

Croatia

Submission to the United Nations Universal Periodic Review 36th Session of the Working Group on the UPR United Nations Human Rights Council [May 2020]

Submitted By:

International Alliance for peace and development



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<https://iapd.international/en/>

The IAPDA seeks to promote for peace and sustainable development all over the world. The IAPDA works to counter hatred, violence and extremism and to work side by side with the UN mechanism and other affective institutions all over the world. The association is based on international human rights conventions adopted by the UN General Assembly, as well the recommendations and commentaries of the international bodies established by these conventions or any other mechanism based on the UN charter

summary

Since Croatia's last Universal Periodic Review by the Human Rights Council in 2015, it received 167 recommendations and it accepted 162 recommendations, the big number of these recommendations focused on discrimination, refugees, asylum seekers, stateless persons and freedom of expression. So as part of the International Alliance for Peace and Development commitment to uphold the values of peace and its concern for human rights and non-violence issues, this submission presents implementations and violations committed by Croatia since its last review and recommendations as an attempt to address these violations

Discrimination

During Croatia's second periodic review 2015, Croatia received number of recommendations about combating discrimination, Croatian authorities have improved protection against hate crime through amendments to the Criminal Code, which introduced a new provision criminalizing violent conduct in public places. The law now also punishes creation of or leading a group which promotes racism

Within the framework of the National Plan for the Protection and Promotion of Human Rights for 2013-2016, training courses had been organized for police officers, prosecutors and judges on combating racial discrimination, including racist violence. In November 2017, a new Action Plan for the integration of persons who have been granted international protection (2017-2019) was adopted.¹ It also adopted The national anti-discrimination Plan for the period 2017-2022, including its Action Plan 2017-2019, In accordance with the national anti-discrimination Plan for the period 2017-2022, training is organized for employers and employees' representatives on the Anti-Discrimination Act and the Gender Equality Act to raise awareness of the responsibility of employers in creating a work environment free of discrimination and on the importance of protecting the dignity of employees.

the Criminal Code provides for a criminal offence Public Incitement to Violence and Hatred, which is committed by person who in print, through radio, television, computer system or network, at a public gathering or in some other way publicly incites to, or makes available to the public tracts, pictures or other material instigating violence or hatred directed against a group of persons or a member of such a group on account of their race, religion, national or ethnic origin, language,

¹ ECRI REPORT ON CROATIA, May 2018, <https://rm.coe.int/fifth-report-on-croatia/16808b57be>

descent, skin colour, gender, sexual orientation, gender identity, disability or any other characteristics, which is punishable by up to three years of imprisonment²

International Alliance welcomes these positive developments in Croatia. However, the progress achieved, some issues give rise to concern. Croatia till now don't sign or ratify on individual complaints procedure under the international convention on the Elimination of all forms of racial discrimination.

Discrimination against ethnic and sexual minorities remained widespread. International Alliance criticized new government proposals for a national strategy and action plan to fight discrimination that were presented in March 2017. The policies subsequently adopted by the government in December 2017 failed to show and adequately address human rights violations faced by Serbs, Roma and sexual minorities, as following:

- Racist and intolerant hate speech in public discourse is escalating; the main targets are Serbs, and Roma. There is a growing rise of nationalism, particularly among the youth.
- The national Roma strategies have not been implemented fully and the situation of the Roma community remains characterized by high levels of social exclusion. School drop-out rates are still high and access to employment is alarmingly low

According to the Ministry of Justice, between January 2014 and April 2017, 24 cases were adjudicated as possible violations of Article 325, resulting in convictions in 21 cases. Out of these 24 cases, 13 cases concern incitement to violence and hatred on grounds of sexual orientation, seven on national origin, one on ethnic origin, one on religious belief and two on other grounds

In 2016, the Council of Europe's Commissioner for Human Rights expressed serious concerns about the levels of hate speech and its negative impact on social cohesion. According to the Ombudsperson, ethnic intolerance is growing and the main targets of racist hate speech are Serbs and Roma.³

² Mid term report of Croatia , <http://www.mvep.hr/files/file/2019/1904181142-upr-mid-term-report-2019.pdf>

³ COMMISSIONER FOR HUMAN RIGHTS OF THE COUNCIL OF EUROPE, October 2016
[https://rm.coe.int/ref/CommDH\(2016\)31](https://rm.coe.int/ref/CommDH(2016)31)

Refugees and asylum-seekers

Croatia has ratified the 1951 Convention Relating to the Status of Refugees and the 1967 Protocol. But Croatia in its second review received the recommendations regarding ratify the International Convention on the Protection of the rights of All migrant workers and members of their families from Kyrgyzstan but Croatia has not accepted this recommendation, and also till now Croatia don't sign and ratify on individual complaints procedure under the international convention on protection of rights of all migrant workers and member of their families.

After the Western Balkans route was officially closed on the basis of the agreement between heads of states and governments in March of 2016, the Republic of Croatia hurriedly began to strengthen its border, reception and asylum capacities in order to ensure an effective control of the longest land border of the European Union. Today the Republic of Croatia has at its disposal 6,500 border police officers and modern technical equipment which is continuously developed with the goal of additionally protecting the external border, but also with the goal of accessing the Schengen area. These measures have resulted in the complete control of the east border with Serbia⁴

In July 2018, the Ministry of Interior's Independent Sector for Schengen Coordination and EU Funds decided to allocate funding for the implementation of the project "Establishing Infrastructure and Capacity Building of the Reception Centre for Asylum Seekers in Mala Gorica within the Asylum, Migration and Integration Fund. In accordance with this decision, the Government of the Republic of Croatia plans to build a Reception Centre for asylum seekers near Petrinja, in the place of Mala Gorica.⁵

Also, the Republic of Croatia met its resettlement requirements pursuant to the Council Conclusion from July of 2015 by resettling 152 Syrian nationals from Turkey. the Government of the Republic of Croatia passed a Decision on the resettlement of an additional 100 Syrian refugees from Turkey in October 2017.

Regarding legislation there were changes, Croatian Parliament adopted the Amendments to the Foreigners Act at its session of 10th May 2018, amendments to the Law on Foreigners that regulates residency for researchers, students, interns

⁴ Annual report 2018 on Migrants and Asylum , p 4,5 https://ec.europa.eu/home-affairs/sites/homeaffairs/files/04a_croatia_arm2018_part2_en.pdf

⁵ ECRE ,AIDA 2018 update Croatia , 12/3/2019 , <https://www.ecre.org/aida-2018-update-croatia/>

and volunteers as prescribed by a European Parliament directive of 11 May 2016 on the conditions of entry and residence of third-country nationals for the purposes of research, studies, training. International Alliance considers that the provision that someone's application for residency in Croatia can be rejected if they represent a danger to national security, is contentious as this criterion is not clearly defined and leaves room for arbitrariness.

These amendments forbade the provision of assistance in accessing basic needs, such as housing, health, sanitation or food, to foreign nationals irregularly residing in Croatia, except in cases of medical and humanitarian emergencies or life-threatening situations.⁶

- Croatia continued to return to Serbia refugees and migrants who entered the country irregularly, without granting them access to an effective asylum process. These push-backs by police, sometimes from deep inside Croatian territory, routinely involved coercion, intimidation, confiscation or destruction of private valuables and the disproportionate use of force by the police.
- between January and April 2019, at least 30 asylum applications had been dismissed on the grounds of “security concerns” during a routine security check carried out by the Security and Intelligence Agency as part of the asylum process. The notes of these applications were marked as “classified” and could not be seen and thus could not be rebutted or challenged on appeal by those seeking asylum or their legal representatives. Cases with classified notes led to an automatic rejection by the Ministry of Interior.
- Croatia committed to accept 1,600 refugees and asylum-seekers under the EU resettlement and relocation schemes by the end of the year; by mid-November 2017, fewer than 100 people had been relocated, and none had been resettled.

International Alliance condemns Croatia’s abusive border policies, and we found that hundreds, if not thousands, of migrants and asylum seekers have been ill-treated by Croatian border officials. Croatia violating EU law by sending asylum seekers back to Bosnia

Last year in the Bosnian border towns of Velika Kladuša and Bihać ,dozens of men had been subjected to violence at the hands of Croatian police. Often they were

⁶ Amnesty International 2019, <https://www.amnesty.org/en/countries/europe-and-central-asia/croatia/report-croatia/>

apprehended deep inside Croatian territory and driven back to the border. Many said police had destroyed their telephones and stolen money before driving them back to the Bosnia-Croatia border and dumping them on the other side. There are more than 5,000 people in the two Bosnian towns, living in makeshift facilities without proper amenities and hoping to get to the EU.⁷

stateless persons

Croatia is party to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness. However, it has not yet acceded to the 1997 European Convention on Nationality (signed in 2005) and the 2006 Council of Europe Convention on the Avoidance of Statelessness in relation to State Succession

According to the authorities, as of May 2016 there were 23 stateless persons in Croatia. However, in addition to these 23 stateless persons, UNHCR has registered 2 850 persons with non-determined citizenship who are at risk of statelessness, including Roma without temporary or permanent residence status in Croatia. The precise data on stateless persons are not available due to the lack in Croatian legislation of a statelessness determination procedure. The Commissioner has been informed about UNHCR's plan to carry out a mapping of statelessness in Croatia

Freedom of expression

Over the past three years, a narrowing of media freedoms has been observed in Croatia. Thus, Croatia was ranked 69th out of 180 in Reporters without Borders' press freedom index for 2018, because of government meddling in the work of public media, as well as assaults on and intimidation of journalists, especially those investigating controversial subjects such as war crimes, organized crime or corruption.

Saša Leković, chairman of the Croatian Journalists' Society, says that his organization has registered numerous threats received by journalists, from serious verbal to death threats, to physical assaults. The biggest problem for Leković, is that in most cases, the perpetrators are not punished adequately. Threats received by the media intensified after the ruling against six Croats from Bosnia and Herzegovina. Nataša Božić, a journalist from the Croatian N1 program, received death threats because she asked questions regarding the removal of medals and

⁷ The Guardian, 16 July 2019 <https://www.theguardian.com/world/2019/jul/16/croatian-police-use-violence-to-push-back-migrants-says-president>

ranks from soldiers who committed war crimes. Because of threats to journalists in both the public sphere and personal level is consider Croatia is now considered worse off in terms of media freedoms than regional neighbors Slovenia, Bosnia and Herzegovina and Serbia.⁸

In addition, there is the trend of emergence of fake news, hate speech, and a growth in readership of portals publishing racist, xenophobic and anti-Semitic content. These negative trends influence the narrowing of the space for freedom of expression and the creation of an unsafe environment for the work of human rights defenders.⁹

Recommendations

International Alliance for peace and development calls on the government of Croatia to:

- Call on the government to stop the process as pushing people back across the border is illegal under international law.
- The authorities should condemn hate speech and promote counter-speech by politicians and high-ranking officials. All political parties in the country should also condemn hate speech and call on their members and followers to abstain from using it.
- Croatia should ratify the International Convention on the Protection of the rights of All migrant workers and members of their families
- Croatia should sign and ratify on individual complaints procedure under the international convention on the Elimination of all forms of racial discrimination
- National Roma Inclusion Strategy should be systematically revised to improve its effectiveness
- Refrain from censoring social and conventional media and ensure that freedom of expression is safeguarded in all forms

⁸ Kosovo, 2/6/2018, <https://kosovotwopointzero.com/en/killing-freedom-speech-croatia/>

⁹ Human rights house , p 41