to perform this role.

Reverse the proposed amendments to the Criminal code that would criminalize leaks by officials, attorneys, the accused, and witnesses. These amendments go against public interest and can be an impediment to revealing severe cases of political corruption (the amendments are unlikely to increase the efficiency of investigations and prosecution of corruption offenses).

Public officials should provide support to EPPO in their work and should not undermine its authority.

Other institutional issues related to checks and balances

Undertake necessary legislative steps to guarantee the same level of independence to specialised ombudsperson institutions as the Ombudsperson of the Republic of Croatia has, i.a., to amend the provisions of the laws stipulating that Ombudswoman for Children and Ombudswoman for Gender Equality can be dismissed from office following the non-acceptance of their annual reports by the Parliament. Remove the requirement of the Ombudswoman for Children to obtain the parliamentary approval of the institution's annual working plan.

Improve mechanisms for CSOs' participation in decision-making and consultation by creating a comprehensive legislative framework for dialogue between CSOs and public institutions based on the fundamental right to public participation. Make these processes more substantive (not only formal) and reasonably long (without the common shortening of the process). Give due and more serious consideration to inputs through eConsultations. Make appointing CSO representatives to working groups and advisory bodies more transparent and selecting candidates through the Council for Civil Society Development more rigorous.

Strengthen the role of the Government's Council for Civil Society Development by opening a meaningful dialogue between the government and civil society on substantive issues of concern to civil society's functioning. Promptly adopt the National Plan for Creating an Enabling Environment for Civil Society Development as the key strategic document.

Include interested and relevant civil society stakeholders in the process of creating actions plans for the implementation of ECtHR judgements.

Strongly and publicly condemn attacks on human rights defenders and issue instructions and recommendations to ensure that public officials guarantee the right to defend human rights and freedom of expression and do not engage in the criminalization of the work of human rights defenders.

Remove unnecessary and diverse barriers to accessing funding that CSOs face (e.g. in applying for tenders and implementation of ESI funds, including excessive administrative demands, slow tender announcements and delays in making funding decisions). Provide national public funding for programs of CSOs focused on the functioning of a democratic society.

This joint contribution to the 2024 Rule of Law Report is prepared by the Human Rights House Zagreb and Centre for Democracy and Law Miko Tripalo with contributions from following civil society organizations from Croatia; Croatian Journalist Association, Centre for Peace Studies, Rainbow Families Croatia, Zagreb Pride, Udruga RODA, Youth Initiative for Human Rights – Croatia, GONG, Green Action, DKolektiv, Center for peace, non-violence and human rights and Croatian Platform for International Citizen Solidarity-CROSOL.



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