

Facts against Hate

DATA 
COLLECTION 
REVIEW 
OF INCIDENTS 
MOTIVATED 
BY PREJUDICE 
AND HATRED 
FOR CROATIA 
IN 2015 — 2020 

Data collection review of incidents
motivated by prejudice and hatred
for Croatia in 2015—2020

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'Overview of the judgments of the European Court of Human Rights in connection to hate crimes'
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We want solidary, open and non-violent society whose institutions enable peace, social security, political and economic equality and the freedom of all people. Taking into account the balance between their own existence and the environment, members of society actively participate in decision-making, the management of public goods and the development of their communities.

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ABOUT FACTS AGAINST HATE PROJECT

The objective of the project is to improve the effectiveness of work against hate crime and hate speech. The project aims to develop data collection related to hate crime and hate speech, improve local cooperation practices, and produce material to support work against hate crime and hate speech.

The project is coordinated by the Ministry of Justice (Finland), and the project partners are the Ministry of the Interior (Finland), the Police University College (Finland), Anti-Racist Forum ry (Finland), the Centre for Peace Studies (Croatia), and INAR (Ireland).



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Introduction

Overview of hate crimes (official data by the competent authorities) or incidents motivated by prejudices and hatred (data recorded by civil society organizations, and not necessarily recorded as criminal offenses for various reasons) in the period from 2015 to 2020, is a response to the need to present this data for those involved in monitoring, research, education or advocacy purposes.

This review aims to highlight the importance of data collection, comparison, correct classification, structuring, description, analysis, conclusion and development of recommendations for improvement of the system for combating prejudices and hatred motivated violence.

The review is based on data collected and displayed on the website of the Organization for Democratic Institutions and Human Rights, an institution of the Organization for Security and Cooperation in Europe¹, whom we thank for their dedicated work in this area and permission to use the data.

Centre for Peace Studies, along with collaborating civil society organizations, has been participating since 2015 in collecting data on incidents motivated by prejudices and hatred, which OSCE ODIHR includes in their largest database on such incidents.

Every year, on the International Day for Tolerance on 16 November, OSCE ODIHR publicly publishes data collected during the current year for the previous year. Data collection is the first step in efforts to address hate crime, and allows for targeted policies and customized support for victims.

The first part of this review presents data collected by each year for 2015 to 2020: for official data by the competent authorities these are types of criminal offenses and motivations of perpetrators are, and for data collected by civil society organizations, additional brief description of incidents is given.

The second part is an overview of the judgments of the European Court of Human Rights related to hate crimes.

What is a hate crime?

Hate crimes are criminal acts motivated by bias or prejudice towards particular groups of people. Race, skin colour, religion, national or ethnic origin, language, disability, gender, sexual orientation or gender identity of another person as stated as biases in Croatian Criminal Code, Article 87 (21)².

These biases represent hate motivation, for which the Criminal Code prescribes more severe penalties.

The Ministry of Interior, the Prosecutor's Office, and the Ministry of Justice and Administration collect hate crime data. Since 2011, the recording of hate crimes by police and other authorities is regulated by the Protocol on procedure in hate crime cases³ that was additionally amended to include indicators assisting in identifying hate crimes.

The Protocol outlines the obligations of the competent authorities involved in the detection, processing and monitoring of the hate crimes proceedings, provisions on the composition and competence of the Hate Crimes Monitoring Group as well as describes the content of cooperation between the competent authorities.

Hate crime is a criminal acts motivated by bias or prejudice towards particular groups of people.

Data review for 2015.

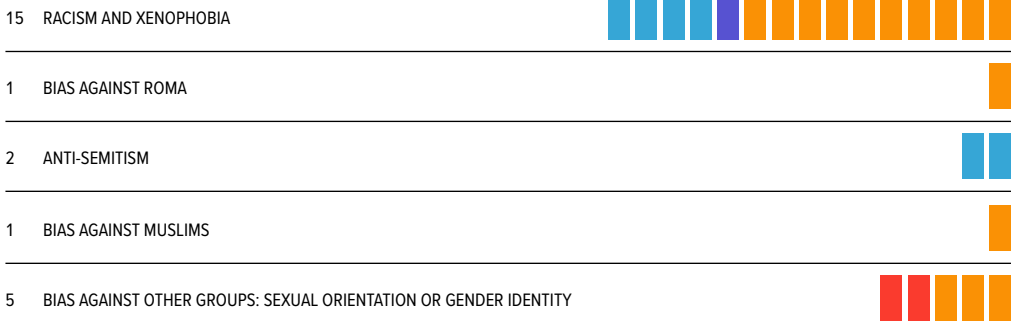
In 2015, according to official records, 24 hate crimes were recorded. The motivation of the perpetrator in most cases was racism and xenophobia (15), followed by prejudices based on sexual orientation and/or gender identity and expression (5 cases). Two cases were motivated by anti-Semitism and one each by prejudice against Muslims and Roma.

When considering the connection between the perpetrator's motivation and the type of crime, racist and xenophobic motivation is related to ten threats or threatening behaviour cases, four cases of damage to property and one case of disturbance of the peace.

Prejudices against Roma manifested themselves in the form of criminal offenses of threats or threatening behavior, one such case was recorded in 2015. The situation is the same in the case of prejudice against Muslims. Both anti-Semitic motivated acts related to property damage. Criminal offenses based on sexual orientation and/or gender identity and expression included threats or threatening behavior (three such offenses were recorded) and two cases of physical assault.

24 TOTAL

OFFICIAL DATA 2015



6 Damage to property

1 Disturbance of the peace

15 Threats / threatening behaviour

2 Physical assault

Civil society recorded nine cases of hatred-motivated incidents in 2015. All cases were motivated by racism and xenophobia. Most of the cases were violent attacks against people (five cases). Two physical assaults refer to incident carried out by a group on a Ugandan man and one incident targeting a man of Gambian descent. Civil society reported three further physical assaults, two of which were carried out by groups, and one incident in which a group of schoolchildren were attacked by a group of assailants.

Two cases refer to threats against people and two to cases of attacks against property including racist and xenophobic graffiti on a school building.

9 TOTAL

CIVIL SOCIETY DATA 2015

9 RACISM AND XENOPHOBIA



Data review for 2016.

Official data for 2016 speak of 35 criminal offences of hate crime that are not disaggregated by the bias motivation of the perpetrators.

By the type of crime, it is predominantly about the damage to property, followed by the threats and/or threatening behaviour and public incitement to violence and hatred (criminal offence defined in the Article 325 of the Criminal Code). There were two cases of physical assaults.

For 2016, it is not possible to connect the bias motivation of the perpetrators with the type of crime as official data did not contain information on the disaggregated bias motivation.

In 2016, civil society reported 21 incidents motivated by prejudices or hatred. Most of the incidents are related to racist or xenophobic behaviour, with most of these incidents being attacks against property and violent attacks against persons and one threat.

There were ten attacks against property motivated by racism and xenophobia:

- 1 *A case of anti-Serbian graffiti spray-painted on the wall of a primary school.*
- 2 *A case of house targeted in an arson attack and vandalized with anti-Serbian graffiti.*

35 TOTAL

OFFICIAL DATA 2016

35 UNSPECIFIED



2 Physical assault

6 Incitement to violence

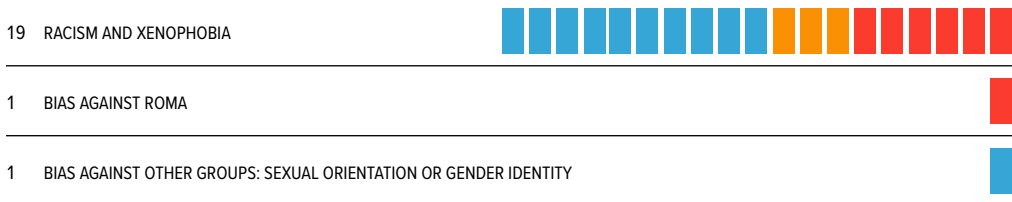
20 Damage to property

7 Threats / threatening behaviour

- 3 *A case of memorial to the victims of the Second World War vandalized with graffiti of swastikas and other fascist symbols.*
 - 4 *A case of bilingual sign destroyed. This incident followed multiple similar incidents in the previous years.*
 - 5 *Anti-Serbian and racist graffiti spray-painted on several public walls.*
 - 6 *A case of an Orthodox church and a cemetery vandalized with anti-Serbian graffiti.*
 - 7 *Anti-Serbian graffiti on a football stadium.*
 - 8 *A case of throwing several stones at an Orthodox church.*
 - 9 *A case of an Orthodox church and the adjacent house vandalized, with doors and windows destroyed, and property damaged. This incident followed a number of threats.*
 - 10 *A case of an Orthodox church and a cemetery vandalized with anti-Serbian graffiti.*
- Three threats motivated by racism and xenophobia include:**
- 1 *A teenage boy subjected to anti-Serbian slurs and death threats.*

21 TOTAL

CIVIL SOCIETY DATA 2016



2 *A journalist subjected to anti-Serbian slurs and threats of sexual assault.*

3 *Death threats containing anti-Serbian messages sent to the leader of a local political party.*

Six violent attacks against people motivated by racism and xenophobia for 2015 include:

1 *A case of a woman subjected to anti-Serbian insults and sexually assaulted.*

2 *Demonstrators calling for the recognition of Serbian victims during the conflict in the former Yugoslavia were subjected to insults and physically assaulted by a group.*

3 *Six teenage members of a Serbian sports club were assaulted by a group.*

4 *Four members of a Serbian sports club were attacked by a group.*

5 *Two Syrian asylum seekers were assaulted in a train station.*

6 *An asylum seeker was assaulted near a reception centre.*

There was one violent attack against Roma national minority when a Roma family was attacked by a group that also drew a swastika on the family's vehicle and one attack against property based on the sexual orientation or gender identity ground (a rainbow flag was targeted in an attempted arson attack and two other flags were stolen).

Data review for 2017.

Official data for 2017 speak of 23 criminal offences with prevalence of racist and xenophobic motivation of the perpetrators. Criminal offences motivated by biases on the ground of sexual orientation and/or gender identity or expression are predominant, followed by biases towards Roma national minority and Muslims.

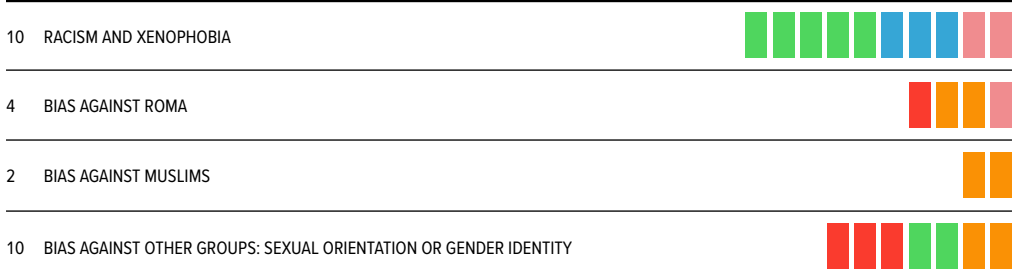
By crime type, predominant are public incitement to hatred and violence (Article 325 of the Criminal code) and threats and/or threatening behaviour. There were four physical assaults and one damage to property. Three criminal offences remain unspecified.

When describing the connection between bias motivation and the type of crime, in ten cases of racist and xenophobic motivation, most of the cases refer to public incitement to hatred and violence (Article 325 of the Criminal Code), followed by three cases of damage to property. In this category there are two unspecified criminal offences.

Criminal offences rooted in the biases against Roma national minority in 2017 manifested in the form of threats and/or threatening behaviour. One criminal offence was committed as a physical assault and one criminal offence was unspecified.

23 TOTAL

OFFICIAL DATA 2017



Two criminal offences of threats and/or threatening behaviour were directed towards Muslims.

On the basis of the discriminatory ground of sexual orientation and/or gender identity or expression, there were three criminal offences of physical assaults and two threats and/or threatening behaviour and one criminal offence of incitement to violence.

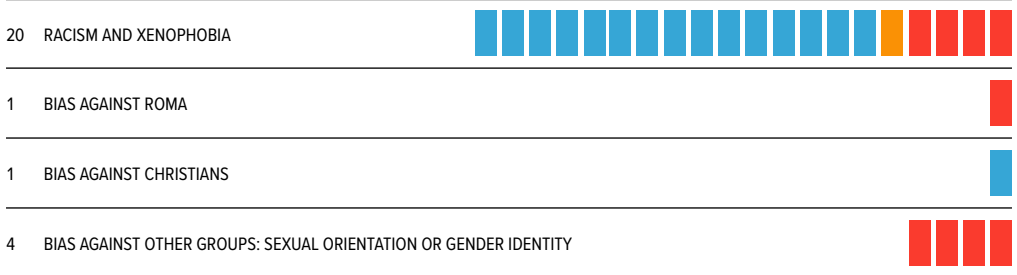
The data for 2017 obtained by the civil society organizations speak of

15 attacks against property with racist and xenophobic bias motivation:

- 1 Posters with death threats against Serbs were placed in several public locations.
- 2 The Cyrillic lettering on three court buildings was vandalized and covered with stickers showing the Croatian flag.
- 3 Four public signs in Cyrillic script were destroyed or stolen.

26 TOTAL

CIVIL SOCIETY DATA 2017



- 4 A monument commemorating Second World War resistance fighters was vandalized with fascist graffiti. This was one in a series of incidents.
 - 5 A monument commemorating a Second World War resistance hero was vandalized twice with fascist graffiti. This was one in a series of incidents.
 - 6 The car belonging to a prominent Serb politician was spray painted with insults.
 - 7 A car with Serbian registration plates was damaged, one of its tires was punctured, its side view mirrors and back registration plate were stolen.
 - 8 A Serbian Orthodox church was vandalized with fascist graffiti.
 - 9 Various locations throughout a city were vandalized with racist graffiti and stickers with death threats against Serbs.
 - 10 Buildings belonging to the Serbian Orthodox Church were subjected to six attempted burglaries.
 - 11 A Serbian Orthodox church was vandalized with fascist graffiti.
 - 12 A monument commemorating Second World War resistance fighters was damaged. This was one in a series of incidents.
 - 13 A fire was set near a village populated mainly by the Serb minority. Charges were brought against one of the perpetrators.
 - 14 A memorial plaque dedicated to Second World War resistance fighters was vandalized with fascist graffiti.
 - 15 A monument commemorating Second World War resistance fighters was vandalized with fascist graffiti. This was one in a series of incidents.
- In addition, racism and xenophobia was motivation for four violent attacks against people and for one case of death threats against Serbs displayed during a march by a hate group.
- Violent attacks against people include:**
- 1 Two male asylum seekers from Libya and Syria were physically attacked with baseball bats twice on the same day by the same perpetrators, who were later arrested by the police.

- 2 *A male Iraqi asylum seeker was physically assaulted, resulting in serious injuries.*
- 3 *An Iraqi asylum seeker was physically assaulted by a group resulting in a broken jaw. The police arrested the perpetrators.*
- 4 *Five fans of a Serbian basketball club were physically assaulted with bottles, stones and pieces of concrete by a group. One of the victims required medical attention.*

Civil society organizations noted one violent attack against Roma national minority group that was subjected to racist insults and physically assaulted by a group, with one of the victims being hospitalized afterwards...

There were four violent attacks motivated by biases on the grounds of people's sexual orientation and/or gender identity or expression:

- 1 *Around 300 nightclub patrons at an LGBT-themed night were attacked with tear gas and two people were injured in the ensuing panic.*
- 2 *Patrons at an LGBT club were attacked with tear gas. Two people were injured.*
- 3 *A transgender woman was physically assaulted after confirming her gender identity.*
- 4 *A gay Brazilian man was physically assaulted in a nightclub after kissing his partner.*

There was one attack against property motivated against biases against Christians that was recorded by the Holy See.

Data review for 2018.

In 2018 there were 33 criminal offences motivated mostly - in 19 cases by racism and/or xenophobia. Biases against Muslims in 2018 made it to the second place with eight criminal offences. Biases against Roma national minority were motivation for four criminal offences and Anti-Semitism motivated two perpetrators.

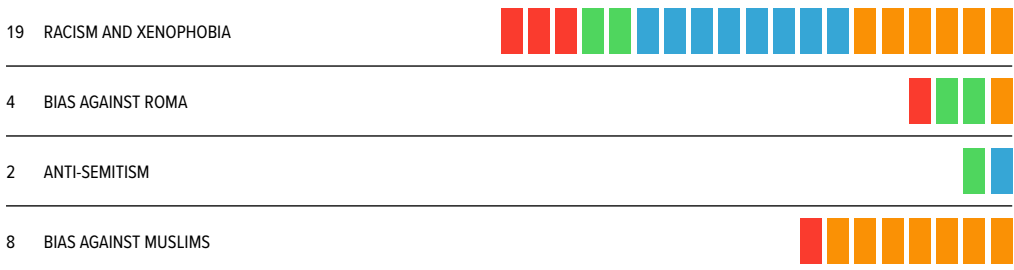
By the type of crime, in 2018 there were dominantly criminal offences of threats or threatening behaviour (14 offences) followed by nine offences of damage to property. Official data recorded five physical assaults as well as five cases of public incitement to hatred and violence.

When analysing the connection between bias motivation and the type of crime, damage to property motivated by racism and xenophobia is dominant followed by six threats or threatening behaviour motivated by the same bias. In 2018, there were three physical assaults motivated by racism and xenophobia as well as two criminal offences of public incitement to hatred and violence.

Official data also recorded two criminal offences of public incitement to hatred and violence against Roma national minority and one criminal offence of physical assault on a person and one criminal offence of threat or threatening behaviour.

33 TOTAL

OFFICIAL DATA 2018



Two anti-Semitic criminal offences were recorded, one public incitement to hatred and violence and one damage to property.

In 2018, official data recorded significant increase in the crimes committed because of biases against Muslims - eight cases, seven threats or threatening behaviour and one physical assault.

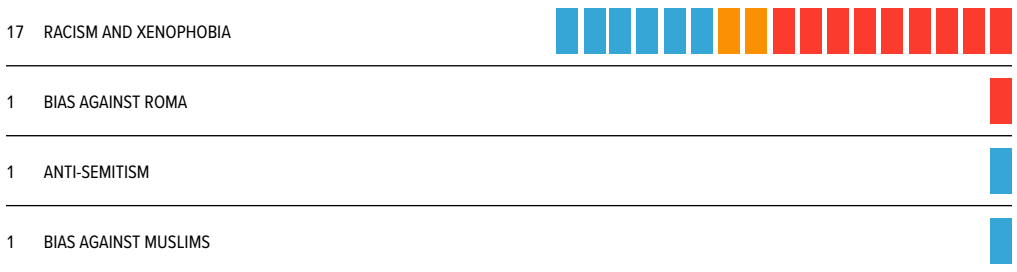
In 2018 civil society organizations reported 18 hatred-motivated incidents. As in previous years, dominating motivation is racism and xenophobia. When analysing the type of violence, there were nine violent attacks against people:

Violent attacks against people:

1 *A male Iraqi teenage asylum seeker was physically assaulted on his way home from school and threatened via social media. The victim's father and brother were later threatened by a group. An investigation was opened into the incident and one suspect was arrested and detained.*

20 TOTAL

CIVIL SOCIETY DATA 2018



- 2 *Serb people were subjected to insults and physically assaulted in their neighbourhood due to their ethnicity.*
- 3 *A Serb man was subjected to insults and physically assaulted by a group due to his ethnicity.*
- 4 *A Serb man was subjected to insults and physically assaulted by a group due to his ethnicity.*
- 5 *A Serb politician was subjected to racist insults and physically assaulted on the street due to his ethnicity.*
- 6 *A Serb person was subjected to insults and physically assaulted due to their ethnicity.*
- 7 *Four Roma people, two female and two male, were threatened and physically assaulted due to their ethnicity.*
- 8 *A Serb person was physically assaulted in public due to their ethnicity.*
- 9 *A Serb man was subjected to insults and physically assaulted by his supervisor at work due to his ethnicity.*

Six attacks against property were motivated by racism or xenophobia:

- 1 *Notices announcing the deaths of two Muslim Croatian citizens were smeared with lard.*
- 2 *The property of a Serb returnee was destroyed in an arson attack.*
- 3 *A van and properties belonging to a non-governmental organization that supports migrants were vandalized and a glass door was smashed.*
- 4 *The property of a Serb returnee was damaged.*
- 5 *The premises and cars of a non-governmental organization that supports migrants were vandalized with anti-migrant graffiti.*
- 6 *A Serb person's house was vandalized with racist graffiti.*

There were also two threats:

- 1 *A male Iraqi teenage asylum seeker was subjected to racist insults and threatened when returning home from school and via social media. An investigation was opened into the incident.*
- 2 *A Serb woman was threatened due to her ethnicity.*

Further incidents reported by the civil society are one violent attack against member of the Roma national minority: four Roma people, two female and two male, were threatened and physically assaulted due to their ethnicity.

Two attacks against property, one motivated by anti-Semitism and one motivated by biases against Muslims were also recorded:

- 1 *The entrance to a politician's office was vandalized with an anti-Semitic sign.*
- 2 *Notices announcing the deaths of two Muslim Croatian citizens were smeared with lard.*

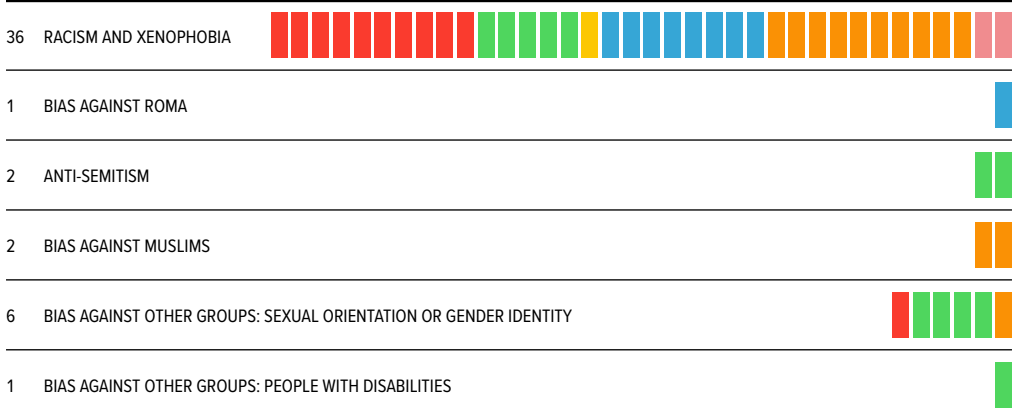
Data review for 2019.

In 2019 there is an increase in the number of crimes motivated by prejudices or hatred. Out of 48 officially recorded criminal offences, as in previous years, majority is motivated by racism and xenophobia. Six criminal offences were committed by biases towards people's sexual orientation and/or gender identity or expression. Two criminal offences were motivated by anti-Semitism and two by biases against Muslims. One criminal offence was motivated by biases against Roma. This year records first criminal offence motivated by the bias against people with disabilities.

By the type of crime, in 2019 we witness prevalence of threats or threatening behaviour with 13 such criminal offences. Public incitement to violence and hatred follows with 12 criminal offences. There were also 11 physical assault. Damage to property is the type of crime in nine such cases while one criminal offence is theft or robbery. Two crimes are unspecified, but the data published by the OSCE – ODIHR says that this category refers to two cases of criminal offences of war crime (Article 91 of Criminal Code). Why these two cases were included in this data collection remains unknown.

48 TOTAL

OFFICIAL DATA 2019



11 Physical assault 12 Incitement to violence 1 Theft/robbery 9 Damage to property 13 Threats/threatening behaviour 2 Unspecified

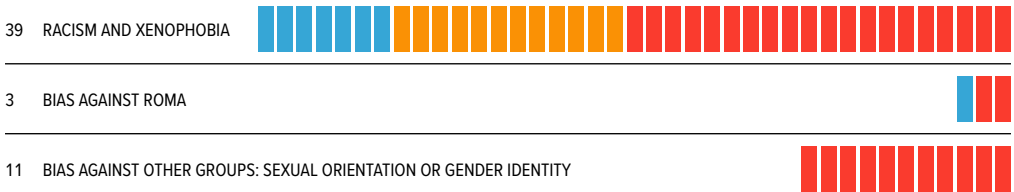
Data reported by the civil society for 2019 include 39 incidents motivated by racism and xenophobia.

Most of them are violent attacks against people, twenty incidents:

- 1 *An Afghan migrant boy was robbed, beaten, forced to undress and subjected to electroshock by a group of border police officers while detained in a dark room. The victim lost consciousness and sustained a fractured rib, internal bleeding and a subdural haematoma. Previous incidents targeting migrants at the border had previously occurred.*
- 2 *A boy who attends classes in Serbian was physically assaulted at a bus station by a group wearing masks, resulting in injuries. The incident occurred two days after the city's mayor criticized Serb students for not standing during the Croatian national anthem at a football match.*
- 3 *A Serb teenage boy was physically assaulted at the bus station by a group of six masked perpetrators, resulting in minor injuries. The incident occurred two days after the mayor publicly criticized Serb students at the victim's school for not standing up when the Croatian national anthem was sung at a football match.*

53 TOTAL

CIVIL SOCIETY DATA 2019



- 4** *A Serbian man was physically assaulted and subjected to xenophobic threats by his employer.*
- 5** *Three male members of a Serbian water polo club were beaten with metal bars and kicked by a group prior to a water polo match with a local club. One victim sustained head injuries and required hospitalization.*
- 6** *Three members of the Serbian water polo team were physically assaulted at a cafe while wearing the team's logo. The incident happened before a water polo match between the Serbian and Croatian teams.*
- 7** *A Serb man had a glass smashed on his head and was subjected to anti-Serb death threats by a Croatian police officer, resulting in head injuries. A man who tried to intervene was punched in the eye and suffered swelling of the eye area.*
- 8** *An elderly male politician and active member of the Serb community died after being repeatedly punched in the face and beaten unconscious. The perpetrator has a history of committing physical and sexual assaults.*
- 9** *A Serb man was hit on the head with a knuckle duster and subjected to anti-Serb insults. The victim was hospitalized with a broken skull and eye injuries. Prior to the incident, the perpetrator had sexually harassed the victim's sister.*
- 10** *Five seasonal workers, including one woman, were subjected to anti-Serb insults and beaten by a group due to their perceived ethnicity. The victims sustained injuries.*
- 11** *One female and three male seasonal workers, including two Serbs, were physically assaulted by football fans following a game. The perpetrators first demanded to know who among the group was an ethnic Serb. A local firefighter who tried to intervene was also attacked. The victims sustained injuries.*
- 12** *A well-known Serb man was subjected to anti-Serb insults, beaten, strangled and had his arm twisted. The victim required medical attention.*
- 13** *A woman working at an Albanian bakery was physically assaulted by a group who also damaged the bakery's interior and the food on display. The prosecutor*

classified the incident as a hate crime.

- 14** *Four French tourists and a British citizen were physically assaulted and subjected to xenophobic insults. Two of the victims were injured and one required hospitalization. Police opened a hate crime investigation.*
- 15** *Members of the Serb returnee community sitting in a cafe, as well as the cafe's owner, were subjected to xenophobic insults and physically assaulted by a group of masked individuals. The cafe inventory was damaged. The incident happened during the broadcast of a football match played by a Serbian team. A few hours before the incident, persons watching the same match in a nearby village suffered injuries during a similar attack conducted by a masked group.*
- 16** *A 72-year-old Serb man and his 60-year old female partner were subjected to anti-Serb insults and physically assaulted. The male victim was grabbed by his neck and repeatedly slapped, resulting in injuries.*
- 17** *A 70-year-old male Serb returnee was subjected to threats,*
- beaten and injured due to his ethnicity. The perpetrator was charged with ethnically-motivated threats and physical assault.*
- 18** *Members of the Serb returnee community sitting in a cafe, as well as the cafe's owner, were subjected to anti-Serb insults and physically assaulted by a large group wearing masks, who hit one victim on the head with a bottle and also damaged the cafe. Five victims, all of whom were Serb returnees, required hospitalization, including a child who suffered head injuries. The incident occurred during the broadcast of a football match against a Serbian team. Shortly after the incident, another bar was raided by a masked group in a nearby village.*
- 19** *Two gay men of African descent were beaten by a large group at a night club after they were seen twerking on the dance floor. The victims were hospitalized with head injuries.*
- 20** *A Serb child was subjected to anti-Serb insults, threatened and physically assaulted by a classmate at school. A school teacher was physically assaulted by the classmate's father.*

There were twelve threats motivated by racism and xenophobia:

- 1 *A woman was threatened when subjected to continuous harassment and insulting messages online due to her religion.*
- 2 *Six migrants were threatened when filmed and forced to shout football slogans by a police officer at a police station.*
- 3 *Serb returnees were threatened when their houses in a Croat-majority village were pelted with stones on Catholic Easter. The doors and shutters of the houses were destroyed.*
- 4 *Serb communities were threatened when a political poster was vandalized with anti-Serb graffiti containing incitement to violence and murder. The incident occurred during the European Parliament election campaign.*
- 5 *Serb communities were threatened when a wall was vandalized with anti-Serb and swastika graffiti, including threats to rape Serb children. The incident occurred during the European Parliament election campaign.*
- 6 *The owner of a car with Serbian license plates was threatened when an anti-Serb death threat was scratched on the victim's car.*
- 7 *A Serb community was threatened when a wall in their village was vandalized with anti-Serb graffiti containing threats of violence. Similar graffiti was found on the wall a day earlier.*
- 8 *Serb returnees were subjected to anti-Serb threats and insults, and their houses were pelted with stones.*
- 9 *A city's Serb community was threatened when two walls were vandalized with anti-Serb death threats. Similar incidents had previously occurred in Serb-majority neighbourhoods.*
- 10 *A Serb community was threatened when a wall in their village was vandalized with anti-Serb graffiti containing a threat of violence.*
- 11 *Residents of a Serb-majority municipality were threatened when several roads were vandalized with anti-Serb graffiti, including death threats and incitements to violence.*
- 12 *A Serb community in the hometown of a Serb politician were threatened when municipal*

signposts were vandalized with graffiti inciting the murder of Serbs.

Attacks against property motivated by racism and xenophobia include these seven incidents:

- 1** *A war monument in a Serb-majority village was vandalized with anti-Serb graffiti shortly before Orthodox Christmas.*
- 2** *A primary school was vandalized with anti-Serb graffiti.*
- 3** *Walls near the offices of a Croatian football fan club were vandalized with xenophobic, threatening and anti-Serb graffiti. Members of the fan club had previously been implicated in anti-Serb incidents.*
- 4** *A wall in a Serb-majority village was vandalized with anti-Serb graffiti, including threats of violence.*
- 5** *A monument located in a Serb-majority village and commemorating the victims of a Croatian fascist regime during World War II was vandalized with anti-Serb and swastika graffiti. The incident occurred a day after the anniversary of a historic military operation by the*

Croatian Army. The monument was vandalized earlier the same year on Orthodox Christmas.

- 6** *A house belonging to Serbs was vandalized with anti-Serb graffiti.*
- 7** *A memorial plaque dedicated to Serbs killed in World War II was damaged when pelted with stones. The plaque is located near a village with a sizeable Serb population.*

Hatred-related incidents on the grounds sexual orientation and/or gender identity and expression include eleven cases of violence against people:

- 1** *A gay man was physically assaulted in a bar after being threatened with violence and asked to reveal his sexual orientation. The victim had previously experienced similar assaults.*
- 2** *A man was subjected to a homophobic insult and punched in the stomach.*
- 3** *A man with a rainbow flag around his neck was subjected to homophobic insults and physically assaulted by a hate group.*

- 4 *A man was repeatedly physically assaulted, threatened and subjected to homophobic insults.*
- 5 *A gay man was subjected to homophobic insults, kicked and beaten unconscious in a park by a group of men dressed in black clothes and with shaved heads. The victim suffered extensive bruising.*
- 6 *A lesbian woman was physically assaulted by the father of her partner after being repeatedly subjected to homophobic threats by her partner's grandmother.*
- 7 *A gay teenage boy was physically assaulted and subjected to homophobic threats.*
- 8 *Three people were subjected to homophobic insults and spat at in a tram.*
- 9 *Two gay men of African descent were beaten by a large group at a night club after they were seen twerking on the dance floor. The victims were hospitalized with head injuries.*
- 10 *A person was physically assaulted at a night club. A few days prior to the incident, the victim had published an article on sex-*

ual orientation and football fans in a major national news outlet.

- 11 *A lesbian couple was repeatedly subjected to homophobic threats and physically assaulted.*

Biases against Roma manifested in two cases of violent attacks against people:

- 1 *Two Roma teenagers were subjected to anti-Roma threats and beaten with a stick. The victims required hospitalization.*
- 2 *A woman perceived as Roma was physically assaulted and kicked out of a shopping mall;*

as well as in one attack against property when an uninhabited house recently bought by a Roma family was set on fire, forcing the victims to reconsider the purchasing agreement. The perpetrator publicly expressed an anti-Roma bias and threatened to repeat the arson attack.

Data review for 2020.

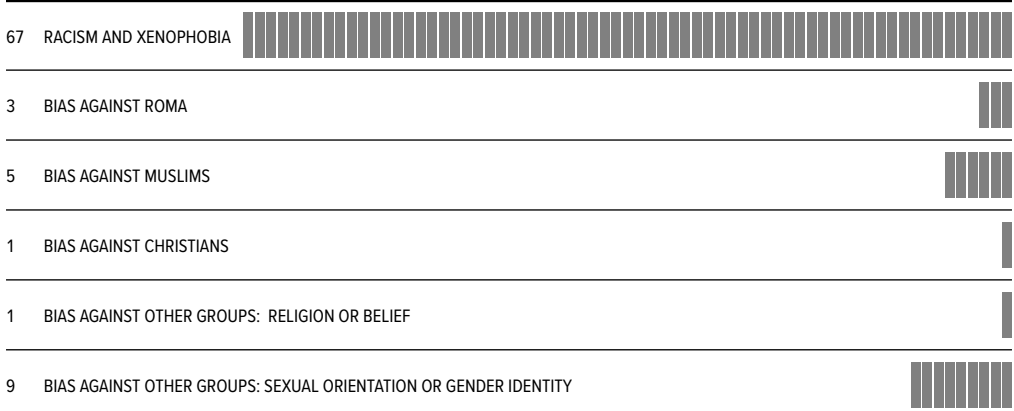
In 2020, the official data recorded almost twice as many cases of hate crimes compared to the previous year.

The largest number of such crimes (67) is motivated by racism and xenophobia. Discriminatory ground of sexual orientation and gender identity follows with a share of almost 10% in total or nine such cases. Bias against Muslims constitutes motivation for five crimes, followed by three crimes motivated by bias against Roma. One crime is motivated by biases against Christians and one by biases against other religious beliefs.

According the type of criminal offense, one third refers to damage to property, which accounts for 28 cases. Threats or threatening behaviour follows with 26 cases. As many as 25 cases refer to an unspecified type of crime, which is quite unbelievable for data from official sources, since it is about a third of the recorded hate crimes. There are six physical assaults and one theft or robbery.

87 TOTAL

OFFICIAL DATA 2020.



Civil society data gives us information of 54 cases of hatred-motivated incidents in 2020, which is almost the same as in previous year when there were 53 cases recorded.

Most of the cases are motivated by racism and xenophobia, 38 of them. Under this motivation, there were 15 cases of attacks against property, 13 cases of violent attacks against people and ten threats.

Attacks against property included:

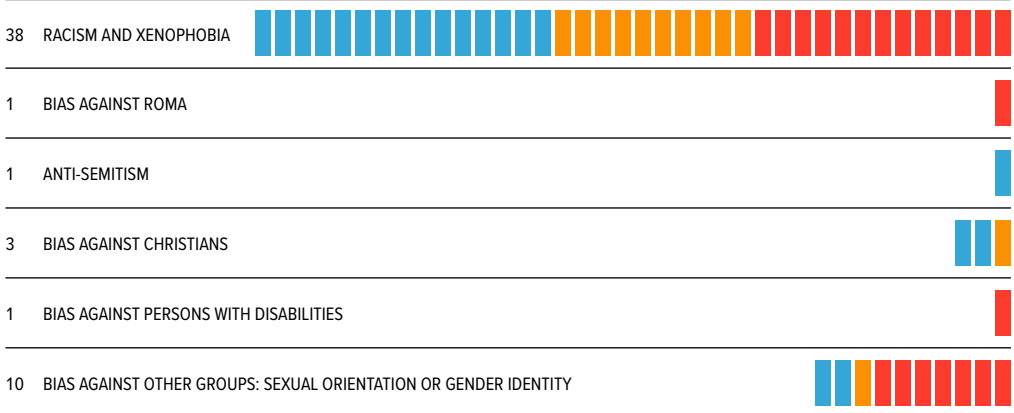
- 1 *Monuments, buildings, and pavement in a town were vandalized with anti-Serbian graffiti containing*

threats and nationalist symbols.

- 2 *A wall was vandalized with anti-Serbian graffiti.*
- 3 *The facade of a primary school was vandalized with graffiti inciting the killing of Serbs.*
- 4 *A wall was vandalized with graffiti inciting the killing of Serbs.*
- 5 *A Serbian Orthodox chapel was burglarized and damaged.*
- 6 *A village entrance sign was vandalized with inscriptions inciting the killing of Serbs.*

54 TOTAL

CIVIL SOCIETY DATA 2020.



- 7 A monument to deceased Serbian partisans was vandalized with anti-Serb graffiti.
 - 8 The walls of several buildings were vandalized with swastikas and anti-Serb graffiti by a group.
 - 9 Three floodlights of a Serbian Orthodox church were destroyed. This was one of a series of incidents of property damage targeting the same church.
 - 10 A memorial to deceased partisans was damaged before the anniversary of the creation of the partisan division to fight against fascism. This was one of a series of incidents targeting anti-fascist monuments.
 - 11 A wall was vandalized with anti-Serbian graffiti, including incitements to kill Serbs. The incident was investigated as a potential hate crime.
 - 12 A bilingual and bi-scriptural sign on the building of a council belonging to a Serbian national minority was stolen and destroyed. A similar incident had occurred in the past.
 - 13 A wall near an elementary school was vandalized with graffiti containing threats of sexual violence against Serbian women and children. The incident occurred on a parliamentary election day. Public places had been vandalized with the same message earlier. This was one of a number of similar incidents targeting public places.
 - 14 A car with Serbian number plates was vandalized with threatening anti-Serb inscriptions spray-painted on it. This was one of a series of incidents targeting cars with Serbian number plates.
 - 15 The fence around the construction site of a Serbian Orthodox church was set on fire.
- Violent attacks against people in 2020 by the data collected by civil society include:**
- 1 A Bosnian Muslim man was subjected to anti-Muslim insults on multiple occasions, robbed, threatened with death, punched on the head and body, and beaten with a baton by his Serbian male roommate. The victim was also forced to carry out construction work for free.
 - 2 Serbian returnees, an elderly married couple, were tied up and robbed by three attackers wearing masks.

- 3** *Two Filipino men were severely beaten by a group on a street at night. One of the victims sustained severe injuries and was hospitalized.*
- 4** *Two young Serbian men were attacked and physically assaulted by six male football hooligans at a parking lot. One of the victims was injured. This was one of a series of similar incidents targeting Serbs.*
- 5** *Two Serb men were beaten by a group of Croat football fans. One of the victims sustained bodily injuries and had to seek medical assistance. The same victim had been attacked by a group from the same fan club before.*
- 6** *Ten Serbian men were physically assaulted with wooden and metal bars by a group of 18 football hooligans in a cafe. Seven victims and one police officer, who were trying to deescalate the situation, were injured. This was one of a series of similar incidents targeting Serbs in the area.*
- 7** *A fight took place between two groups of Serb and Croat men. Some of the 40 men were dressed in black uniforms, and carried baseball bats and torches. Several victims sustained injuries.*
- 8** *An Austrian man of Serbian origin was hit on the back of his head, pushed to the ground, and repeatedly kicked by three perpetrators at a beach. The man was wearing an Orthodox cross around his neck and had multiple tattoos depicting a Serbian football club, an Orthodox cross, and Cyrillic letters. The victim sustained facial injuries as well as bruises on his body. This was one in a series of attacks targeting people with a tattoo depicting the same Serbian football club, after a video had been posted on social media with a person displaying such insignia urinating on a memorial dedicated to war veterans.*
- 9** *Two Serbian men were hit several times on the head and body by four football hooligans. The perpetrators knew about the victims' support of a Serbian football club and called one of the victims by their last name. The victims required medical assistance. This was one of a series of attacks targeting Serbs by football hooligans in the area.*
- 10** *Four Serb men were pulled out of their car and punched and kicked by a group of Croat football fans. Similar violent incidents happened in the same city during the three preceding days.*

11 *Two Serbian men were subjected to racist and xenophobic insults and physically assaulted by a group of male football hooligans outside a restaurant at night. The victims suffered minor injuries. Similar attacks targeting Serbs by football hooligans had occurred in the area.*

12 *Serbian children were attacked in front of a high school by Croatian children, which subsequently resulted in a fight between the two groups. One of the victims sustained minor head injuries.*

13 *Around 75 migrants were subjected to verbal and physical harassment, humiliated, and severely physically abused by the police while in detention awaiting deportation after crossing the border. Victims including minors from Afghanistan, Pakistan, and other countries were stripped naked, beaten, whipped, and sexually assaulted. Many of the victims sustained injuries.*

Threats recorded by civil society include:

1 *Sixteen cars with Serbian license plates were vandalized and damaged repeatedly over a ten-year period by the same perpetrator. In addition to the damage, threaten-*

ing and insulting anti-Serb messages were left on the windows of the cars. The incidents were prosecuted as hate crimes.

2 *A Serbian man was subjected to death threats because of his ethnicity, and his mother was threatened with expulsion from the country by a Croatian man. The incident occurred after the perpetrator's livestock had started roaming without human supervision on agricultural lands, threatening the victim and other people living in the nearby rural area and damaging their property.*

3 *A 69-year-old Serbian woman living alone felt threatened when unknown people repeatedly hit the windows and gutters of her house at night. The incident occurred on the same day her almond plantation was destroyed by a poisonous chemical.*

4 *A male Serbian returnee was subjected to anti-Serb insults and threatened with death by a neighbour. Before the incident, the perpetrator had been using the victim's land despite it being marked as private property.*

5 *Members of the Serb community felt threatened by a banner containing nationalistic, anti-Serb, and gender-based threats of rape and*

death posted online by a group of Croat football fans.

- 6** *Serbs felt threatened when a wall right next to a children's playground was vandalized with graffiti calling for the extermination of Serbs, alongside Nazi symbols. This was the third incident of public incitement to violence against Serbs over the course of four days.*
- 7** *Serbs felt threatened when a wall was vandalized with anti-Serbian threats and graffiti inciting violence against Serbs. The incident occurred a day after football fans from the same city had carried a poster inciting sexual violence against Serbian women and children.*
- 8** *Serbs felt threatened when football fans carried a poster inciting sexual violence against Serbian women and children, and also chanted incitements to kill Serbs.*
- 9** *A Serbian man felt threatened when his car with Serbian number plates was scratched, and two notes containing anti-Serb insults and threats were left under its windshield wipers.*
- 10** *A Serbian man was attacked by a group of male football hooligans but managed to escape physical*

violence. The victim had been attacked on a number of occasions before. This was one of a series of attacks targeting Serbs by football hooligans in the area.

One recorded case of violent attack based on biases against Roma refers to incident when a man threatened a Roma woman with death from her village, who also fired shots at her children.

Anti-Semitic attack against property refers to incident in which a memorial plaque to a prominent Jewish partisan was removed and destroyed.

Bias against Christians recorded by OIAC⁴ and Holy See include two attacks against property of the Catholic Church and one threat to majority Catholic community via social media post that called for the burning of Catholic churches.

One violent attack against persons with disabilities refers to an incident when a young man with a disability was severely beaten up by two men who also attempted to rob him. One of the perpetrators filmed the incident and posted the video on social media.

On the ground of sexual orientation or gender identity, there were seven cases of violent attacks against people:

- 1 A boy wearing rainbow socks and makeup was physically assaulted, subjected to homophobic insults, and had his socks taken away by two men. The victim suffered minor injuries and required medical assistance.
 - 2 Two women and several other passengers on a bus were insulted with homophobic, transphobic, and anti-Serb slurs and threatened with violence by a man who spat at one of them. The perpetrator was found guilty of a hate crime.
 - 3 A gay man was hit on the head with a ball by a neighbour because of his sexual orientation.
 - 4 A gay man was thrown to the ground and beaten up by two members of an organized hate group wearing gloves and armed with batons in a park frequented by gay people. Similar incidents targeting gay men had occurred earlier in the same area.
 - 5 Two gay men were physically assaulted and doused with flammable liquid in a park frequented by gay people.
 - 6 A lesbian teenage girl was raped by a peer because of her sexual orientation.
 - 7 A gay man was set on fire in the park in the late evening when a Molotov cocktail was thrown at his chest by two men wearing medical masks who had questioned the victim's reason for being in the park. The victim was diagnosed with second-degree burns and required a long recovery. Police opened an investigation into a potential hate crime.
- Two cases include attacks against property on the ground of sexual orientation or gender identity:**
- 1 A rainbow flag hanging near a train station was removed and set on fire. The perpetrator filmed the incident and published the video on his social media account.
 - 2 A rainbow flag hanging on the occasion of the pride parade in the city centre was removed and torn. This was one of five similar incidents targeting rainbow flags in the area.
- Also, one threat is recorded. Windows of a city hall building displaying LGBTI rights awareness campaign posters were vandalized with homophobic graffiti calling for the death of gay men.

Overview of the judgments of the European Court of Human Rights in connection to hate crimes

Judgments of the European Court of Human Rights (ECTHR) have a crucial role in respecting the rights of individual's when member states fail to meet their obligations under the European Convention on Human Rights (Convention). ECTHR judgements represent a relevant account of what constitutes a violation of human rights in order to prevent violations of other individuals in the future. Therefore, it is important not only to recognize a violation but to take all necessary steps to prevent such or similar violations in the future. In order to do so, every member state of the Council of Europe has a legal obligation to fully implement ECTHR judgments. Execution of judgements is a complex process that requires the respondent State to identify the cause of the violation, detect the measures necessary to eliminate the specific applicant's violation and prevent the same or similar violations in the future. For a particular country, this may mean changing legislation, practices and policies to prevent such future violations.

Ministers' Deputies recognised that Non-Governmental Organisations (NGOs) could have a crucial role in bringing to the attention the authorities' failure to comply with their reporting obligations and that 'initiatives, ideas and suggestions emanating from civil society can be considered as a true expression of persons living in the member States of the Council of Europe'. Therefore, in 2006 the Rules of Procedure of the Committee of Ministers established the possibility for NGOs to submit Rule 9 communications to assist the execution process i.e., to contribute to the full and effective implementation of ECTHR judgments.

As recent figures show, the overall number of Croatian cases which remain pending before the Committee of Ministers stood at 84⁶, 28 of which have been classified as 'leading' cases. 'Leading' cases indicate a wider problem requiring the adoption of general measures to avoid recurrence of the violation found by the Court. In other words: there are 28 human rights problems that the Committee of Ministers is examining in respect of Croatia and which give rise to new structural and systemic problems.

In four cases related to hate crimes (Đorđević v. Croatia, Šečić v. Croatia, Škorjanec v. Croatia and Sabalić v. Croatia) ECTHR found that there has been a violation of the procedural aspect of Article 3 taken in conjunction with Article 14 of the Convention except in Đorđević case where there has been a violation of the procedural aspect of Article 3 and 8 of the Convention.

Regarding the applicants' complaint in Đorđević case under Article 14 of the Convention, the applicant's complaint was rejected in this aspect because internal remedies available had not been exhausted. At the moment, out of a total of four cases against Croatia related to hate crime, two of them were classified as leading cases (Šečić and Đorđević), however the supervision in Đorđević case is closed. At the moment, three cases are still pending before ECtHR (Šečić, Škorjanec and Sabalić), whilst two (Beus v. Croatia, No. 16943/17, Viktor Zantila and Goran Koletic v. Croatia, No. 63344/17) are 'in communication' before ECtHR.

In the following text, three most prominent cases related to hate crimes are analysed.

Sabalić case ⁷

In 2010 the applicant was physically attacked in a nightclub after the attacker started flirting with her and after the applicant refused him saying that she had a girlfriend. He grabbed her with both of his hands, threw her against the wall and then hit her with his fists all over her body. Afterwards, he knocked her to the ground and kicked her at the same time shouting 'You lesbian!', 'All of you should be killed!', 'I will f... you girl!'. The applicant sustained a contusion on the head, a haematoma on the forehead, abrasions of the face, forehead and area around the lips, neck strain, contusion on the chest and abrasions of both palms and knees. The injuries were qualified as minor bodily injuries. The police instituted minor offences for breaching public peace and order and fined him with 300 HRK (approximately 40 EUR).

The applicant lodged a criminal complaint with the Zagreb Municipal State Attorney's Office alleging that she had been a victim of a violent hate crime. The authorities dismissed her applicant's complaint on the ground that the attacker had already been prosecuted in the minor offences proceedings and that his criminal prosecution would contravene the *ne bis in idem* principle.

The Court stressed out that domestic authorities were confronted with *prima facie* indications of violence motivated or at least influenced by the applicant's sexual orientation which mandated for an effective application of domestic criminal-law mechanisms capable of elucidating the possible hate motive (§105). However, the minor offences proceedings did not in any manner address the hate crime element to the physical attack against the applicant nor was attacker indicted or convicted of any charges related to violence motivated by discrimination (§108). Therefore, the Court concluded that by instituting the ineffective minor offences proceedings, and as a result erroneously discontinuing the criminal proceedings on formal grounds, the domestic authorities failed to discharge adequately and effectively their procedural obligation under the Convention concerning the violent attack against the applicant motivated by her sexual orientation

(§115). Accordingly, there had been a violation of Article 3 under its procedural aspect in conjunction with Article 14 of the Convention.

For the Sabalić case, it is still awaiting to be marked as ‘leading’ or ‘repetitive’ case before the Department for the Execution of Judgements of ECTHR.

Šečić case⁸

In 1999, Mr. Šemso Šečić, together with several other individuals, was collecting old metal in a street in Zagreb. Two unidentified men approached the group and attacked the applicant with wooden planks while shouting racial abuse. The applicant was taken to a nearby hospital where the doctors found that no bones had been broken, sending the applicant home with painkillers. However, during the night, the applicant experienced severe pain and the next day went to another hospital where it was found that he had sustained multiple rib fractures. As a result of the incident, Mr. Šečić suffered from post-traumatic stress syndrome, characterized by depression, anxiety, panic attacks, fears for his own safety and that of his family, nightmares, and underwent psychiatric treatment.

The police had concluded that the attack had been committed by members of a ‘skinhead’ group, which had been known to participate in similar incidents in the past. However, the police failed to question members of the group or investigate any other credible leads. Moreover, Croatian Radio Television (HRT) had broadcast a programme in which a young skinhead was interviewed, explaining his reasons for engaging in attacks on the Roma population in Zagreb in which he implicitly mentioned the incident involving the applicant. The police failed to pursue appropriate legal measures that would require the journalist to identify the interviewed party.

On that basis, the European Court of Human Rights identified several shortcomings in the action of the police and state attorney’s office regarding the investigation of the attack. Namely, the investigation lasted for more than seven years without any charges being brought. Furthermore, the police had failed to interview any individuals belonging to the skinheads whilst the person identified by an eyewitness had been excluded as a suspect without ever being questioned. Finally, the police had not sought a court order to compel the journalist to reveal his source despite such possibility existing under national law⁹.

The Court in its judgment emphasised that State authorities have the additional duty to take all reasonable steps to unmask any racist motive and to establish whether or not ethnic hatred or prejudice may have played a role in the event (§66). They failed to do so although they suspected that the applicant’s attackers belonged to a skinhead group, which is by its nature governed by extremist and racist ideology. The Court considers it unacceptable that, being aware that the event at issue was most probably induced

by ethnic hatred, the police allowed the investigation to last for more than seven years without taking any serious action with a view to identifying or prosecuting the perpetrators (§68-69). Therefore, the state had failed in its obligation to take reasonable steps to investigate the racist motivation in the case and found violations of Article 14 in conjunction with Article 3 of the Convention.

Škorjanec case ¹⁰

In 2013, the applicant, Ms Škorjanec, was at a flea market with her partner who is of Roma origin when some passers-by had started uttering various racial insults against the applicant's partner on the grounds of his Roma origin such as 'You should all be exterminated, I f*** your Gypsy mother'. The applicant's partner was then chased by these two men who caught him and beat him up. Ms Škorjanec tried to approach her partner and help him, however she was pushed to the ground and kicked in the head by one of the attackers.

The two men were prosecuted and convicted for the hate crime committed towards the applicant's partner on charges of making serious threats against her partner and inflicting bodily harm on him. However, the men were not charged for committing a racially motivated crime against Ms Škorjanec. In that procedure, the applicant was only considered as a witness and not as a victim. She and her partner lodged a criminal complaint arguing that she was also a victim of a hate crime. However, the applicant's criminal complaint was rejected by the State Attorney's office stating that there is no indication that attackers inflicted injuries on Ms Škorjanec because of hatred towards Roma, as she is not of Roma origin.

Ms Škorjanec complained about the failure to prosecute her attackers for a hate crime against her. She relied on Articles 3, 8 and 14 of the Convention. In particular, she complained that domestic law and practice was deficient, as it did not provide protection against discriminatory violence for individuals who were victims due to their association with another person. The Government on the other hand argued that the applicant had been a collateral victim and had been attacked only after she had tried to help her partner.

In judgment in question the Court referred to its previous case law reiterating that when investigating violent incidents triggered by suspected racist attitudes, the State authorities are required to take all reasonable action to ascertain whether there were racist motives and to establish whether feelings of hatred or prejudices based on a person's ethnic origin played a role in the events (§53). The Court emphasised that not only acts based solely on a victim's characteristics can be classified as hate crimes. For the Court, perpetrators may have mixed motives, being influenced as much or more by situational factors as by their biased attitude towards the group to which the victim belongs (§ 55). Having in mind that it is often extremely difficult to prove a racist motive, the obligation of the respondent State is to take

all reasonable measures in order to uncover any possible racist motives. Moreover, this obligation concerns not only acts of violence based on a victim's actual or perceived personal status or characteristics but also acts of violence based on a victim's actual or presumed association or affiliation with another person who actually or presumably possesses a particular status or protected characteristic (§56).

The Court pointed out that the Croatian legal system offers sufficient protection for victims of hate crimes without requiring the victim to personally possess the protected characteristics (§61-62). However, the prosecuting authorities had concentrated their investigation only to the hate-crime element of the violent attack against the applicant's partner. They failed to carry out a thorough investigation on the link between the applicant's partner origin and the racist motive for the attack on them (§67). The court further points that the prosecuting authorities' insistence on the fact that the applicant herself was not of Roma origin and their failure to identify whether she was perceived by the attackers as being of Roma origin herself, as well as their failure to take into account and establish the link between the racist motive for the attack and the applicant's association with her partner, resulted in a deficient assessment of the circumstances of the case. Therefore, the Court concluded that there has been a violation of Article 3 under its procedural aspect in conjunction with Article 14 of the Convention.

The Government in its Action Report from the 29 December 2017 for both Šečić and Škorjanec case introduced a series of legislative institutional and awareness raising measures. In particular, the Criminal Code was amended in 2006 and hate crime was introduced as a separate criminal offence (when the attacks on the Šečić took place, hate crimes were processed within the general context of criminal investigation). Furthermore, the Criminal Procedure Act was amended in order to improve the effectiveness of criminal proceedings, in particular the effectiveness of pre-trial stages as well as the status of victims of criminal offences throughout criminal proceedings (victims' access to information, victims' right to compensation, victims' right to complain and to take over the prosecution from the State Attorney). Additionally, the new Law on the Police was introduced prescribing a remedy against police actions and omissions in the performance of service. Specialized units for dealing with hate crime cases have been established⁴¹. In 2011 the Protocol for Procedure in Hate Crime Cases entered into force to set clear guidelines for the procedure to be followed in such cases. The Protocol governs the recording of hate crime cases by the police, state attorney's office and judiciary and requires authorities to collect official records on hate crime incidents. The Office for Human Rights and Rights of National Minorities has been set up as a focal point for collection, integration and dissemination of data on hate crimes.

Although there were numerous legislative changes to the Croatian legal system and despite the progress achieved, there are still some issues of

concern which is why Human Rights House Zagreb together with the Centre for Peace Studies in October 2019, submitted Rule 9.2. Communication to the Department for the Execution of Judgements of the European Court of Human Rights (DEJ).

CSOs in their Rule 9.2. Communication urged the Government to draw up and implement a new comprehensive plan aimed at ensuring that all elements of the criminal justice system recognize, properly classify and treat with appropriate seriousness bias motivated crimes. In particular they stressed that police, State Attorney's Offices, and courts continue to experience problems in identifying hate crimes and applying the legislation. The main problem is that aforementioned bodies do not identify the motive of hate as the basis for the effective investigation which was also stated in the fifth monitoring cycle report for Croatia by the European Commission against Racism and Intolerance (ECRI). Another problem is inadequate prosecutions; hate-motivated violence is prosecuted as a misdemeanour instead of as a criminal offense, probably with the intention of achieving faster prosecution¹². According to the empirical study conducted in Croatia of hate crime cases committed from 2013-2018, non-recognizing bias motivated crimes primarily by the police but also by the state attorney's office and the misdemeanour court, resulted in prosecution for a misdemeanour instead of a criminal offense. The most glaring example is the application of the principle of *ne bis in idem* that led to the rejection of the criminal complaints¹³.

Also, underreporting of hate crime remains a serious concern. There is no unequivocal condemnation from the government and other high officials who trivialize such violence.

Even though Croatia has the Working Group for Monitoring Hate Crime Cases, the statistics on hate crimes, including misdemeanours of hate crime are not published in an adequate form that can serve for further meaningful analysis of this type of violence. Only the bare figures are available on the official website. There is no disaggregated data showing hate crimes by the different bias grounds¹⁴. According to data there were 90 cases of hate-motivated criminal offences and misdemeanours in 2020, which is a significant increase compared to 48 cases from 2019. Since official statistics report only the total number of cases, it is not possible to discern the social groups to which the victims of these hate crimes belong. Due to this flaw, i.e., primarily to the non-disclosure of segregated data on hate crimes, it is not possible to monitor whether there has been an increase in hate-motivated violence or criminal and misdemeanour offences on national or ethnic grounds, which in turn makes it difficult to adopt policies to combat such acts¹⁵.

The education of police officers in the field of hate crime is mostly carried out as a result of long-term cooperation between civil society organizations and the Policy Academy. Although this is an example of good inter sectoral

cooperation, the prevalence of discriminatory attitudes and prejudice indicates the need for continuous and systematic implementation of education, involving all stakeholders that come into contact with victims of hate crimes¹⁶.

The Working Group for Monitoring Hate Crime cases has proposed changes to the Rules of Procedure in Processing Hate Crimes¹⁷ that entered into force in April 2021. Changes brought new and detailed indicators for investigating bias motivation.

With respect to these three judgements, the Court has made it clear of the positive obligations member states have in assessing hate crimes and that not only acts based solely on a victim's characteristics can be classified as hate crimes. Moreover, perpetrators may have mixed motives, so it is not the background of the victim that is essential. Victim's actual or perceived characteristics or association or affiliation with another person who actually or presumably possesses a particular status or protected characteristic raises the duty to effectively investigate and prosecute possible bias motivations.

- 1 OSCE Office for Democratic Institutions and Human Rights (ODIHR)
- 2 Criminal Code is available at: https://narodne-novine.nn.hr/clanci/sluzbeni/2011_11_125_2498.html (in Croatian).
- 3 Protocol is available at: https://narodne-novine.nn.hr/clanci/sluzbeni/full/2021_04_43_841.html (in Croatian).
- 4 OIDAC – Observatory on intolerance and discrimination against Christians in Europe.
- 5 Resolution CM/Res(2016)3, Participatory status for international non-governmental organisations with the Council of Europe (Adopted by the Committee of Ministers on 6 July 2016 at the 1262nd meeting of the Ministers' Deputies) link available at: https://search.coe.int/cm/Pages/result_details.aspx?ObjectID=090000168068824c
- 6 HUDOC.EXEC, Department for the Execution of Judgements of ECHR, Croatia, Pending cases, link available at: [https://hudoc.exec.coe.int/eng#{"EXECDocumentTypeCollection":\["CE-C"\],"EXECLanguage":\["ENG"\],"EXECState":\["HRV"\],"EXECIsClosed":\["False"\]}](https://hudoc.exec.coe.int/eng#{)
- 7 Sabalić v. Croatia, European Court of Human Rights, App.No.: 50231/13, 14 January 2017, link available at: <http://hudoc.echr.coe.int/eng?i=001-207360>
- 8 Šečić v. Croatia, App.no: 40116/02, European Court of Human Rights, 31 May 2007, link available at: <http://hudoc.echr.coe.int/eng?i=001-80711>
- 9 Government of the Republic of Croatia, Office of the Representative of the Republic of Croatia before the European Court of Human Rights, Action Report, Šečić group v. Croatia, App no: 40116/02, 29 December 2017, para 3-4, link available at: [http://hudoc.exec.coe.int/eng?i=DH-DD\(2018\)16E](http://hudoc.exec.coe.int/eng?i=DH-DD(2018)16E)
- 10 Škorjanec v. Croatia, European Court of Human Rights, App. No.: 25536/14, 28 March 2017, link available at: <http://hudoc.echr.coe.int/eng?i=001-172327>
- 11 Government of the Republic of Croatia, Office of the Representative of the Republic of Croatia before the European Court of Human Rights, Action Report, Šečić group v. Croatia, App no: 40116/02, 29 December 2017, link available at: [http://hudoc.exec.coe.int/eng?i=DH-DD\(2018\)16E](http://hudoc.exec.coe.int/eng?i=DH-DD(2018)16E)
- 12 Rule 9.2. Communication concerning Šečić group of cases v. Croatia No. 40116/02, Human Rights House Zagreb and Centre For Peace Studies, 11 October 2019, link available at: [http://hudoc.exec.coe.int/eng?i=DH-DD\(2019\)1230E](http://hudoc.exec.coe.int/eng?i=DH-DD(2019)1230E)
- 13 Maja Munivrana Vajda, Ines Sučić, Ivana Eterović, Aleksandar Maršavelski, Empirical study - Hate Crime in Croatia - Empirical research of cases from 2013-2018, page 86, link available at: http://www.hpc.hr/wp-content/uploads/2020/10/Zim_izvjesce.pdf
- 14 Rule 9.2. Communication concerning Šečić group of cases v. Croatia No. 40116/02, Human Rights House Zagreb and Centre For Peace Studies, 11 October 2019, link available at: [http://hudoc.exec.coe.int/eng?i=DH-DD\(2019\)1230E](http://hudoc.exec.coe.int/eng?i=DH-DD(2019)1230E)
- 15 Human Rights House Zagreb, Overview for 2020, para 377, link available at: https://www.kucaljudskihprava.hr/wp-content/uploads/2021/04/KLJP_GI2020_PRIP_web_26.4.pdf
- 16 Rule 9.2. Communication concerning Šečić group of cases v. Croatia No. 40116/02, Human Rights House Zagreb and Centre For Peace Studies, 11 October 2019, link available at: [http://hudoc.exec.coe.int/eng?i=DH-DD\(2019\)1230E](http://hudoc.exec.coe.int/eng?i=DH-DD(2019)1230E)
- 17 Rules of Procedure in Processing Hate Crimes, OG 43/21, 23 April 2021, link available at: https://narodne-novine.nn.hr/clanci/sluzbeni/full/2021_04_43_841.html

FACTS	TIEDOLLA	FAKTA	ČINJENICE
AGAINST	VIHAA	MOT	PROTIV
HATE	VASTAAN	HAT	MRŽNJE