

HUMAN RIGHTS IN CROATIA: OVERVIEW OF 2018

EXECUTIVE SUMMARY

Human Rights in Croatia: Overview of 2018 is the annual report prepared by Human Rights House Zagreb in cooperation with civil society organizations devoted to protection and promotion of human rights. The aim of the report is to provide the insights in violations, problems, challenges and controversies in the field of human rights protection and promotion, that have occurred during 2018.

The continuation of the social polarization on conservative and liberal values continued in 2018. Social polarization was additionally empowered by referendum initiatives, pressures on journalists and shrinking of media freedoms. Despite the implementation of economic development measures, social and economic inequalities between urban and rural areas still persist. Around 20 percent of citizens live in poverty, while the access to social services, labor market, health and education is weighted for women, persons with disabilities, children and youth. Lack of social and economic opportunities have influenced the rise of negative social tendencies to limit reproductive and sexual rights of women, LGBTIQ+ rights, and rights of national minorities.

I. International Instruments, Legislation, Public Policies and Institutions

Croatia has missed to ratify the International Convention for the Protection of All Persons from Enforced Disappearance, the European Social Charter (revised), as well as the Art. 14 of the International Convention on the Elimination of All Forms of Racial Discrimination. Despite the adoption of Law on the Protection of Whistleblowers, in 2018 human rights were not the priority of both Government and Parliament. Croatia still doesn't have the basic public policies on human rights protection and promotion, such as National Plan on Protection and Promotion of Human Rights, National Gender Equality Policy and related policies. At the end of 2018, Croatia has entered the third year of membership in UN Human Rights Council. Its membership is characterized by lack of vision and failure to resolutely promote human rights as well as the lack of engagement of human rights CSO's in membership process. Lack of engagement has also marked Croatia's presidency over Council of Europe's Committee of Ministers.

II. Right to Participation, Human Rights Defenders and Civil Society

In 2018, two referendum initiatives have shown the deficiencies of Act on Referendum which enables the misuse of referendum as democratic instrument for jeopardizing human rights of minorities and marginalized social groups.

Civil society organizations have warned on difficulties in communication with authorities through participation in working groups and public consultations on proposed legislation and public policies, precluding the full exercise of right to civic participation.

Freedom of expression in Croatia has been negatively influenced by hate speech in public discourse, in particular against Serbs, LGBT persons and Roma, which has been pointed out by Council of Europe's European Commission against Racism and Intolerances (ECRI).

The work of human rights defenders is delegitimized and discredited in public discourse, in particular the work of civil society organizations dealing with refugees and environmental issues. The work of CSO's has been weighted through various administrative requirements, while the irregularity of announcements of public call for project proposals is jeopardizing the sustainability of associations and of the services they provide to citizens.

III. Religious Rights and Freedoms

The inequality of religious communities persists in 2018 because of the weighted process of their registration. The systematic approach to tackling the lack of alternative to religious education in formal educational program is still non-existent.

IV. Media Freedom

Despite the lack of media strategy, the problems which marked 2018 include the active Government's interference in the media, frequent lawsuits for defamation, insults and embarrassment, physical assaults and intimidation of journalists. There are at least 1163 court proceedings against 90 Croatian media and journalists. Lawsuits for insults, defamation and public embarrassment in 2018 had extremely negative effect on media freedoms and freedom of speech. The work of non-for-profit media has been weighted: Ministry of Culture is continuously failing to announce the European Social Fund's call for proposal to support community media. The politicization of media shows that there is a fundamental disregard for the role of HRT as a public media service in a pluralistic democratic society.

V. Security and Human Rights

Civilian oversight over the security and repressive apparatus is still incomplete. The Constitutional Court has still not reviewed the constitutionality of the amendments to

the Defense Act which enables the assistance of the military to the police in the protect the Croatian borders.

VI. The Judiciary And Human Rights

Violations of the right to fair trial constitutes the highest number of rulings against Croatia for violations of the European Convention on Human Rights, including the right to trial within reasonable time.

Even through the harmonization of Croatian criminal justice with EU criminal justice standards, implemented during 2018, gave the force of evidence to police questioning, the suspects of crimes can be provided with the representative only when the indictment is filed. Such deficiency causes the discrimination of lower-income individuals which jeopardizes the right to access to court. Despite the improvements of prisons conditions in recent years, there is still the lack of capacities in specific prison facilities. Access to primary health services continues to be inadequate.

The introduction of individual victims' assessment enabled the usage of victim protection measures, but the bodies which performs the assessment does not have the obligation for education on specialized and sensitive approach in work with victims. Victim and witness support services is still insufficient, as well as free legal aid. Compensation procedures are complicated and expensive.

VII. Transitional Justice and Dealing with the Past

Dealing with the past process in Croatia is still marked by relativization of crimes committed by members of Croatian forces during the 90's, as well as with revisionist tendencies relating to crimes of Ustasha regime committed during the WWII. The trend of decrease of intensity of war crime prosecutions is present since the Croatia's entry into the European Union. Victims of war crime face numerous problems, primarily relating to the right to compensation. The problem of missing persons is still not solved.

VIII. Right to Adequate Standard of Living

In 2018, the realization of the right to an adequate standard of living was negatively affected by inequalities between the urban and rural areas of Croatia. In rural areas there is a higher rate of poverty, unemployment and long-term unemployment, and a greater number of young people who do not work, do not study or volunteer.

Approximately 20 percent of the population lives in poverty. The most vulnerable social groups are under the age of 18, and persons over 65 years of age or older.

Large differences between urban and rural areas also affect the right to housing. Particularly affected are vulnerable social groups such as disabled people, single parents, young people, persons under subsidiary protection and others.

In Croatia, in 2018, there was a noticeable trend in precarious labor, which is characterized by low income security, unfavorable working conditions and minimal access to professional training. Due to the seasonality of the labor market, short-term unsafe forms of employment are particularly present in services, tourism and the agricultural sectors.

IX. Human Rights and Environment

Assessment of investment projects still favors economic expediency over environment and nature protection standards. The problems of waste management remains unsolved, while the funds for remediation of unsustainable and dangerous landfills are unused. Communal infrastructure shows serious deficiencies particularly during the peak of tourist season. Funds for the increase of household's energy efficiency through renewable energy usage are still not used.

X. Education and Human Rights

The process of social stratification between rural and urban areas in regards to access, quality and cost of education is still persistent, which influences successful educational outcomes and subsequently the performance of young people on labor market. The Comprehensive Curricular Reform has been abandoned, while the experimental program "School for Life" has been introduced, which represents only the partial intervention in educational system. The civic education curriculum proposal had conceptual shortcomings, was partially developed and insufficient for the development of civic competencies, while the health education curriculum completely omits contents relating to human sexuality and reproductive rights.

XI. Healthcare and Human Rights

Limited access to health services remains the main problem, particularly in rural areas. Comprehensive information to citizens on available health services is still lacking, while the communication between health professionals and patients is of low quality. For particular health services patients are waiting for over a year.

The 2018 was marked by two death cases which brought up the question of efficiency of medical aid system, and the cases of procedures in reproductive health conducted without anesthesia. After the testimony of member of the Parliament and public

testimonies of women, Ministry of Health conducted supervision in clinics and found the different applications of anesthesia which was not aligned with medical indications.

XII. Women's Rights

The 2018 was marked by the strengthening of the discourse of ultra-conservative groups whose social and political pressure is primarily directed at preventing the ratification of the Istanbul Convention and propaganda on gender ideology.

Abuse of the right to conscientious objection in cases of performing an induced interruption of pregnancy and the high cost of such interventions, limits the availability of abortion to women. Medical assisted insemination is not available to women without partner.

Proceedings of the cases of violence against women is not improved, and the legislative framework does not recognize the violence in intimate relationships as family violence. Often, both victim and perpetrator are punished, and such cases are considered as misdemeanor instead as crimes. Police rarely uses the protective measures for victims of gender-based or domestic violence.

Sustainability of organizations providing support services to women victims of violence is not ensured. National phone line for victims of gender-based violence is not established, and the safe houses and shelters for women and children victims of violence are not geographically balanced. Access to labor market still poses obstacles for many women, and the discrimination in employment still persists.

XIII. Children's Rights

Problems in attaining the best interest of the child are shown in the cases of adoptions and foster care. Despite the legislative changes, there is still low motivation for foster care. The adoption process is lingering, and lacking the support for adoptive parents. In 2018, the awareness of violence against children remains low, in particular of the peer violence.

XIV. The Rights of Persons with Disabilities

There is still lack of awareness of the need to create an inclusive environment. People with disabilities face obstacles in access to health and social services, education and the labor market. With regard to access to healthcare, the problems with which people with disabilities are systematically encountered is a denial of access to aids, insufficient

information and the inability to make decisions about their own treatment. The system of prevention of institutionalization of people with disabilities is ineffective.

XV. LGBTIQ+ Rights

Despite relatively satisfactory anti-discrimination legislation, the prejudices against LGBTIQ+ persons remain widespread. LGBTIQ+ persons are frequently victims of hate crimes, prosecution of which is weighted because the hate is not recognized as motive of crime. Stigmatized and lacking the trust in police, LGBTIQ+ persons rarely report cases of discrimination and hate crime. Procedures of sex change is grounded in medical pathology which violates the physical autonomy and human dignity of trans persons. Life partners are not recognized as the rightful foster parents.

XVI. Rights of the Homeless

Homeless people in Croatia face difficulty in access to health and social services. There is an insufficient number of shelters in Croatia, as well as insufficient accommodation within existing shelters. Services such as public kitchen and social self-service are insufficient and often based on civic solidarity. Particularly vulnerable groups are also young people who come out of alternative care and are facing the problems of long-term unemployment, especially if they do not have the knowledge and skills that can bring them closer to the labor market. In this context, there are concerns about the insufficient number of housing communities for youth.

XVII. Refugee Rights

Croatia is implementing a restrictive asylum-granting policy. The irregularities in the asylum granting procedures have been identified, in particular during the process of verification of credibility of asylum-seekers, which often violate their right to a fair trial. Police conduct on borders include physical and verbal violence and expulsions from the territory of Croatia.

The integration of persons under international protection in Croatian society still faces numerous problems, such as obstacles in full enjoyment of right to health services, mental health protection, and language learning services. The education system does not recognize the needs of children under international protection. Despite the qualifications, persons under international protection and asylum-seekers face obstacles in accessing the labor market.

XVIII. The Rights of National Minorities

2018 was marked by a referendum initiative that sought to reduce the number of parliamentarians of national minorities and their exclusion from the vote on the state budget and the vote of confidence to the Government.

Members of the Roma national minority still face difficulties in access to education, labour market and right to adequate standard of living. Roma segregation in the education system is still a serious problem.

The Serbian national minority faces a number of problems, such as registration of minority schools, facilitating the return of refugees, property repossession. The presence of ethnic intolerances in public discourse and the absence of its public condemnation is still raising concerns.