Practices of cooperation, coordination

Croatia

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Government Council for Human Rights

The Council is an interdepartmental and advisory body of the Government of the Republic of Croatia for human rights issues, established in December 2021.[1]

The tasks of the Council are: participation in continuous monitoring and analysis of public policies related to human rights; participation in providing opinions to the Government of the Republic of Croatia on draft regulations that relate to and/or affect the state of human rights and proposing measures to solve certain problems and improve the state of human rights; participation in programming and establishing priorities for the use of EU funds in the area of human rights protection; monitoring the implementation of the National Plan for the Protection and Promotion of Human Rights and Combating Discrimination; consideration of reports and periodic reports of international organisations on the state of human rights in Croatia; monitoring the application of international instruments related to the protection and promotion of human rights and studying the experiences of other countries in the realisation of human rights; proposing to the Government of the Republic of Croatia the establishment of temporary bodies, ad hoc working groups, for the purpose of processing certain topics of national importance or solving certain issues in the field of human rights; cooperation with national committees and commissions for different areas of human rights, human rights bodies of the Croatian Parliament, the Ombudsman and other representatives of the Croatian Parliament for the promotion and protection of human rights and fundamental freedoms, and civil society organisations for the protection and promotion of human rights in Croatia; cooperation with the county coordination for human rights and the coordination for human rights of the City of Zagreb.

The Council members are: Vice President of the Government of the Republic of Croatia responsible for human rights, as President of the Council; 14 representatives of public authorities - competent bodies of state administration and offices of the Government of the Republic of Croatia; 3 representatives of civil society organisations dedicated to the development and promotion of human rights in Croatia. Each member of the Council has a deputy who replaces him in case of absence or inability to do so. If necessary, representatives of other competent bodies and institutions, as well as experts from certain areas related to human rights, may participate in the work of the Council, without voting rights, and at the invitation of the President of the Council.

[1] Croatia. Government of the Republic of Croatia (*Vlada Republike Hrvatske*). Decision on the establishment of the Council for Human Rights (*Odluka o osnivanju Savjeta za ljudska prava*). Official Gazette (*Narodne novine*) NN 136/2021.

In 2022, the Ombudsperson referred to the Human Rights Council as a venue for discussion and exchange of opinions and a significant step forward in the systematic monitoring of the implementation of recommendations stated in their Annual Report.[2]

Human Rights Council of the Ombudsperson of the Republic of Croatia

The Ombudsperson's Council for Human Rights is an advisory body that considers and proposes strategic guidelines in the field of promoting human rights and freedoms, ensures continuous cooperation in the field of human rights and freedoms between the Ombudsman, civil society, the academic community and the media, and considers other issues of importance for the work of the Ombudsman in the field of promoting human rights and freedoms.

Members of the Council are appointed by the Ombudsperson for a term of four years and represent academia, civil society organisations, media and national minorities.

The work of the Council is further elaborated by Rules of Procedure of the Ombudsperson,[3] which defines that it consists of eight members, who are appointed by the Ombudsperson following a public call. However, the Ombudsperson may in addition invite to the Council sessions persons who he/she deems are likely to contribute to the promotion of certain human rights and freedoms.

Members of the Council meet at least twice a year. The meetings are an opportunity for civil society organisations and academic representatives to discuss Ombudsperson annual reports and recommendations appointed to the public bodies, but also for proposing topics and issues for Ombudsperson thematic reports and analysis. Council members cooperate intensively bilaterally with the Ombudsperson on their activities aimed at the promotion of human rights and take part in activities organised by the Ombudsperson.

The Council for Human Rights enhances the Ombudsperson’s cooperation with civil society, the academic community, and the media.[4]

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[2] Croatia. Office for Human Rights and the Rights of the National Minorities of the Government of the Republic of Croatia (*Ured za ljudska prava i prava nacionalnih manjina Vlade Republike Hrvatske*). Održana 2. sjednica Savjeta za ljudska prava. 26 April 2022.
[3] Croatia. Ombudsperson of the Republic of Croatia (*Pučki pravobranitelj*). Rules of Procedure of the Ombudsperson (*Poslovnik pučkog pravobranitelja*). Official Gazette (*Narodne novine*) NN 99/2013., 19/2023.
[4] Croatia. Ombudsperson of the Republic of Croatia (Pučki pravobranitelj). Session of the Ombudsperson's Human Rights Council (Sjednica Savjeta za ljudska prava pučke pravobraniteljice). 31 January 2023.

Hate Crimes Monitoring Working Group

In 2021, the Office for Human Rights and the Rights of the National Minorities drafted and adopted the new Protocol on procedure in cases of hate crimes,[5] a non-normative act defining the obligations of competent authorities involved in the detection, handling and monitoring of results of processing hate crimes. The protocol also contains provisions regarding the composition and competence of the Hate Crimes Monitoring Working Group (Articles 16-19), the manner and content of cooperation among competent authorities involved in the detection, handling and monitoring of results of processing hate crimes and other activities of these bodies.

According to the Protocol's provisions, the Office for Human Rights and the Rights of the National Minorities is the central body for collecting and publishing data on hate crimes, and the body responsible for strengthening the system for combating hate crimes and cooperating with civil society and international organisations. In addition to representatives of bodies responsible for combating hate crimes and representatives of the academic community, the Hate Crimes Monitoring Working Group also includes representatives of civil society organisations: Serb National Council (*Srpsko narodno vijeće Zagreb*),[6] Croatian Romani Union 'Kali Sara' (*Savez Roma u Republici Hrvatskoj „KALI SARA"*),[7] Jewish Community Zagreb (*Židovska općina Zagreb*),[8] Zagreb Pride[9] and Centre for Peace, Non-violence and Human Rights Osijek (*Centar za mir, nenasilje i ljudska prava Osijek*).[10]

Hate Crimes Monitoring Working Group meets twice a year and if necessary, more often.

Based on the collected data of the competent authorities from Article 18 of the Protocol, the Office for Human Rights and the Rights of National Minorities has to monitor the course of the proceedings in each case, and consolidate statistical data on the crime out of hate and publish them on their dedicated website. The published statistical data necessarily contain the motive (indication of the protected characteristic) and the legal qualification of the criminal offence or misdemeanour by all competent authorities that acted in the case. The Office for Human Rights and the Rights of National Minorities periodically submits statistical data on hate crimes to the

[5] Croatia. Government of the Republic of Croatia (*Vlada Republike Hrvatske*). Protocol for procedure in cases of hate crimes (*Protokol o postupanju u slučaju zločina iz mržnje*). Official Gazette *(Narodne novine)* NN 43/2021.
[6] www.snv.hr
[7] www.kalisara.hr
[8] www.zoz.hr
[9] www.zagreb-pride.net
[10] www.centar-za-mir.hr

Office for Democratic Institutions and Human Rights of the Organization for Security and Cooperation in Europe (OSCE/ODIHR).

The main and most frequent failures in connection to combating hate crimes are adequately recognising, processing and prosecuting hate crimes, as they are often prosecuted as misdemeanours and not as criminal offences. Other issues include the unclear status of misdemeanours that fall under the term hate crime - hate speech as a misdemeanour is not standardised so there is no tracking of perpetrators convicted under Article 6 of the Act on offences against public order and peace.[11] To improve the monitoring and sanctioning of misdemeanours, experts indicate that it would be appropriate to introduce into misdemeanour laws a provision similar to the one in Article 87 paragraph 21 of the Criminal Code,[12] and it should be clearly emphasised that in cases where hatred is not a qualifying circumstance of the act, it is treated as aggravating. These matters should be dealt with at the sessions of the Hate Crimes Monitoring Working Group.

[11] Croatia. Legislative-legal commission of the Parliament of the Socialist Republic of Croatia (*Zakonodavno-pravna komisija Sabora Socijalističke Republike Hrvatske*). Act on offences against public order and peace (*Zakon o prekršajima protiv javnog reda i mira*). Official Gazette *(Narodne novine)* NN 5/1990., 30/90, 47/90, 29/94, 114/22, 47/23.

[12] Croatia. Croatian Parliament (*Hrvatski sabor*). Criminal Code (*Kazneni zakon*). Official Gazette *(Narodne novine)* NN 125/2011., 144/12, 56/15, 61/15, 101/17, 118/18, 126/19, 84/21, 114/22, 114/23, 36/24.