

HATE SPEECH AND EUROSCEPTICISM

IN CROATIA

NATIONAL REPORT

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2022



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The research is conducted in the framework of the project “Active European Citizens Against Hate Speech”. The aim of the project is to raise awareness of the new generation of European citizens about the impact of hate speech on democratic participation and European values. The project is implemented by the “Latvian Centre for Human Rights” (project coordinator), “Participation for All” (Latvia), “Estonian Human Rights Centre”, “Human Rights Monitoring Institute” (Lithuania), “Multi Kulti Collective” (Bulgaria), “Human Rights House Zagreb” (Croatia), “Peace Action Training and Research Institute of Romania - PATRIR”. The project is co-funded by the Europe for Citizens Programme of the European Union and the Ministry of Culture of the Republic of Latvia.

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FOREWARD

The following national report presents, in detail, the findings of a research undertaken in six EU member states - Bulgaria, Croatia, Estonia, Latvia, Lithuania, and Romania.

Hate speech is often used as a tool to target different vulnerable groups, especially minorities, immigrants and refugees. It causes their alienation and exclusion which leads to marginalisation. Such narratives weaken democracy and strengthen the positions of far right and radical right populists and Eurosceptics. Each national report aims to analyse the hate speech phenomenon in the six participating countries and looks at the links between Euroscepticism and hate speech. The authors of the reports map the levels of intolerance and hate speech among the general population and young people in particular. The reports analyse the policies and law that address hate speech, outline trends, targets, and the actors of hate speech. The reports map the presence of Euroscepticism in each country, its forms, public attitudes and actors, and outline parallels between Eurosceptic discourse and incitement to hatred. The reports also map different initiatives which can be seen as constructive practice in the fight against hate speech and different forms of intolerance. Each report ends with conclusions and recommendations on measures for combating hate speech.

All reports are based on desk research of existing data, reports and research about intolerance, hate speech and Euroscepticism, analysis of relevant political documents, programmes of political parties, and media sources. The desk research is complemented by semi-structured interviews with representatives of NGOs working with youth and vulnerable groups and a survey of young people aged 16-25 on their experiences of hate speech.

The research “Hate Speech and Euroscepticism” was conducted in the framework of the project “Active European Citizens Against Hate Speech”, co-funded by the Europe for Citizens Programme of the European Union and the Ministry of Culture of the Republic of Latvia. The aim of the project is to raise awareness among the new generation of European citizens, about the impact of hate speech on democratic participation and European values. The project consortium comprises the following organisations:

- [Latvian Centre for Human Rights](#) (Project Coordinator, Latvia),
- [Network “Participation for All”](#) (Latvia),
- [Estonian Human Rights Centre](#) (Estonia)
- [Human Rights Monitoring Institute](#) (Lithuania),
- [Multi Kulti Collective](#) (Bulgaria),
- [Human Rights House Zagreb](#) (Croatia),
- [Peace Action Training and Research Institute of Romania - PATRIR](#) (Romania).

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Introduction

This study was conducted within the project EUact - Active European Citizens Against Hate Speech. The aim of this project is to raise awareness of the impact of hate speech on democratic participation and European values as well as to promote civic and political participation. A multi-method approach was used in this research by combining desk research, interviews and surveys in order to detect and assess policies and practices concerning hate and Euroscepticism in Croatia.

The first part of the study included a desk research. This was conducted in order to set the scene and create a basis for the assessment of Croatian policies and the legal frameworks that exist for the combating of hate. It was also used to detect trends concerning the emergence of hate and Euroscepticism in Croatia. The desk research identified key actors, target groups, public attitudes and trends concerning hate and Euroscepticism in Croatia and opened up the space for further analysis.

The second stage of the research included a more in-depth analysis of the detected trends and was used to supplement the findings gained through the desk research. Semi-structured interviews were conducted with various stakeholders (institutions, associations and representatives of minority groups) who were able to provide first hand experience in relation to occurrences of hate speech and xenophobia in Croatian society. They also gave their views on the effectiveness of the existing frameworks for combating hate.

The final research stage was an online survey aimed at collecting experiences on hate speech among young people in Croatia. The survey results were used to complement the findings established in the previous stages and to support the framing of the recommendations for action and suppression of hate speech.

Based on the described research, the main conclusions were drawn up and recommendations made regarding legal, policy and implementation measures that would contribute to reducing and combating hate speech in Croatian society. The conclusion and recommendations also explored options for the fostering of democratic values and inclusive societal environments.

1. Hate Speech and Policies of Anti-Discrimination

1.1 Legal Regulation

The legal regulation of hate speech in Croatia is fragmented through a number of provisions that criminalise some forms of its manifestations, but none of these provisions refer to the term "hate speech" as such. There is also no universally agreed definition of hate speech, but the interpretations and understanding of the term closely follow the established European notions and standards.

The commonly accepted interpretation is from the Council of Europe Recommendation No. R (97)20 of the Committee of Ministers to member states on "hate speech", 1997¹. which states that the term hate speech "shall be understood as covering all forms of expression which spread, incite, promote or justify racial hatred, xenophobia, anti-Semitism or other forms of hatred based on intolerance, including: intolerance expressed by aggressive nationalism and ethnocentrism, discrimination and hostility against minorities, migrants and people of immigrant origin". It should be noted that although both the Croatian term "govor mržnje" and the English equivalent "hate speech" emphasise "speech", which implies verbal expression, the term speech in this context includes both verbal and nonverbal ways of public expressions, such as images, signs, symbols, gestures and similar (Munivarana Vajda and Šurina Marton 2016).

Even though there is no universal definition, the term hate speech refers to speech that invokes violence and hatred towards an individual or certain social groups because of their race, ethnic origin, sexual orientation, religion, etc. Therefore, hate speech is as such incompatible with freedom of speech because it violates the rights of others and is completely incompatible with equality and non-discrimination as basic principles in a democratic society. However, sometimes it is not easy to draw the line between free speech and hate speech, nor does every piece of hate speech have the same weight. That is why a differentiation of regulation is needed - some forms of hate speech may be a criminal offense and some may be a misdemeanour offense. Some milder forms of hate speech may fall within the area of a violation of ethical principles or regulations in journalism and publishing, and may therefore have a different form of sanction accordingly (Đaković 2019).

¹ Council of Europe Committee of Ministers. (1997), Recommendation No. R (97) 20 of the Committee of Ministers to Member States on "Hate Speech", Council of Europe, Adopted by the Committee of Ministers on 30 October 1997 at the 607th meeting of the Ministers' Deputies

Hate speech in the Croatian legal system is incriminated through a number of provisions (criminal and misdemeanour). Article 325 of the Criminal Code (public incitement to hatred and violence) is most often associated with hate speech (Munivarana Vajda and Šurina Marton 2016).

According to Article 325 of the Criminal Code²:

“anyone who, by press, radio, TV, computer system or network, at a public gathering or in any other way, publicly incites or makes available to the public leaflets, pictures or other material that incites to violence or hatred directed towards a group of people or a member of a group on the grounds of race, religion, national or ethnic belonging, origin, skin colour, gender, sexual orientation, gender identity, disability or any other characteristics, will be punished with up to three years of prison.

Whoever organises or leads a group of three or more persons (association) for the purpose of committing this offense shall be punished by imprisonment for a term between six months and five years.

Whoever participates in the association will be punished by imprisonment for up to one year. Imprisonment for up to three years shall be imposed on anyone who publicly endorses, denies or significantly diminishes the crime of genocide, aggression, crime against humanity or war crime against a group of people or a member of a group because of their racial, religious, national or ethnic origin, origin or skin colour, in a manner appropriate to incite violence or hatred against such groups or members of a group.”

In addition, the Criminal Code more strictly incriminates some special forms of hate speech: direct and public incitement to genocide (Article 88, paragraph 3 of the CC), direct and public incitement to the crime of aggression (Article 89, paragraph 3 CC), and public incitement to terrorism (Article 99 CC).

Hate speech is also incriminated through a number of misdemeanour provisions. Notably, the Act on the Prevention of Riots at Sports Competitions (Art. 4, paragraph 1, point 5 and 7), the Anti-Discrimination Act (Article 25, paragraphs 1 and 2), the Public Assembly Act (Article 18, paragraph 2), the Act on Misdemeanours against

Zakon.hr. (2021), Kazneni Zakon: pročišćeni tekst zakona, NN 125/11, 144/12, 56/15, 61/15, 101/17, 118/18, 126/19, 84/21, na snazi od 31.07.2021. [Criminal Code: consolidated text of the law, OG 125/11, 144/12, 56/15, 61/15, 101/17, 118/18, 126/19, 84/21, in force since 31.07.2021], Zakon.hr

Public Order and Peace (Articles 5, 6 and 13), the Electronic Media Act (Article 12, paragraph 2), and the Act on Croatia Radio Television (Articles 8 and 9, and other).

The regulation of hate speech on the Internet represents one of the main challenges not only in Croatia but also around the world. In response to the emergence of hate speech in the digital environment, the EU member states, Germany and France, introduced regulations into their national legislation similar to the Code of Conduct on Countering Illegal Hate Speech Online adopted by the European Commission and four major IT companies (Facebook, Microsoft, Twitter and YouTube) in May of 2016. In Croatia, a similar initiative was launched by planning for the enactment of the Act on the Prevention of Misconduct on Social Networks. However, as can be read from its Preliminary Impact Assessment form, the envisaged Act would rely on existing practices within the EU and thus on the German legislation (NetzDG) which has so far proved to have significant shortcomings in its implementation. Having in mind the shortcomings of this approach, there were concerns that the introduction of such a legislative solution in Croatia would have serious consequences on the freedom of expression and could lead to excessive removal of content (Đaković 2019). Beyond the announcement to plan the adoption of this legislation, to this day the Act on the Prevention of Misconduct on Social Networks has not yet been adopted.

The European Commission Against Racism and Intolerance (ECRI) commends the available legal framework to combat hate speech and takes note that the number of cases under Article 325 have been few. This can partly be explained by the fact that incidents of hate speech are mainly treated as misdemeanours under the Anti-Discrimination Act and the Act on Public Order and Peace. Regarding civil and administrative law responses, hate speech cases processed under the Anti-Discrimination Act often resulted in fines ranging from HRK 200 to 2000 (around EUR 25 to 250). ECRI notes that in 13 cases, the perpetrators were convicted for the public use of the “Za dom spremni” salute (“For home - ready”) a salute used by the Croatian Ustaše movement in the 2nd World War. People using this salute in public have been prosecuted under the misdemeanour liability and received fines of around HRK 700 (around EUR 100). The Ombudsperson emphasised that the use of lighter penalties in sanctioning is almost a regular practice in this matter. ECRI noted this trend with concern and drew attention to the legal uncertainty arising from the different sanctioning regimes applicable to hate speech incidents as misdemeanours. This has been reiterated by the Ombudsperson and numerous civil society organisations (hereinafter CSOs) in Croatia.

Anyone can report a hate crime and public incitement to violence and hatred. The report may be submitted to the State Attorney's Office or the police in writing or orally on record. If the criminal report is filed anonymously, the State Attorney's Office, as a rule, acts only upon an anonymous criminal report if there is a grounded suspicion that a criminal offense has been committed.

However, individuals may also report hate speech to one of the following public bodies:

- Agency for Electronic Media (AEM) / Electronic Media Council (EMC) - The Agency and the Council are the bodies responsible for supervising the content of programmes on television or radio and internet portals (electronic publications).
- Ombudsperson of the Republic of Croatia, the Ombudsperson for Gender Equality, the Ombudsperson for Persons with Disabilities, and the Ombudsperson for Children, are all independent institutions dealing with the protection of human rights and dealing with systematic monitoring, thus giving recommendations to improve the protection of human rights in the Republic of Croatia.
- Council of Honour of the Croatian Journalist Association (CJA) - The CJA's Council of Honour is a self-regulatory body of the journalistic profession that monitors compliance with the principles and norms of the Code of Honour of Croatian Journalists and is an integral part of the Croatian Journalists' Association.

The AEM is an independent regulatory body that oversees compliance with the Electronic Media Act and monitors broadcasting. Possible sanctions for violations in cases of hate speech are the temporary or permanent revocation of license. However, as ECRI has noted, AEM has been passive in monitoring and rarely intervened in response to violations of the Electronic Media Act, which is possibly due to the increasing political pressure it has faced since 2015. ECRI was informed that from 2013 to 2016, the AEM processed 10 hate speech-related cases, where seven of them resulted in warnings and three in charges before the misdemeanour courts, but no fine has ever been imposed. ECRI condemned any political interference in the functioning of the AEM and considered that any leniency to sanction intolerant speech might send a wrong signal to media services and ultimately create a culture of impunity.

Although there is no single provision regulating all forms of hate speech, hate speech in Croatia is nevertheless substantially regulated. As described above, regulation of its manifestation can be found in various sources of regulations, including criminal and civil acts, as well as through the powers of independent regulatory and self-regulatory bodies. Considering that certain aspects of hate speech are regulated through a series of provisions among which there is often no clear line of demarcation, certain cases in practice may cause ambiguity and difficulties in interpretation and adequate qualification.

1.2 Policy Analysis

When it comes to policy frameworks, several national policy documents take into consideration the growing problem of hate speech. In the frame of an assessment of their objectives, policy documents prescribe measures for combating hate that are undertaken by different public authorities.

The National Programme for the Protection and Promotion of Human Rights, for the period from 2013 to 2016 included such measures in the chapter on freedom of the media. One of its objectives was combating discrimination and hate speech in electronic media and social networks. This was planned to be done through improving the legal regulation and the possibility of sanctioning hate speech in electronic media and social networks. The implementing bodies as foreseen by the programme were the EMC and the Ministry of Maritime Affairs, Transport and Infrastructure.

The National Plan for Combating Discrimination, for the period from 2017 to 2022, in section 4.2 - Education, science, and sports, foresees as one of its objectives the combating of discriminatory practices and hate speech in sports. Its aim was to reduce hate speech at sports competitions. The same document elaborates on the issue of hate speech in section 4.7 - Public information and media. It emphasises that the media has an important role in combating discrimination and promoting equality since it has the possibility of giving a voice to the invisible, promoting social inclusion, equality and solidarity. However, the media often represents the means of perpetuating discrimination in cases of hate speech with its uncritical transmission of hate speech, offensive and stereotypical portrayal of different social groups, especially minority ones, or even their complete invisibility. The complexity of the position of the media is also reflected in the system for the protection and promotion of human rights when the right to freedom of expression is assessed against the possibility of restricting the freedom of expression needed to protect the rights and reputation of others. This is especially visible in the context of hate speech and the importance of combating it. At the same time, it is important to provide media space for potentially discriminated groups and specific content that can help overcome discrimination. For that matter, the National Plan emphasised the importance of the education of journalists and editors in terms of reducing the stereotypical, offensive, and degrading portrayals of discriminated groups. Hence, the Plan prescribes the objective of eliminating stereotypical, offensive, and degrading media coverage of individuals or groups on any grounds of discrimination, as well as the increased involvement of groups at risk of discrimination, in production and participation in cultural and media content.

The Government adopted the Action Plan for the Implementation of the National Plan for Combating Discrimination for the period from 2017 to 2019. This contains numerous activities aimed at combating hate speech, violence, racism, and discrimination in all areas of social life. The Government Office for Human Rights and Rights of National Minorities was determined to be the implementing body for the majority of the measures envisaged for combating hate speech. This included: organising professional seminars on the provisions of the Criminal Code related to hate crime and hate speech for judges, lawyers, state attorneys, police and representatives of civil society organisations; organising round tables on discrimination, hate crimes and hate speech; improving the system for collecting data on hate crime and hate speech; monitoring the application of the code of conduct on countering illegal hate speech online; producing campaigns aimed at combating discrimination and hate crimes; and publishing annual data on hate crime cases.

The Action Plan further prescribed that Croatian Radio Television should take the responsibility to ensure the systematic education of journalists, editors and all other professional groups involved in the production of media content on discrimination and ways to combat discrimination in media content. The EMA was in charge of encouraging the development of a self-regulatory act / instruction for the transmission of sports content in situations where hate speech is present, and the Central State Office for Sports was designated to implement campaigns against hate speech in sports.

In 2011, the Protocol on Procedures in Cases of Hate Crime (The Human Rights Office of the Government of the Republic of Croatia 2011) was adopted. It set out clear guidelines for the procedures to be followed by competent bodies who participate in the discovery, proceedings and monitoring of the results of proceedings conducted on hate crimes. The Protocol governs the recording of hate crimes by the police, state attorney's office, and judiciary, and requires authorities to collect official records on hate crime incidents. The Government's Office for Human Rights and National Minorities was set up as the focal point for the collection, integration and dissemination of data on hate crimes. According to the Hate Crime Protocol, a working group was obliged to meet on a quarterly basis in order to exchange statistics. In 2021, a new Hate Crime Protocol was adopted and a new working group set up. This working group was expanded to include four members of civil society organisations representing Roma, Serb, and Jewish national minorities and a representative from a human rights organisation.

However, it must be emphasised that statistics on hate crimes, including misdemeanour offenses are not published in any adequate form that can serve for further meaningful analysis of this type of violence. Only minimal figures are available on the website of the Government's Office for Human Rights and National Minorities. There is no disaggregated data showing hate crimes by different bias grounds. Also,

the number of convictions is not necessarily linked to the year in which statistics are collected. The data is not segregated in a way that allows for it to be analysed and further elaborated on for any action plan³.

As of 2015, hate crime statistics have been published on the website of the Government Office and are also regularly reported to the Office for Democratic Institutions and Human Rights (ODIHR) / Organisation for Security and Cooperation in Europe (OSCE). ODIHR has expressed concern over Croatia's failure to publish hate crime data disaggregated by bias motivation⁴. Moreover, the very low level of hate crimes reported to the police is a significant concern. Because of this, ECRI also stated that "In contrast to the official data, the data provided by NGOs indicates a higher number of cases of hate crimes. According to the Serb National Council (SNV), 331 cases of ethnically motivated violence, threats and hate speech against Serbs were recorded in 2016, up from 189 cases recorded in 2015, and 82 in 2014. While diverging methodologies for the registration of hate crimes may result in this discrepancy, the Ombudsperson underlined that this data should not be ignored, since hate crime victims often only report incidents to NGOs due to a lack of trust in or fear of the authorities"⁵.

Even though national policy documents take into consideration the growing problem of hate speech and foresee measures for combating hate by different public authorities, their effectiveness is affected by the general problem of the delay of the adoption of national policies concerning human rights. The National Program for Protection and Promotion of Human Rights expired in 2016 and a new one has not been adopted since. The National Plan for the Protection and Promotion of Human Rights and Combating Discrimination for the period from 2021 to 2027 was expected to be adopted in the first quarter of 2021, but its adoption was still being awaited at the beginning of 2022.

Despite the frequency of hateful occurrences, Croatia lacks systematic policies related to the monitoring of hate speech which leads to lack of institutional knowledge and procedures for combating hate speech. This contributes to the problem of relativisation and data manipulation, and the problem of 'underreporting' is also present. Civil society in Croatia advocates for the adoption of a comprehensive action plan that would cover all forms of hateful occurrences and measures to address them, including capacity building for all stakeholders.

Council of Europe Department for the Execution of Judgements of the European Court of Human Rights. (2019, October 28), Rule 9.2 Communication concerning the Secic group of cases v. Croatia No. 40116/02 from Human Rights House Zagreb and Center for Peace Studies, Strasbourg,
ibid. para 30
ibid. para 24

“My opinion is that the best form of social support is an effective system of intervention by the competent institutions, when violence / hatred occurs. This is preceded by systematic investment in prevention - investing in human rights education and democratic citizenship (...) respecting and implementing the recommendations of independent institutions (ombudsmen and CSOs) and a certain degree of regulation of social networks.”⁶

“I think there is no systematic support, but sporadic support from CSOs. (...) In my opinion, the system itself should create a hate speech response map and certainly set out a series of criteria defining in which situations which institutions respond and in what way.”⁷

1.3 Public Attitudes, Targets and Trends

While hate speech is undoubtedly present in Croatian society, the overall awareness of its possible consequences is still insufficiently developed. Persons who send hateful messages tend to invoke their freedom of expression, while at the same time the term hate speech is often unjustifiably used to characterise certain forms of allowed criticisms, especially related to the work of public officials.

In the Croatian societal context, there are a variety of sources of hatred-motivated statements and messages depending upon the issue(s) and the context in question, both in online and offline forms. Statements and actions of some politicians and public figures are characterised by ethnic intolerance, hate speech, inflammatory speech, and historical revisionism are of particular concern (Human Rights House Zagreb 2020). Such content can be found in political messages sent by political and social actors, particularly those at the far right of the political spectrum. Certain internet portals, social media communities, marginal newspapers, organisations, and initiatives representing far-right extreme or radical views also participate in sharing messages which reflect forms of harmful content. Most often it is a denial of the rights of national and ethnic minorities, especially Serb and Roma communities, it is also hate speech against minorities in general, anti-migrant hate speech, and hatred and discrimination towards the LGBTQIA+ community. Journalists and media editors are also targeted by hate speech. A significant share of hate speech comes from the citizens publicly engaging in discussions on political and social issues, especially on social media and in comments on news portals (Lalić and Senta 2020). In addition, offline messages of hate are also present, and they most commonly occur during

Interview. Representative of CSOs, on 15/09/2021

Interview. Representative of CSOs, on 15/09/2021

public assemblies, sports competitions and events, as well as in forms of graffiti and writings on public spaces.

Civil society organisations, the academic community, and the Ombudsperson's office have been continuously warning of an increase in hate speech in Croatia in recent years. ECRI, in a report for Croatia published in May 2018, warned that hate speech in Croatia is on the rise and that it represents a challenge in protecting the freedom of expression. According to ECRI, the freedom of expression in Croatia is negatively affected by the occurrence of hate speech in public discourse, especially racist hate speech directed against Serbs, LGBTQIA+ people and Roma, (ECRI Report on Croatia 2018).

The Serb National Council has documented hate speech and historical revisionism in media discourse, as constructed and perpetuated by certain journalists, editors, and media platforms. In 2018 the internet portals promoting hate speech and historical revisionism were the right-wing and conservative portals and newspapers. 2017 saw an increase in the number of hate statements or acts by public persons, such as having photographs taken next to symbols from the Nazi collaborationists "Independent State of Croatia" period. These statements and acts contained elements of affirmation of the Ustasha regime, which therefore spread intolerance and discrimination or implied hate speech, which is officially punishable by law. The Advisory Committee on the Framework Convention for the Protection of National Minorities noted in 2016 that some political figures in Croatia continued to use inflammatory rhetoric to increase inter-ethnic tensions, for example by referring to some minority groups as "aggressors".

The "Za dom spremni!" Nazi style salutation has been subject to controversy for decades in Croatia. Although there are several judgments of the Croatian courts, including a Constitutional Court decision about it. This decision excludes this salutation from the protection of free speech rights and designates it as a hate speech that targets the victims of the holocaust and genocide during the WW2. Even with this, Croatian law enforcement and judiciary have not been consistent in enforcing this standard. The case of the singer Marko Perković Thompson is the most notable example of the uneven application of this standard. In the most recent decision from 2020, the High Misdemeanour Court went against the decisions of the Constitutional Court and European Court of Human Rights (ECtHR) and concluded that the "Za dom spremni!" salutation, when part of an original song, is protected as an artistic expression, completely disregarding the criminal and Nazi nature of the Ustashe regime and its incompatibility with a democratic society.

In addition to this, the Government's Council on dealing with the past, in 2018 presented its conclusions on the "Za dom spremni!" salutation which rightfully reiterated the incompatibility of it with democratic society. However, the Council

largely contributed to deepening the controversy by making an exemption when “Za dom spremni!” could be lawfully used and limiting this to occasions related to the commemoration of the Hrvatske obrambene snage (Croatian Defence Force), a para-military regiment which was active during the Homeland War in the 1990s and had this salutation as a part of their coat-of-arms.

ECRI notes that in 2015, the UN Human Rights Committee expressed its concerns about reports of violence against LGBTQIA+ persons. Also, the Ombudsperson for Gender Equality made similar remarks and underlined the worrying rise in the inefficiency of the judicial system with regard to its response to hate-motivated crimes against LGBTQIA+ persons⁸.

In 2019 there were a number of consecutive hate-motivated attacks against Serbs and other minority groups. In 2020 there were a number of incitement to hatred incidents that happened during the Government assemblies. All this created an atmosphere of intolerance in Croatia which was met with a lack of unequivocal condemnation from the government and other high officials, which in turn further trivialises such violence (Council of Europe 2019).

In 2019, the Roma national minority was also exposed to discrimination and public incitement to hatred and hate speech. This culminated with a protest held on 1 June 2019 in Čakovec (Ombudsperson of the Republic of Croatia 2020). In the protest titled “I want a normal life”, protest organisers misrepresented the Roma national minority in the context of violating citizens’ security and national security. The Union of Roma in the Republic of Croatia ‘Kali Sara’ decided to organise a counter-protest to warn of the inappropriateness and inaccuracy of such generalisations, however, the City of Čakovec did not approve the use of public space for this public gathering and peaceful protest, which prevented the exercise of the right to public assembly for members of the Roma national minority (Human Rights House Zagreb 2020).

ECRI expressed particular concern that members of the Roma community continue to be targets of racial violence. It also noted that various stakeholders emphasised that most of the violent incidents in areas surrounding Roma settlements are not reported due to the limited trust and understanding between the community and the police, it also claimed that ethnic profiling practices are increasing (ECRI Report on Croatia 2018).

In 2016, Munivrana Vajda and Šurina Marton in their publication analysed the final judgments for criminal offense of public incitement to violence and hatred under

⁸ Council of Europe Department for the Execution of Judgements of the European Court of Human Rights. (2019, October 28), Rule 9.2 Communication concerning the Secic group of cases v. Croatia No. 40116/02 from Human Rights House Zagreb and Center for Peace Studies, Strasbourg, para 11.

Article 325 of the Criminal Code in the period from 1 January 2013 until 30 June 2016. In total they analysed 19 final verdicts. The analysis shows that the highest number of victims were targets of this offence due to their nationality, they are followed by LGBTQIA+ persons and then victims of hate based on ethnicity and origin, and lastly on the colour of a person's skin. In addition to the above, two of the verdicts list war veterans and police officers as victims, for whom the authors emphasise that it is very controversial whether they enter the circle of persons protected by this criminal offense. In those cases, belonging to these groups was marked as "other characteristics".

With respect to public attitudes and trends, freedom of expression in Croatia continues to be negatively affected by the described occurrences of hate speech in public discourse, especially racist hate speech directed against Serbs, LGBTQIA+ persons, and Roma. Social problems such as intolerance, hate speech, discrimination, and hate-motivated violence are addressed only reactively and superficially (Human Rights House Zagreb 2020). In 2018, hate speech, discriminatory speech, and historical revisionism were intensely present in media, on social networks, and in the public domain. For example, in 2018 the two MPs representing the Serb national minority were attacked in the centre of Zagreb. Furthermore, of particular concern were statements and actions by public figures which were characterised by ethnic intolerance, it should also be noted that there has been an absence of public condemnation and sanctions against such actions and statements (Human Rights House Zagreb 2019). Particularly concerning is the frequency of hate speech on the Internet and among young people. Civil society organisations are constantly warning about the rise of hate speech against LGBTQIA+ on the Internet and on social networks (Human Rights House Zagreb 2020).

Incidents of hate speech have also been present in relation to sports events. FIFA has repeatedly imposed fines on the Croatian Football Association and banned fans and players over racist behaviour, mostly linked to the expressions of nostalgia for the Ustasha regime during football matches. In June 2015, Croatian fans displayed a swastika during a match against Italy (ECRI Report on Croatia 2018). After the end of the football match between Iceland and Croatia in 2013, the football player Josip Šimunić took a microphone and shouted the Ustasha salute towards the fans, he was fined both by FIFA and the Croatian courts. In 2019, the ECtHR rejected Šimunić's claim against Croatia by stating that in the case where he was legally fined for shouting the Ustasha salute at the stadium, his right to freedom of expression was not violated. The ECtHR thereby reaffirmed that the right to freedom of speech does not apply to the kind of speech that proclaims hatred or violence (Human Rights House Zagreb 2020).

In addition, homophobic statements by leading figures in sports were also reported. Zdravko Mamić, the former executive manager of the most popular football club in Croatia and vice president of the Croatian Football Association, stated that “gay people could not play in his national football team”. The Supreme Court ordered a public apology after it has found these statements discriminatory.

In November 2019, the Ombudsperson of the Republic of Croatia organised a round table on the topic of hate speech, highlighting the need for intensified efforts by the Ministry of Justice and the Ministry of the Interior for the conducting of more intensive educational activities for judicial personnel, police officers, judges, and state attorneys in this subject area. On the other hand, the Croatian Journalists' Association noted that the Croatian media scene has not yet developed any self-regulatory mechanisms and that there is no practice of initiating court proceedings in relation to comments below online articles (Ombudsperson of the Republic of Croatia 2018).

According to the results of research on hate speech in Croatian media spaces published in 2020, an increase in unacceptable behaviour and hate speech was noted. The research focused on the detection of different types of hate speech and provided examples of its occurrence with respect to the three most common grounds for hate speech in Croatia - ethnicity, religion, and migrant status. The results show that hate speech is not necessarily a self-standing media topic but is intertwined with other topics and content. The analysis of the content of comments from social networks determined the incidences of unacceptable speech at the level of 1.4% among the collected and analysed comments. Based on the results, the group which received the most comments with unacceptable speech were Serbs. The second group on the receiving end of unacceptable speech were Bosnians, followed by Orthodox Christians as the third most commonly targeted group. Comparing ethnicity, religion, and migrant status, the most unacceptable comments were based on ethnicity (587 comments), followed by religion (337), whereas occurrences of comments based on migrant status were the last on this list (88) (Poljak, et al. 2020).

In 2018, the Faculty of Political Science conducted a survey analysing the views of Croatian citizens on hate speech. According to its results, 86.9% of citizens supported the legal sanctioning of calls for violence against members of certain groups, while others were against or did not know. Also, 54.9% stated that there should be a legal ban on public use of communist symbols and 82.5% of citizens were in favour of a legal ban on the public use of Nazi symbols. When it came to salutes connected to historical political regimes, 46.8% were in favour of a legal ban on the public use of the call “Smrt fašizmu, sloboda narodu!” (used as an antifascist greeting during WW2), and 49.9% of respondents were in favour of introducing a legal ban on the public use of the Ustasha based call “Za dom spremni!”.

In December 2019, the Office of the Ombudsperson presented results of a survey on hate speech among young people on the Internet (Šimonović Einwalter 2019). When asked about hateful comments and expressions of intolerance not directly addressed to them, young people mostly encountered such occurrences in posts or comments on social networks (92%), in comment sections on articles of newspaper portals (91%) on internet forums (80%), and approximately 1/3 of the respondents encountered hate speech in these places almost daily. Hateful comments or expressions of intolerance were most often made on the basis of nationality or ethnicity, sexual orientation, physical appearance, religion, and regional affiliation. When it came to personal experiences with hate speech addressed directly to the respondents, almost every other young person (44%) stated that they personally had experienced hateful comments or expressions of intolerance in the last five years. The majority (68%) of the young people who participated in the survey did not report the incident to anyone, 26% reported hateful comments to the site administrator, 6% of hateful comments were reported to the police and 3% to another official body. As for the reasons for non-reporting, respondents said that it was nothing serious (49%) or that there is no point in reporting because it anyway happens all the time (34%) (Šimonović Einwalter 2019).

As described throughout this section, hate speech in Croatia represents a common occurrence in public discourse, both online and offline, and it is most commonly directed against Serbs, LGBTQIA+ persons, and Roma. The Croatian social climate is largely affected by intolerance, hate speech, discrimination, and hate-motivated violence, all of which are not systematically addressed. There is also a lack of awareness of the seriousness of hate speech which is linked to the irregular reporting of such incidents.

1.4 Online Hate Speech

“Even though hate speech is present in the offline sphere (...) hate speech in Croatia is mostly present online - in social media, comments on news portals, etc. The presence of hate speech in public spaces, especially on the internet, is increasing”⁹

As mentioned before, hate speech online is a special challenge not only for Croatia but for the whole of Europe, the regulation of social media and content moderation in the internet space is still an emerging area of regulation.

The research results from Šimonović Einwalter’s 2019 report for the Croatian Ombudsperson on “Hate Speech Among Young People on the Internet” show an

Interview. The Government Office for Human Rights and Rights of National Minority, on 14/09/2021.

increase in hate speech online, especially among young people. There have been attempts by the Government to better regulate this area - the Act on the Prevention of Misconduct on Social Networks was planned in 2019 but was never introduced, and in 2021 a new responsibility of electronic media for the user-generated content was introduced in the new Electronic Media Act. This latter act pushes the responsibility onto the media publishers and states: “the providers of electronic publications are responsible for all content published on electronic publication, including that generated by the users, if they miss to register the user and if they did not warn the user of the commenting rules in a clear and easily noticeable way”. Therefore, Human Rights House Zagreb is proposing a change to the mentioned provision, so that it prescribes the responsibility of the providers of electronic publications for user-generated content to remove clearly unlawful content as soon as they became aware of it. Human Rights House Zagreb also proposed proper monitoring and impact assessment of this provision on human rights, especially freedom of expression and non-discrimination principles, as well as thoroughly elaborated guidelines and training courses for media staff and publishers to be provided by the state through the Agency for Electronic Media.

Except for the legislative framework, there are other important means to combat hate speech online, such as education, awareness-raising, and campaigns. Unfortunately, not much of this has been done in the past by the state institutions, either alone or in cooperation with CSOs and vulnerable or marginalised communities. When it comes to education, the topic of online hate speech is underrepresented in schools in Croatia, due to the lack of civic education in schools (civic education in Croatia was introduced in the school system in 2019, as one of seven cross-curricular topics). In addition to that, there is still a low level of competence among pupils in civic literacy, and the training for teachers to deal with online hate speech and human rights is not produced or implemented in a systematic manner. In this regard, in March 2021, ECRI “strongly encouraged Croatian authorities to ensure a comprehensive and consistent initial and continuous training with a view to providing the members of the teaching profession the necessary sensitivity to and skills on human rights education and to make topics such as the right to equality and prohibition of discrimination a priority in practice. This can further be supported by sharing experiences among teachers regularly, updating methods and materials used for teaching and mainstreaming good practices”¹⁰. Because of the lack of systematic education and support for teachers, some CSOs have developed manuals for teachers and piloted the first training course on online hate speech.

European Commission against Racism and Intolerance. ECRI conclusions on the implementation of the recommendations in respect of Croatia subject to interim follow-up, adopted on 30th March 2021, ECRI Council of Europe, Strasbourg. p5.

“The trend is to board the train of hatred - it is enough that one person writes something on social networks for others to follow. The media likes such comments because it is important for them to write content that has enough clicks. The media is not up to date in sanctioning the comments.”¹¹

As described above, the spread of online hate speech represents a rapidly growing threat to human rights and the maintaining of democratic standards in public debate. Means of online public communication and thereto related challenges further emphasise the need for engagement and cooperation between the various stakeholders involved in the tackling and combating hate speech. These include public institutions and actors, media and communication platforms, civil society, educational and research institutions, as well as individual citizens.

1.5 Results of the EUAct Survey

As a part of the research, a survey was conducted in order to gather information and collect experiences on hate speech among young people in Croatia. The received results were used to complement the findings derived from the desk research and interviews, as well as to detect main areas of concern and need for action regarding combating hate speech in the community.

The online survey was conducted in September 2021 and 100 anonymous responses were collected, out of which 90 respondents were aged 17-25, and 10 were older than 25. 97 respondents were from Croatia, two from Bosnia and Herzegovina, and one from an EU country. The survey was shared directly via email to youth organisations, partner human rights CSOs, and CSOs working with minorities.

The results show that a majority of respondents considered hate speech as a problem in Croatia - 64 respondents completely agreed with the statement “I think that hate speech is an issue in Croatia”, while 27 partially agreed. When it comes to the targets of hate speech, the respondents mostly recognised LGBTQIA+, national and ethnic minorities (especially Roma and Serbs), and migrants. They also recognised that often hate is based on religion and racism. When asked if they have seen or faced hate speech during last year and where, 62 of the respondents answered that they had encountered hate speech online, while others answers varied from TV to schools, newspapers or even at home. The most common social network where hate speech occurs is Facebook (for 58 respondents), followed by

¹¹ Interview. Representative of minority group, collaborator of CSO representing groups targeted by hate speech, on 02/09/2021.

online forums and news portals (17) and other platforms. This is also a trend that can be explained by the popularity of Facebook and the number of users it has in Croatia.

When it comes to the frequency of hate speech, the worrying data from this questionnaire is that 16 respondents said that they encounter hate speech every day and 33 of the respondents said that they encounter hate speech every week. Even more worrying are the results that show that 46 respondents claimed that they themselves were targeted by hate speech, while 57 claimed that members of their family, friends, or colleagues were targets of hate speech. At the same time, 23 respondents did not know if they were targets of hate speech, and 21 of them did not know the answer for their family, friends and colleagues. This latter information shows that there is not enough knowledge or clear understanding of the hate speech phenomena among young people, it also shows that they are not sure if they can even recognise it, and therefore, the question is how they can react and protect themselves and others if they don't recognise it. This claim is also confirmed when compared to other responses, 23 of the respondents who claimed that they were targeted or that they do not know if they were, said that they did not take any action on it. From the respondents who took action, the most common reaction was to directly address the person saying the hate speech by communicating that what was said was unacceptable (28 of respondents). 17 respondents answered that they reported hate speech to administrators of the platform, while 11 used counter-narrative and 9 turned to a person they trust for help.

The grounds for hate speech that the respondents had personally faced were sex (14), sexual orientation (9), national and ethnic background (7), race or skin colour (4), and gender identity (2). When asked who is mostly spreading hate speech, the 61 respondents said that it is anonymous internet users, while 11 respondents claimed it to be friends, family and or acquaintances. 10 respondents claimed it was public figures, and 8 said that those public figures were politicians. This data shows once again that among young people hate speech is most present online.

The respondents mostly see a solution in accountability and education - 32 respondents claimed that people should be held accountable for spreading hate speech, 19 consider that there must be education for everyone about the harmfulness of hate speech, and 12 of the respondents think that everybody should report hate speech. 11 respondents think that young people must take an active part in the prevention of hate speech and 11 believe that network platforms must erase hate speech, while 8 respondents urged for more public campaigns.

Even though the results provide only an insight in perception, attitudes and experiences of young people in Croatia on hate speech issues, they clearly indicate the trends of: (a) excessive exposure of young people to hate speech, especially online; (b) a lack of education and information on hate speech, freedom of expression

and ways to protect themselves and react in the defence of others; (c) young people are ignoring hate speech, exhibit a lack of reaction to it, and rarely seek support when facing it.

Therefore, there is a need to inform and educate young people on hate speech issues, to raise their knowledge, skills and attitudes to combat hate speech and promote freedom of expression. There is also a need to offer support to young people when they face hate speech and to develop and support young people in initiatives on countering hate speech. As it is well known that young people intensively use social media for various activities, this insight also shows that social media is a key actor in the facing of hate speech, so there is also a need for social media to be an ally to the young people when it comes to hate speech. An important trend that can be noticed from the survey results is that young people support the processing and removal of hate speech from public spaces and that they recognise it as a problem in society.

A clear need that comes out from this insight is to conduct larger and more comprehensive in-depth research on hate speech issues among young people, as a base for more efficient policies and strategies on combating hate speech.

2. Euroscepticism

The issue of Euroscepticism is not a subject of a continuous public debate in Croatia, but it rather appears as a part of the public discussion sporadically. It was at its peak during the years prior to Croatia's accession to the EU. Apart from that occasion, Euroscepticism is most commonly discussed in times of elections.

In the last decade, topics of hate and Euroscepticism have been covered by various sources: academic articles and publications, policy documents, reports by public authorities, CSO publications and articles, as well as international organisations' reports, particularly the report from ECRI. Even though the general presence of this topic in the public space and literature has increased, it should be noted that relevant sources rarely address connections of hate speech and Euroscepticism. Hate speech is commonly referred to in the frame of discrimination and intolerance in society or in connection to the issue of hate crimes, whereas Euroscepticism has mostly been brought up in the frame of the EU accession process as well as at times of elections.

The interpretation of the term Euroscepticism is assessed by different national authors who rely on international categorisation methods with a reference to the national context. According to the most general understanding, Euroscepticism is a combination of a lack of trust in the European Union and a lack of trust in EU membership (Štulhofer 2006). Authors of literature on this topic indicate the distinction between the soft and hard types of Euroscepticism according to the categorisation of Taggart and Szczerbiak 2001. Therefore, soft Euroscepticism is connected to having no principled objection to European integration or EU membership, but there are concerns about some EU policy areas or a sense of endangered "national interests". Hard Euroscepticism is seen as a principled opposition to the EU, particularly among those political parties aiming to withdraw from the EU or who oppose EU integration or further developments.

Support for European values and the level of Euroscepticism were addressed in 2020 by a compendium of scientific and expert articles assessing Croatia's first five years as a member of the European Union (Cepo 2020). Among other topics, it assessed to what extent European values had relevance for the development of a functioning society as understood by the citizens and embedded in the Croatian society. The analysis was based on recent EU public opinion surveys focusing, inter alia, on a citizens' perception of values achieved through European Union membership in Croatia. Elements that were taken into consideration indicated the presence of soft Euroscepticism in Croatia. It was concluded that despite the long EU accession process and difficult timing of acceding to the EU in the period of the financial crisis, Croatia should be considered as "Eurorealistic", rather than as a Eurosceptic country.

However, overall support today for the European project is not high in Croatia and a soft form of Euroscepticism is present.

According to the assessment, different factors and developments have led to oscillations of support for the EU among Croatian citizens in the last two decades, but the EU membership was never seriously questioned. In the period following the accession, there was not much enthusiasm among citizens and a rise in Euroscepticism was recorded, mostly among political parties and groups of individuals of marginal influence. Over time the number of Eurosceptic parties has increased, and some of them have taken part in Government coalitions. Currently, Croatia has several Eurosceptic MEPs.

Different authors and sources list different general causes of Euroscepticism in Croatia. The civil society organization GONG in its 2011 publication "Euroscepticism in Croatia on the Threshold of the EU: Sources and Arguments", lists the following five sources for Croatian Euroscepticism: a lack of information and citizen dialogue; a lack of readiness in relation to the fear of being uncompetitive, especially in the sectors of agriculture and fisheries; a lack of readiness in the administration of national and local government; a lack of trust for Croatian political elite as well as EU politicians and EU politics; and a loss of national identity, language, sociocultural identity, sovereignty, and resources. Other authors mention additional reasons such as the possibility of job losses, non-competitiveness of domestic companies, illiquidity, low standard of living, and the inability to participate in EU decision-making.

Some causes of Euroscepticism in Croatia are common for other European countries and nations, such as globalisation, multiculturalism, the loss of some sovereignty, and weakened competitiveness. However, some causes could be interpreted as being specific to Croatia, such as the lengthy accession negotiation process which went on for a decade, causing a decrease in the average citizens' optimism and satisfaction with the EU. The EU was constantly posing new obstacles for the accession, such as the pressure to extradite generals of the Croatian Army and closer cooperation with the Hague Tribunal, resolving border disputes with Slovenia, and the discussions that took place around the proclamation of the Protected Ecological and Fishing Zone (Arapović 2020).

The main actors of Euroscepticism in Croatia are different political parties, but there are also several other actors who continuously or occasionally express Eurosceptic ideas in the public space. Over the last two decades, political parties opposing the idea of a united Europe and common European values have been constantly present in the Croatian political sphere, both on the left and right of the political spectrum, and both in the period preceding EU accession and after.

Among the Eurosceptic political parties, opposing European integration is manifested in different ways. For example, some political parties oppose the new common institutions, deeper integration, European taxes, the European army, and the European federation in which “Brussels bureaucracy would shape the fate of Croatia”. Other parties promote the idea that exceptions should be determined for certain spheres which shall be placed under the exclusive jurisdiction and sovereignty of Croatia, such as the issue of immigration, the issue of selling land and real estate to foreigners, as well as the full sovereignty and ownership of Croatia over its vital natural resources (sea, land, forests and water). There are also political opinions that strongly oppose the alleged systemic corruption as part of the neoliberal system promoted by the EU, in which they find everything subordinated to the interests of big capital from economically more developed members to the detriment of peripheral countries, including Croatia. Apart from separate parties promoting the ideas of national identity and fear of European influence, a coalition “Union for Croatia” was founded in 2011, before the parliamentary elections, which offered an alternative to Croatia’s accession to the EU which was considered to be wrongful for its sovereignty and independence.

With respect to the current political landscape, the following parliamentary parties in Croatia are assessed as Eurosceptic to a greater or lesser extent: Most (The Bridge), Živi zid (Human Shield), Hrvatska Demokršćanska Stranka (Croatian Christian Democratic Party), Blok za Hrvatsku (Bloc for Croatia), Radnička fronta (Workers’ Front), and Hrvatski Suverenisti (Croatian Sovereignists). In the last European Parliament elections in 2019, parties with, at least a partial, Eurosceptic discourse achieved the following results: Radnička fronta (Workers’ Front) - 2,622 votes (0.24%); Hrvatska Demokršćanska Stranka (Croatian Christian Democratic Party) - 3,651 votes (0.34%); A-HSP (Authentic Croatian Party of Rights) - 4,391 votes (0.40%); Možemo!-Nova ljevica-Orah (We can! -New Left-Orah) - 19,313 votes (1.79%); Neovisni za Hrvatsku-HSP (Independent for Croatia-HSP) - 46,970 votes (4.37%); Most Nezavisnih Lista (Bridge of Independent Lists) - 50,257 votes (4.67%), Živi zid (Human Shield) - 60,847 votes (5.66%); and Hrvatski Suverenisti (Croatian Sovereignists) - 91,546 votes (8.52%). The European Parliament mandate was won by one representative of Živi zid , who is currently an independent MEP of the European Parliament, and one representative of the Hrvatski Suverenisti coalition, who is part of the European Conservatives and Reformists (ECR) parliamentary group, which mostly advocates moderate Eurosceptic views (data and statistics taken from Arapović 2020).

It is important to also mention that there were several associations and citizens’ initiatives that were warning about various negative consequences of European integration. For example, some of them focused on criticising the neoliberal EU concept or according to their views non-democratic EU institutions, whereas others supported the idea of a united Europe but warned about the dangers connected to

EU membership such as the selling of land and properties to foreigners or complicated EU bureaucracy which would endanger the country's sovereignty, traditions, and values. Finally, various Eurosceptic blogs were present on the internet, especially in the period preceding the referendum on EU accession, which promoted anti-European ideas in both soft and hard forms.

Recent EU public opinion surveys (Eurobarometer) reflect the rise of Euroscepticism in Croatia and the results of different surveys conducted at EU level reflect a mix of positive and negative attitudes towards the EU. For instance, according to the results of the EU public opinion survey conducted by the European Commission in 2019, the trust in EU institutions by Croatian citizens is not very high, but it is still significantly higher than the trust in their own national institutions. Moreover, most Croatian citizens still do not share the feeling of being citizens of the EU (64%, according to the same Eurobarometer issue), while in the other countries, the sense of being European is stronger (73%). Nevertheless, according to the Parlemeter for 2019, more than half of Croatians are totally satisfied with the way democracy works in the EU (51%) which is almost the same as in the rest of the Member States, but the same source shows that only a third of Croatian citizens (33%) are totally satisfied with the functioning of democracy in their own country, which is well below the EU average (56%) (data and statistics taken from Samardžija 2020).

Based on available sources of information, the general impression is that Croatian citizens are neither especially Eurosceptic nor euro enthusiastic but rather indifferent towards the EU and shared European values. Such an attitude may be understood as a reflection of the overall atmosphere of distrust towards the work of both national and EU political actors as well as towards the efficiency of public institutions.

3. Civic Activism Countering Hate and Enhancing European Values

“Every form of exchange is important for the work of breaking down one's own prejudices, from which any further (hateful) action starts. Any initiative aimed at sharing experiences, socialising, understanding positions and situations is important and can contribute to the creation of an integrated and reasonable society which is good and comfortable to live in.”¹²

The level of awareness of the importance of recognising the problem of hate speech and the damage that any hate discourse within the public sphere may cause is vital. Civil society plays a very important role in preventing and combating hate speech through its monitoring, advocacy, awareness-raising, educational, and other activities.

There are a growing number of civil society initiatives aimed at countering hate speech and they are implemented either by CSOs individually or through cooperation with other entities. Cooperation in those efforts is mostly done with other organisations and civil society platforms, but also with independent human rights institutions and even public authorities. Since the presence of hate speech represents a growing issue that needs to be tackled from different angles, new innovative practices for combating hate speech are often on the agenda of civil society organisations advocating for an open, inclusive, and pluralistic society.

One of those practices is the introduction of an online hate speech reporting tool called “DostaJeMrznje”¹³ (Enough with the hatred). It is a web page created in 2016 by the Croatian CSOs, Centre for Peace Studies, GONG, and the Human Rights House Zagreb. It was created in response to the frequent presence of hate speech that has a devastating effect on social cohesion, the values of pluralism, interculturalism and tolerance. It is used to report hate speech in the public domain, on social networks, the internet and in the media. It provides an opportunity for every citizen to warn against hate speech in the public space. Since different forms of hate speech do not fall under the same legal frameworks but are covered by different sectoral regulations (media, criminal law, anti-discrimination, etc.), the tool facilitates access to intervention of unacceptable public speech. Depending on the nature of each individual application, it may be converted by the administrators of the tool into an official submission to the competent public authority (e.g. regulatory body,

Interview. Representative of CSOs, on 15/09/2021

<https://www.dostajemrznje.org/>

Ombudsperson institution, or State Attorney's Office). The purpose of the DostaJeMrznje tool is both to intervene to eliminate hate speech and to raise public awareness of such expressions as being incompatible with a democratically organised society.

This is not the only initiative for the reporting of hate content. In 2011, the organization “Zagreb Pride” established the “Rozi Megafon”¹⁴ (Pink Megaphone), an online tool for reporting cases of violence, threats, and hate speech, especially related to sexual orientation or gender identity. A similar initiative was started in 2016 by the Center for Safer Internet, “Hotline - prijava ilegalnog sadržaja”¹⁵ (Hotline - reporting illegal content), which offers an online tool for reporting illegal internet content, including hate speech.

Another promising practice for combating hate speech is the organisation of training for professionals on Criminal Code provisions on hate crimes and illegal hate speech. This has been implemented by the Government's Office for Human Rights and the Rights of National Minorities in cooperation with the Judicial Academy and CSO Centre for Peace Studies. The training courses are organised as a part of the implementation of the National Plan for Combating Discrimination for the period 2017-2021. The educational training is designed for a mixed group of professionals involved in different aspects of processing these criminal offences including, judges, lawyers, state attorneys, police officers and civil society representatives. The training covers the elaboration of legal definitions of these criminal offences, international sources, national legislative frameworks, case-law of the ECtHR, support and protection for victims, and a hands-on part with practical examples.

There has been an increase in the number of initiatives and individuals who want to put an end to the phenomenon of the presence of insulting and hateful messages in public areas all over Croatia, such as buildings, facades, walls, monuments and many other places. For example, a project named “Incidental evil” conducted research in three major Croatian cities, Zagreb, Osijek and Split, as well as in smaller towns and other micro-locations throughout Croatia. It documented more than 400 hate signs and symbols in about 170 locations. They intend to report this to the competent authorities, enclose the exact addresses with photographs of the documented locations, and request their removal. The general public also participated in this project by sending photos and locations. The public's response was weak at first, but as the project progressed the public's response significantly increased. Another example is the exhibition called “Walls of Hate” which was opened in November 2019 by the photographer Jovica Drobniak, he documented graffiti in public areas such as walls, newsagents, traffic signs, underpasses, tram

<https://rozimegafon.org/prijavi>

<https://csi.hr/hotline/>

stations, and garbage cans. These and similar initiatives work towards the prevention and spreading of hateful messages through raising public awareness of their existence and overcoming ignorance of such occurrences.

So far, combating hate speech at the local level is led by CSOs and citizens initiatives. A promising practice of cooperation of local citizen initiatives and local authorities can be found in Osijek, where the newly established “Mladforma” initiative works through turning graffiti of inappropriate content into imaginative street paintings, this is done with the financial help of the City of Osijek. A specific example of civic courage was shown by Jure Zubčić, a young city councillor in Zadar, who used a simple semantic intervention to turn the hateful graffiti towards the Serbs into messages of love. Following that event, the “EXIT” foundation from Serbia started a regional campaign “#ShareLove” which invited people from the region to share similar positive messages or examples on their social networks.

The contribution of civil society to recognising hate speech and promoting inclusive social narratives represents an invaluable element for combating hate and creating an inclusive social climate. The growing number of civic initiatives for countering hate is an example of good practice which reflects a strengthening of citizen awareness of the dangers imposed by hateful content in public spaces, as well as the need to actively contribute to prevent its expansion.

4. Conclusion and Recommendations

The presence of hate speech is particularly concerning because it may not only eventually lead to hate crimes, but also because its consequences affect both the individuals targeted by hate speech, as well as the whole group with which that individual identifies. Various actors have for many years indicated that Croatian public spaces are filled with discriminatory hate speech. Among other things this is due to the underdeveloped awareness of the general public about the seriousness and consequences of such inappropriate expressions and the negative effects they have on the human rights of minority and vulnerable groups.

Hate speech in Croatia is not clearly defined and it is commonly understood as public incitement to violence and hatred according to Criminal Code provisions and it is incriminated through various misdemeanour provisions, even though the Croatian Misdemeanour Act does not stipulate hate speech as such. Another problem is that occurrences, such as intolerant speech, criticism, threats and libel, are often referred to as hate speech. At the same time, the notion of freedom of expression is commonly used as an excuse to spread actual hate speech.

Despite changes that have been made over the years from legislative regulation to awareness raising activities, it is obvious that Croatia still faces problems with countering hate speech, discrimination and inflammatory comments against minority groups. Even though conducting intensive education and awareness raising activities is constantly being emphasised, mostly by civil society actors, and occasionally by public authorities, little is known about the results of such efforts and their long-term impact.

The Government's statistics show a very low number of hate crimes and hate speech cases registered over the years despite the widespread intolerance towards some minority groups, especially the Roma population, Serbs, LGBTQIA+ persons and migrants. Civil society reports hate incidents to the OSCE-ODIHR on a regular basis, but those incidents are not part of the official statistics, although some of the cases represent offences clearly motivated by hatred. The number of people adequately sentenced for hate speech is almost non-existent, including fines for media outlets for spreading hate speech. This suggests that prosecution is far from achieving the necessary level of efficiency in investigation, prosecuting, charging and suppressing hate speech and is contributing to a culture of impunity.

When it comes to the level of affiliation of Croatian society with EU values, the general impression is that Croatian citizens are neither especially Eurosceptic nor Euro-enthusiastic but rather indifferent towards the shared European values, which may be a reflection of the overall atmosphere of distrust towards the work of public

authorities. The issue of Euroscepticism is not a subject of a continuous public debate, but it rather appears as a part of public discussion depending on political trends and occurrences. Even though the general presence of the topics of hate speech and Euroscepticism in the public space and literature has increased in the last decade, it should be noted that relevant sources rarely address connections of hate speech and Euroscepticism. Euroscepticism is mostly being brought up in a political context, hate speech is commonly referred to in the frame of assessment of the level of discrimination and tolerance in the society or in connection to the issue of hate crimes.

Even though the EUAct survey results provide only a small insight into the perception and experience of young people in Croatia on hate speech issues, they clearly indicate trends of excessive exposure to hate speech, especially online among young people. They also highlight a lack of education and information on hate speech, a lack of understanding about appropriate ways to react, and a tendency to ignore its occurrences. The survey results therefore indicate the need to inform and educate young people on hate speech issues, to raise their knowledge and capacities to combat hate speech and promote freedom of expression, as well as to include young people in initiatives on countering hate speech.

On that note, there are a growing number of civil society initiatives in Croatia aimed at countering hate speech, these are being implemented either by CSOs jointly and individually or through cooperation with other entities, such as independent human rights institutions and public authorities. New innovative practices for combating hate speech are often on the agenda of civil society organisations and their contribution to recognising hate speech and promoting inclusive social narrative represents an invaluable element for the combating of hate and creating an inclusive social climate.

Finally, considering the unreliable statistics and fragmented research, it is difficult to produce a systematic overview of the state of play that would cover all the necessary aspects of hatred-motivated occurrences and their consequences for Croatian society. However, trends indicated through this research show that citizens and civil society actors are supportive of the process of tackling hate speech in all its forms. Recognition of this problem by the part of the population is an important element for further enhancement of the available support and methods to suppress it. Nevertheless, it is not enough to exclusively oppose hate speech in the form of subsequent reactions to specific occurrences, it is also necessary to take an active position to create and promote the principles of openness and socio-political inclusion for all individuals and groups of society. Such goals may be achieved only through collaboration of all the actors involved or affected by hatred, both at the institutional level and among the citizens.

Based on the report and its conclusions, the authors propose the following recommendations for more effective measures to combat hate speech:

- One of the priorities with regards to hate speech is the need to ensure that hate speech is punishable by law and adequately prosecuted. In addition to sanctioning the perpetrator, criminal sanctions also have the purpose of general prevention.
- The Government should apply a holistic approach to combating hate speech, one that includes maintaining comprehensive dialogue with the aim of recognising, monitoring, preventing, raising awareness and activating citizens, and empowering victims, as well as strengthening prosecution and regulatory mechanisms.
- It is necessary to achieve an active partnership with various social actors in the countering of hate speech: state authorities, educational and religious institutions and communities, trade unions, the wider economic community, CSOs, and civil society platforms.
- Holistic and complementary solutions should be considered for the tackling of hate speech. These should include efficient and fast sanctioning of the strongest forms of hate speech as well as the empowerment of groups or persons targeted by hate speech.
- Systematic civic education covering the topics of: combating discrimination; fostering an inclusive environment; recognising hate speech; improving media literacy; etc. should be an integral component of curricula in educational institutions. These topics should also be a part of non-formal education programmes for various stakeholders who encounter the spreading of hate messages and or encounter the targets of such messages - from media workers to police officers, other professionals within the justice system, health workers, and the education system.
- Public authorities should unambiguously condemn hate speech and hate crime, in particular where inflammatory statements by political figures are involved.
- There is a need to actively advocate for the adoption of a code of ethics within political parties and promote their implementation in order to prevent hate speech by high-ranking politicians and public figures.
- Particular attention should be placed on the adoption and implementation of a new comprehensive plan aimed at ensuring all elements of the criminal justice system recognise, properly classify, and treat with

appropriate seriousness, bias motivated crimes and incidents. The plan should include ensuring the implementation of:

- The 2018 ECRI recommendation that racist and/or homo-/transphobic motivation in cases of violent incidents, is made an integral part of investigations. Particularly through providing clear guidelines between the police and State Attorney's Office, as well as for judicial proceedings from their very beginning;
 - The 2016 Ombudsperson's recommendation to the Government Office for Human Rights and National minorities in regard to the development of standards for a common methodology for reporting and monitoring data related to hate crimes and public incitement;
 - The regular publication of hate crimes and hate speech data disaggregated by bias motivation;
 - The 2018 Ombudsperson's recommendation to the Government Office for Human Rights and National minorities, in cooperation with the Police Academy and Judicial Academy, to sustain efforts on continuously conducting training courses for police officers, state attorneys and judges, and for the continuous evaluation of such training.
- In accordance with the ECRI recommendation, the authorities should ensure full independence of the Agency for Electronic Media as an independent regulatory body supervising the content of programmes on TV or radio and internet portals, and refrain from any political pressure on this body.
- Finally, ECRI also recommended that the authorities initiate an awareness-raising campaign jointly with the media regulatory and self-regulatory bodies, as well as civil society, on preventing and combating hate speech.

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