

2025 Rule of Law Report - targeted stakeholder consultation

Fields marked with * are mandatory.

Introduction

The annual Rule of Law Report lies at the centre of the Annual Rule of Law Cycle, which acts as a preventive tool, deepening multilateral dialogue and joint awareness of rule of law issues. So far, five editions of the Rule of Law Report have been published since 2020.

As every year, the Commission would like to invite the stakeholders to provide contributions to the 2025 Rule of Law Report. On the basis of these contributions and on-going developments, further targeted questions may be shared at a later stage of preparation of the 2025 Rule of Law Report, in particular in the context of country visits, or bilateral contacts.

The Commission invites stakeholders to provide contributions which include:

- (1) information on measures taken to implement the recommendations addressed to the Member State in the 2024 Rule of Law report, as well as developments with regard to the points raised in the respective country chapter and**
- (2) any other significant developments since January 2024^[1] and up to the date of submission falling under the ‘type of information’ outlined below.**

The input should consist of a short summary, if possible in English, covering the areas referred to below. Legislation or other documents may be referenced with a link. Contributions should focus on significant developments since the last Rule of Law Report both as regards the legal framework and its implementation in practice.

If you would like to provide further specific **input related to the single market dimension in the Rule of Law report**, you can also respond to the additional targeted consultation available [here](#).

^[1] Unless the information was already submitted in the input for the previous Rule of Law Reports.

Type of information to be included:

Under each of the four pillars, the replies should include references to the following types of information:

A) Legislative developments

- Newly adopted legislation
- legislative drafts currently discussed in Parliament
- legislative plans envisaged by the Government

B) Policy developments

- Implementation of legislation
- evaluations, impact assessment, surveys
- white papers/strategies/actions plans/consultation processes
- follow-up to reports/recommendations of Council of Europe bodies or other international organisations
- important administrative measures
- generalised practices

C) Developments related to the judiciary / independent authorities

- important case law by national courts
- important decision/opinions from independent bodies/authorities
- state of play on terms, nominations and expired mandates for high-level positions (e.g. Supreme Court, Constitutional Court, Council for the Judiciary, Prosecutor General, heads of independent authorities included in the scope of the request for input[2])

D) Any other relevant developments

- National authorities are free to add any further information, which they deem relevant; however, this should be short and to the point.

Please also indicate whether the developments reported are linked to the implementation of reforms and investments under the RRP, where applicable. To simplify your answers to the questionnaire, **if there are no developments, it is sufficient to indicate this** and the information covered in the contributions for the previous Rule of Law Reports does not need not be repeated.

[2] Such as: media regulatory authorities and bodies, national human rights institutions, equality bodies, ombudsman institutions, supreme audit institutions and, where they exist, transparency authorities.

About you

* I am giving my contribution as

- ☐ Academic/research institution
- ☐ Business association
- ☒ Civil society organisation/NGO
- ☐ International organisation
- ☐ Judicial association or network
- ☐ Media organisation or association
- ☐ Public authority or network of public authorities

☐ Other

* Organisation name

250 character(s) maximum

Gong

Main Areas of Work

- ☐ Justice System
- ☒ Anti-corruption
- ☒ Media Pluralism
- ☒ Checks and Balances
- ☐ Other

Please insert an URL towards your organisation's main online presence or describe your organisation briefly:

500 character(s) maximum

www.gong.hr

Transparency register number

Check if your organisation is in the transparency register. It's a voluntary database for organisations seeking to influence EU decision-making

180972127836-49

* Country of origin

Please indicate the country of origin of your organisation

- ☐ Austria
- ☐ Belgium
- ☐ Bulgaria
- ☒ Croatia
- ☐ Cyprus
- ☐ Czechia
- ☐ Denmark
- ☐ Estonia
- ☐ Finland
- ☐ France
- ☐ Germany
- ☐ Greece
- ☐ Hungary
- ☐ Ireland
- ☐ Italy
- ☐ Latvia
- ☐ Lithuania
- ☐ Luxembourg
- ☐ Malta

- ☐ Netherlands
- ☐ Poland
- ☐ Portugal
- ☐ Romania
- ☐ Slovak Republic
- ☐ Slovenia
- ☐ Spain
- ☐ Sweden
- ☐ Other - please specify

First name

Oriana

Surname

Ivković Novokmet

Email Address of the organisation

gong@gong.hr

*** Publication of your contribution and privacy settings**

You can choose whether you wish for your contribution to be published and whether you wish your details to be made public or to remain anonymous.

- ☐ Anonymous - Only your type of respondent, country of origin and contribution will be published. Organisation name, URL, transparency register number, first name and surname given above will not be published. **To maintain anonymity, please refrain from mentioning the name of your organisation and any details from which your organisation can be identified in the rest of your contribution.**
- ☒ Public - Your personal details (name, organisation name, transparency register number, country of origin) will be published with your contribution).
- ☐ No publication - Your contribution will not be published. Elements of your contribution may be referred to anonymously in documents produced by the Commission based on this consultation.

☒ I agree with the personal data protection provisions.

[Specific privacy statement targeted stakeholder consultation 2025 rule of law report.pdf](#)

Questions on horizontal developments

In this section, you are invited to provide information on general horizontal developments or trends, both positive and negative, covering all or several Member States. In particular, you could mention issues that are common to several Member States, as well as best practices identified in one Member State that could be replicated. Moreover, you could refer to your activities in the area of the four pillars and sub-topics (an overview of all sub-topics can be found below), and, if you represent a Network of national organisations, to the support you might have provided to one of your national members.

Overview topics for contribution

[List of topics - 2025 Rule of Law Report.pdf](#)

Please provide any relevant information on horizontal developments here

5000 character(s) maximum

Questions for contribution

Under each pillar, you are invited to provide information on measures taken to implement the recommendations addressed to the Member State in the 2024 Rule of Law report, as well as developments with regard to the points raised in the respective country chapter of the 2024 Rule of Law Report and any other significant developments since January 2024 and up to the date of submission[3]. Please always include a link to and reference relevant legislation/documents (in the national language and/or where available, in English). **Significant developments** can include challenges, positive developments and best practices, covering both legislative developments or implementation and practices.

Information provided in reply to the first question under each pillar, related to the follow-up to the recommendations, does not need to be repeated in subsequent parts of the questionnaire, but can be cross-referenced in the subsequent questions, where relevant. All other questions are not limited to the recommendations, but as in previous years, cover the entire scope of the Report.

[3] Unless already covered in the input for the previous Rule of Law Reports.

Member State/enlargement country covered in contribution [only one choice possible]

If you wish to submit information concerning several Member States/enlargement countries, please fill in the questionnaire separately for each country. There is no limit to the number of contributions submitted by a single participant.

- ☐ Albania
- ☐ Austria
- ☐ Belgium
- ☐ Bulgaria
- ☒ Croatia
- ☐ Cyprus
- ☐ Czechia
- ☐ Denmark
- ☐ Estonia
- ☐ Finland
- ☐ France
- ☐ Germany
- ☐ Greece
- ☐ Hungary
- ☐ Ireland
- ☐ Italy

- ☐ Latvia
- ☐ Lithuania
- ☐ Luxembourg
- ☐ Malta
- ☐ Montenegro
- ☐ Netherlands
- ☐ North Macedonia
- ☐ Poland
- ☐ Portugal
- ☐ Romania
- ☐ Serbia
- ☐ Slovakia
- ☐ Slovenia
- ☐ Spain
- ☐ Sweden

I. Justice System

Please provide information on measures taken to follow-up on the recommendations received in the 2024 Report regarding the justice system (if applicable)

5000 character(s) maximum

One of the recommendations was to revise the Criminal Procedure Code and the Law on the Office for the Suppression of Corruption and Organised Crime, in line with the Anti-Corruption Strategy, in order to further increase the efficiency of investigations and prosecution of corruption offences.

However, last year's amendment of the Criminal Procedure Code and Criminal Code remains problematic in terms of the selective application of the so-called Lex AP provision, which was activated for the first time this year, due to the leaking of information from the investigation related to the Beroš case, which was also investigated by EPPO prosecutors.

In addition, Lex AP remains a general problem in criminal legislation if we bear in mind that in Croatia, corruption scandals are uncovered by journalists, and at the center of such scandals are often high-ranking officials, ministers, and members of the ruling party themselves.

A. Independence

Appointment and selection of judges, prosecutors and court presidents (incl. judicial review)

(The reference to 'judges' concerns judges at all level and types of courts as well as judges at constitutional courts)

5000 character(s) maximum

Irremovability of judges, including transfers, (incl. as part of judicial map reform), dismissal and retirement regime of judges, court presidents and prosecutors (incl. judicial review)

5000 character(s) maximum

Promotion of judges and prosecutors (incl. judicial review)

5000 character(s) maximum

Allocation of cases in courts

5000 character(s) maximum

Independence (including composition and nomination and dismissal of its members), and powers of the body tasked with safeguarding the independence of the judiciary (e.g. Council for the Judiciary)

5000 character(s) maximum

Accountability of judges and prosecutors, including disciplinary regime and bodies and ethical rules, judicial immunity and criminal/civil (where applicable) liability of judges (incl. judicial review)

5000 character(s) maximum

Independence/autonomy of the prosecution service

5000 character(s) maximum

Independence of the Bar (chamber/association of lawyers) and of lawyers

5000 character(s) maximum

Significant developments capable of affecting the perception that the general public has of the independence of the judiciary

5000 character(s) maximum

The opposition members of the Parliament, together with the broader legal, political and general public, expressed strong concerns already during the process of the appointment of the new State Attorney General Ivan Turudić. Turudić was already well known for his strong sympathies towards the ruling party Croatian Democratic Union (HDZ), but what damaged his already disputable reputation was the correspondence that he had with Josipa Pleslić (former Rimac), former HDZ State Secretary, who has been under investigation of the Office for the Suppression of Corruption and Organised Crime (USKOK), for corruption in the case of the windpark Krš-Padene. Even though Turudić denied any close relationship with Rimac, the content of the messages that leaked during the investigation showed otherwise, where they appeared very close, even though he lied about this during his interview before the Parliamentary Committee.

Furthermore, his connection with Zdravko Mamić, former President of the Football Club Dinamo Zagreb and former Vice President of the Croatian Football Federation, was proven by the Croatian Intelligence. Mamić was sentenced for extracting money from Dinamo six years ago, but still has not served his sentence.

Turudić was also a member of the working group of the notorious Lex AP, the amendments of the Criminal Act where a new criminal offence was introduced for leaking information from investigations in the criminal procedure. This is the continuation of the capture of independent institutions by Prime Minister Plenković.

<https://gong.hr/2024/02/07/plenkovic-i-parlamentarna-vecina-ugrozavaju-liberalnu-demokraciju-i-vladavinu-prava-u-hrvatskoj/>

B. Quality of justice

(Under this topic, you are not required to give statistical information but should provide input on the type of information outlined in the introduction)

Accessibility of courts (e.g. court/legal fees, legal aid, language)

5000 character(s) maximum

Resources of the judiciary (human/financial/material), remuneration/bonuses/rewards for judges and prosecutors, including observed changes (significant and targeted increase or decrease over the past year)

(Material resources refer e.g. to court buildings and other facilities. Financial resources include salaries of staff in courts and prosecution offices.)

5000 character(s) maximum

Training of justice professionals (including judges, prosecutors, lawyers, court staff, clerks/trainees)

5000 character(s) maximum

Digitalisation (e.g. use of digital technology, including electronic communication and AI tools, within the justice system and with court users, procedural rules, access to judgments online)

5000 character(s) maximum

Use of assessment tools and standards (e.g. ICT systems, including AI-based systems, for case management, court statistics and their transparency, monitoring, evaluation, surveys among court users or legal professionals)

5000 character(s) maximum

Geographical distribution and number of courts/jurisdictions (“judicial map”) and their specialisation, in particular specific courts or chambers within courts to deal with fraud and corruption cases.

5000 character(s) maximum

C. Efficiency of the justice system

(Under this topic, you are not required to give statistical information but should provide input on the type of information outlined under section 2)

Developments related to efforts to improve the efficiency of the justice system (e.g. as regards length of proceedings)

5000 character(s) maximum

Any other developments related to the justice system - please specify

5000 character(s) maximum

In November, Head of EPPO Laura Kovesi addressed a formal letter to the European Commission due to the fact that State Attorney General Ivan Turudić decided that DORH has jurisdiction in the Beroš case.

The EPPO has been investigating a criminal association constituted by eight Croatian citizens, including Minister of Health Vili Beroš, and two companies targeting procurements funded with EU money as well as from the national budget. EPPO has been investigating criminal offenses of active and passive corruption, abuse of position and authority, and money laundering, committed as part of a criminal association.

USKOK, the special office of DORH, and EPPO conducted the investigation in parallel, with the fact that the EPPO's investigation was much longer and wider than USKOK's. According to USKOK, the criminal organisation mentioned by the EPPO did not exist at all, thus controversial entrepreneur Hrvoje Petrač and his two sons were left out of USKOK's investigation unlike in EPPO's, and that the intention was primarily to obtain material gain primarily from the state budget, and not the EU budget. The EPPO planned to conduct searches and arrests on 19 November 2024. However, on 15 November 2024, the EPPO learned that USKOK obtained court orders for searches to be conducted against some of the suspects under investigation by the EPPO, and thus learned of the existence of an investigation conducted by national authorities into facts falling within the EPPO's competence.

One of the key concerns noted by Kovesi is the designation of the State Attorney General as the authority to resolve such conflicts that are in contravention of EU law. Furthermore, the State Attorney General further aggravated these circumstances by basing his decision solely on USKOK's interpretation, without giving the EPPO the chance to express its position, and thus undermining the impartiality of the conflict resolution. Also, EPPO pointed out that USKOK did not report its investigation into an EU-funded project, violating its obligations under the EPPO Regulation.

<https://n1info.hr/english/news/eppo-raises-rule-of-law-concerns-in-croatia-due-to-conflict-of-competences/>

In November, Gong addressed the European Parliament's Committee on Petitions pointing out inconsistencies between Croatian legislation and the Regulation on the EPPO. These inconsistencies allow the State Attorney General to hold exclusive authority over resolving jurisdictional conflicts between DORH and the EPPO.

Under Croatia's Implementation Act for the EPPO Regulation, the State Attorney General is designated as the national authority for resolving jurisdictional conflicts between DORH and EPPO. However, the law does not provide for any Croatian court to review such decisions. If judicial review were possible, the court could refer the matter to the European Court of Justice through a preliminary ruling procedure.

Gong underscored that, according to the Treaty on the Functioning of the European Union (TFEU), only a "national court or tribunal" can refer matters to the European Court of Justice. As the State Attorney General is not a judicial body, Turudić could not, even if he wished, escalate the jurisdictional conflict between DORH and EPPO to the European Court. Furthermore, no legal remedy exists to challenge Turudić's decision before the European Court, as the implementation law does not provide for such an option. This issue could have been avoided if the Supreme Court, as Croatia's highest judicial authority, were assigned the responsibility of deciding jurisdictional conflicts.

<https://gong.hr/en/2024/11/21/gong-addressed-the-european-parliament-the-general-state-attorney-should-not-decide-on-conflicts-of-jurisdiction-between-dorh-and-eppo/>

II. Anti-Corruption Framework

Where previous specific reports, published in the framework of the review under the UN Convention against Corruption, of GRECO, and of the OECD address the issues below, please make a reference to the points you wish to bring to the Commission's attention in these documents, indicating any relevant updates, changes or measures introduced that have occurred since these documents were published.

Please provide information on measures taken to follow-up on the recommendations received in the 2024 Report regarding the anti-corruption framework (if applicable):

5000 character(s) maximum

Croatia finally passed the Lobbying Act. Gong has been advocating for more than a decade for a law to regulate lobbying, however, the law currently in place needs to be improved. The law was passed due to the necessity for such activities to be transparent and publicly available, but this law does not ensure that the public knows who is lobbying whom on which topic in real time. In addition, it is necessary to clarify the basic concepts of lobbying, lobbyists and lobbied persons. The majority of civil society reads the current law as if civil society organisations do not belong to the group of lobbyists, while the government itself claims that they do.

A. The institutional framework capacity to fight against corruption (prevention and investigation / prosecution)

List any **changes** as regards relevant authorities (e.g. national agencies, bodies) in charge of prevention, detection, investigation and prosecution of corruption and the resources allocated to each of these authorities (the human, financial, legal, and technical resources as relevant), including the cooperation among domestic and with foreign authorities. Indicate any relevant measures taken to effectively and timely cooperate with OLAF and EPPO

5000 character(s) maximum

Last year's amendment of the Criminal Procedure Code and Criminal Code remains problematic in terms of the selective application of the Lex AP provision, which was activated for the first time this year, due to the leaking of information from the investigation related to the Beroš case, which was also investigated by EPPO prosecutors.

In addition, Lex AP remains a general problem in criminal legislation if we bear in mind that in Croatia, corruption scandals are uncovered by journalists, and at the center of such scandals are often high-ranking officials, ministers, and members of the ruling party themselves.

Furthermore, a recommendation from the latest Rule of Law Report suggests regulating the allocation of state funds to the media at all levels. This recommendation has not been adopted at all; moreover, the media are increasingly dependent on state funds that continue to be allocated in a non-transparent manner, according to unclear criteria.

Safeguards for the functional independence of the authorities tasked with the prevention and detection of corruption

5000 character(s) maximum

In March, the Commission for the Prevention of Conflicts of Interest brought the decision that the spokesman of the Croatian Government, Marko Milić, was not in a conflict of interest when the director of Croatian Forests inquired about his friend's employment in this state own body.

In September 2019, Marko Milić was texting Krunoslav Jakupčić, the president of the Management Board of the Croatian Forests, asking about his friend which indicated that he was trying to solve his employment status there. Milić claimed that it was a message only of an informative nature. However, Jakupčić was arrested at the end of May 2020 in the wind park affair Krš Pađene together with former HDZ State Secretary Josipa Rimac, which led to the discovery of disputed messages.

In the decision published in May, the Commission ruled that "the message in question did not contain any grammatical construction that would indicate precisely that it was sent with the intention of employing a certain person and the influence of the official's power on employment". The decision was brought by the majority of the members of the Commission, while Head of the Commission Aleksandra Jozić Ileković suggested a fine of 2,500 euros.

The perception of corruption in Croatia is among the highest in the European Union, and the Commission certainly contributes to such a perception with its explanation of how the highest state officials can influence the employment of their friends, without being sanctioned for it. Gong has previously warned that the Commission is one in the line of the captured institutions, since the amendments of the Conflict of Interest Act turned it into a mere asset declaration body, together with the change of practice of the High Administrative Court that prohibits sanctioning principles of conduct, only after the Commission started questioning Prime Minister Plenković.

<https://gong.hr/2024/05/28/ako-nema-glagola-nema-ni-sukoba-interesa-povjerenstvo-o-porukama-marka-milica-prema-direktoru-hrvatskih-suma/>

Information on the implementation of measures foreseen in the strategic anti-corruption framework (if applicable). If available, please provide relevant objectives and indicators

5000 character(s) maximum

The Croatian Parliament postponed the application of the Centralised Employment System, which offered them a chance to extend the period of assisting in the employment of friends and family.

The Centralised Employment System is a measure from the National Recovery and Resilience Plan, and was supposed to enter into force on July 1, but since the application for the new system was not completed, in the transitional period until November 1, the procedure and announcement of public tenders and ads for admission to the civil service for a certain period of time was carried out according to the current regulations. However, in October there were 204 vacancies open, right before the start of the new system of employment, which raised questions on the timing for such a decision.

<https://slobodnadalmacija.hr/vijesti/hrvatska/na-stotine-drzavnih-sluzbenika-uhljebljeno-u-zadnji-cas-kako-bi-izbjegli-novi-nacin-zaposljavanja-vrag-su-ta-pravila-1429753>

https://www.tportal.hr/vijesti/clanak/sabor-prije-pauze-donio-nekoliko-zakona-i-izmjena-bauku-jandrokovic-dao-opomenu-20240712?meta_refresh=1

B. Prevention

Measures to enhance integrity in the public sector (including as regards incompatibility rules, revolving doors, codes of conduct, ethics)

5000 character(s) maximum

Gong has criticised the Council for the Implementation of the Code of Conduct for State Officials in Executive Bodies since it was founded. Only two out of five members are independent experts, as opposed to the remaining three members that are government officials, and that the general public cannot report breaches of the Code but only members of the Government, which can lead to the conclusion that the Government oversees its own behaviour. One of the most recent examples of how high state officials do not comply with the Code is the arrest of Minister of Health Vili Beroš, accused of corruption in providing medical equipment and taking bribes.

According to their own Rules of Procedure, the Council holds sessions when needed, at least once every two months, but the interval between sessions has always been longer than two months. Furthermore, according to the data available on the Council's website, the last session was held on June 27, 2024. The rules of procedure also prescribe the publication of the work of the Council, but it is not clear how the publication of the work is achieved except by belated publication of the minutes. Gong submitted a request for access to information to the Ministry of Justice as early as October 29, 2024, asking if a Council session had been held in the meantime, but we did not receive an answer.

As is available from the minutes of the Council, only one complaint against an official has been received since the establishment of the Council. Thus, in the minutes of the last 8th session of the Council, there is a complaint related to the behavior of the official, whose identity is anonymous, in accordance with the principle of exemplary behavior, to which the Council requested a statement from the official.

The Council did not question the case of Gordan Grlić Radman, who did not report profit from dividends in his property card, as well as Marko Milić when the correspondence with the president of Croatian Forests, Krunoslav Jakupčić, related to the employment of his friend, became public. In the case of Grlić Radman and Milić, apart from themselves, only the Office of the Prime Minister could request an opinion on the compliance of such behavior with the Code. Despite everything, Prime Minister Plenković does not see any problem in the behavior of his closest associates.

By weakening the Commission for the Prevention of Conflict of Interest, which can no longer determine violations of ethical principles and expanding the circle of obligees, that institution has been reduced to a mere administrator of asset declarations. Now it has also become responsible for managing the Register of Lobbyists, from which the most important data of lobbyists will not be available to the public - those regarding their meetings, which speaks volumes about the direction in which the fight against corruption is going in the Republic of Croatia. The Code of Conduct for State Officials is only one of a series of measures that only serve to formally fulfill the obligations requested by GRECO, without any real significance.

<https://gong.hr/2024/11/28/drzavi-malo-a-nama-lepo-cemu-sluzi-vladin-kodeks-ponasanja-drzavnih-duznosnika/>

The Code of Conduct of the Members of the Parliament is another ethical code that has little significance on the conduct of its subjects, being that it has no sanction system for breaches of the Code - no one can report breaches thus there are no sanctions, and was left the same way in 2024.

In May, MP Zekanović went unpunished when, during the inaugural session of the 11th term of the Parliament, he referred to Peđa Grbin (SDP) as a "political corpse" or a "zombie" and concluded that a zombie "should be struck in the heart with a stake and shot in the head." This occurred just one day after the attack of the Slovak Prime Minister by firearm, an event that had left all of Europe deeply shaken, giving

Zekanović's statement even greater weight than it might have otherwise carried.

In response, Ivan Malenica, then Minister of Justice confirmed to Gong that the Ethical Code does not actually prescribe sanctions, meaning that violations of the Code cannot be penalised. He also stated that the Parliamentary Committee on the Constitution would act in accordance with the Code in the same manner as it did under his predecessor, Dražen Bošnjaković, who chaired the same committee during the 10th term, who also did nothing about it.

<https://gong.hr/2024/12/10/eticki-kodeks-zekanovic-nece-odgovarati-zbog-seksizma-bas-kao-sto-nikad-nije-nitko-odgovarao/>

Measures to enhance general transparency of public decision-making (including rules on lobbying, asset and interest disclosure rules, gifts policy, transparency of political party, financing)

5000 character(s) maximum

On October 1, the Lobbying Act came into force. Despite numerous recommendations from international organisations and civil society groups, the final solution does not ensure sufficient transparency in lobbying, which was the primary reason for enacting the law. Civil society also falls under the scope of lobbying, even though it does not represent particular interests but rather the interests of the community as a whole.

Gong emphasises that it is not enough to merely know who the lobbyists are, but to know with whom, when, and about what specific issues they have had meetings. The legal framework for lobbying should not stop at simply registering lobbyists and requiring them to report annually on whom they lobbied and on what topics, while the lobbied parties have no obligations under this law. The report will be submitted to the Commission for the Prevention of Conflict of Interest but will not be available to the public.

Since lobbyists registered in the Lobbyists Register are required to submit reports on their lobbying activities to the Commission annually by March 31 of the current year for the previous year, this means the Commission would not know what lobbyists are doing in any legislative process at the time the lobbying occurs. Instead, it would learn about it months or even up to a year later, potentially after the legislative process has already concluded. Such a situation undermines another goal of the Act - limiting undue influence. This is also contrary to OECD recommendations of the regarding lobbyist registers, which must adequately serve the public interest. However, this cannot be achieved without public access to data on lobbying activities and timely updates of information

Gong highlights that the content of lobbying reports should be accessible to the public, and the public should be informed about lobbying activities in real time. Although the Act states that data from the Lobbyists Register is published to ensure lobbying transparency and serve the public interest, it is unclear how the public interest is upheld when key elements of lobbying activities' transparency are missing.

<https://gong.hr/2024/10/01/zakon-o-lobiranju-stupio-na-snagu-gong-ponovno-upozorava-na-netransparentnost-regulacije/>

Special advisors of the prime minister and ministers can be appointed under the Government Act or the State Administration System Act. In both cases, there is the absence of application of regulations governing conflicts of interest, contrary to GRECO recommendations. Key individuals for the functioning of the Government can thus include people whose private interests overlap with the scope of work of the public authority in which they perform their advisory tasks.

The case of Jurica Lovrinčević, special advisor of former Minister of Economy and Sustainable Development Davor Filipović, who boasted about controlling a range of public companies and funds, is particularly alarming as it highlights the potential scale of abuse in such positions. The insufficiently transparent circumstances surrounding the appointment and work of special advisors provide a fertile ground for similar cases in the future. Special advisors in ministerial cabinets are employed based on clearer criteria and a predefined job complexity coefficient, but their names and responsibilities are less known to the public or are concealed, while the Government Act ones are available online.

Special advisors are an important link within the state administration system, whether they are permanent employees or external experts. Therefore, they must be subject to oversight by the Conflict of Interest Commission and broader public scrutiny.

<https://gong.hr/2024/01/29/poseban-tretman-posebnih-savjetnika-imaju-utjecaj-a-ne-odgovaraju-za-sukob-interesad/>

Measures to prevent conflicts of interest in the public sector. Please specify the features and scope of their application (e.g. categories of officials concerned, types of checks and corrective measures depending on the category of officials concerned)

5000 character(s) maximum

--> For the three previous points, **please also provide information and figures on their application /enforcement**, such as number of detected breaches/irregularities of the various rules in place and the follow-up given (investigations, sanctions, etc.)

Measures to ensure whistleblower protection and encourage reporting of corruption, including their application (i.e. number of reports received, and the follow-up given)

5000 character(s) maximum

Specific measures to enhance transparency, integrity and accountability in sectors with high risks of corruption, with a view to monitor and prevent corruption and conflict of interests, and where applicable measures to prevent and address corruption committed by organised crime groups.

Such high-risk sectors could include: public procurement, including construction, transport/infrastructure, defence, cohesion, agriculture, environment, healthcare, citizen/residence investor schemes, large-scale investments of national interest and the spending of EU funds, urban planning.

5000 character(s) maximum

C. Repression

The legal framework on the criminalisation and sanctions for corruption and related offences, including foreign bribery

5000 character(s) maximum

Official data on the number of investigations, prosecutions, final judgments and the application of sanctions for corruption offences (differentiated by offence if possible). Please indicate whether the cases: involve legal persons; are related to the implementation of EU or national funds; involve high level corruption. Please indicate which data is publicly available and how policy-making is informed by the data

5000 character(s) maximum

Potential obstacles identified in law or in practice to the investigation and prosecution of high-level and complex corruption cases (e.g. political immunity regulation, procedural rules, statute of limitations, cross-border cooperation, pardoning)

5000 character(s) maximum

Information on effectiveness of criminal and non-criminal measures and of sanctions (e.g. recovery measures and administrative sanctions) on both public and private offenders

5000 character(s) maximum

Any other developments related to the anti-corruption framework - please specify

5000 character(s) maximum

The insufficiently robust control of foreign money circulating through Croatia via shell companies and cash purchases of real estate is now putting Croatian citizens with legitimate businesses and operations abroad at a disadvantage.

The Financial Action Task Force (FATF), the leading international agency for combating money laundering and terrorist financing, placed Croatia on its so-called gray list in June 2023. This list includes countries with a high risk of money laundering and terrorist financing, grouping Croatia alongside Congo, Burkina Faso, Syria, Venezuela, and Yemen. This classification carries economic consequences for Croatian citizens and businesses. At the time, the Ministry of Finance attempted to downplay the significance of this assessment, stating that "being placed on the gray list does not mean that Croatia has become a high-risk country." However, that is precisely what it means.

In July 2024, Albert Gajšak, the founder of the Croatian start-up CircuitMess, announced that the digital bank of his company, registered in the United States, informed him that their business account would be closed on August 22. Since the company's founders are from Croatia, it is deemed high-risk, and business relations are being terminated. Gajšak also mentioned that other Croatian startups and tech companies were encountering the same issue.

This is one of the consequences of Croatia being on the gray list - a fact that the Croatian Government skillfully conceals until its effects become evident.

<https://vijesti.hrt.hr/hrvatska/hrvatska-na-sivoj-listi-fatf-a-sustavni-propusti-u-borbi-protiv-pranja-novca-i-korupcije-11877579>

III. Media pluralism and media freedom

Please provide information on measures taken to follow-up on the recommendations received in the 2024 Report regarding media pluralism and media freedom (if applicable)

5000 character(s) maximum

The recommendation from the last Rule of Law Report suggests regulating the allocation of state funds to the media at all levels. This recommendation has not been adopted at all; moreover, the media increasingly depend on state funds that are still allocated non-transparently, and unclear criteria.

Although it was announced, the Media Act was not adopted in 2024 either, moreover, its draft was not even submitted for public consultation. We have previously warned that Croatia is late with changes to media legislation, and that relevant independent media experts, media organisations and reputable journalists are not included in the working groups. In the summer of 2024, a draft of the Media Act was leaked to the media, which caused a stormy reaction in the public.

The Electronic Media Council is still under influence of the government, and the decisions they make are neither professional nor independent, but always in favor of the ruling party. Gong asked the Electronic Media Agency several times in 2024 to act transparently and responsibly towards the Croatian public and the public interest, but each time, for various issues (the issue of actual media ownership, the issue of covert native advertising in the presidential election campaign), we received the answer that they were not responsible for these topics or that they did not have an answer.

In 2024, both the Agency for Electronic Media (AEM) and the Ministry of Culture and Media in Croatia faced scrutiny regarding their roles in verifying the actual ownership of media outlets. Gong, as a democratic watchdog, observed that these institutions often deflected responsibility when questioned about their oversight functions.

When concerns arose about potential concealed ownership of media entities, such as Z1 Television, the Ministry of Culture and Media redirected inquiries to the Agency for Electronic Media (AEM), stating that monitoring media ownership falls within the Agency's jurisdiction. However, the AEM maintained that it relies on the information provided in the Register of Actual Owners, suggesting that if media owners intended to be transparent, they would have registered accordingly. This stance implies a passive approach, where the Agency does not actively verify the authenticity of the registered information, even when there are indications of falsified data.

This circular delegation of responsibility between the Ministry and the AEM indicates a systemic issue in enforcing transparency in media ownership. Gong emphasizes that such deflections undermine the regulatory framework designed to prevent concealed ownership, as stipulated by the Electronic Media Act, which prohibits undisclosed ownership of media service providers.

The lack of will by both the Ministry and the AEM to investigate and verify actual media ownership raises concerns about the effectiveness of media regulation in Croatia. Gong advocates for these institutions to assume their regulatory responsibilities more assertively to ensure transparency and uphold media pluralism.

There is still no registry of beneficial ownership in the media, or rather, the registry functions in a manner that whoever registered as the owner of the media and the Agency for Electronic Media, who should be responsible for this registry, does not check the accuracy of registrants. This situation leads to the possibility that an individual could have a monopoly over the entire media market, while everything is bureaucratically in order.

A. Media authorities and bodies

(Cf. Article 30 of Directive 2018/1808)

Measures taken to ensure the independence, enforcement powers and adequacy of resources (financial, human and technical) of media regulatory authorities and bodies

5000 character(s) maximum

Conditions and procedures for the appointment and dismissal of the head / members of the collegiate body of media regulatory authorities and bodies

5000 character(s) maximum

Existence and functions of media councils or other self-regulatory bodies

5000 character(s) maximum

B. Safeguards against government or political interference and transparency and concentration of media ownership

Measures taken to ensure the fair and transparent allocation of state advertising

5000 character(s) maximum

Safeguards against state / political interference, in particular:

- safeguards to ensure editorial independence of media (private and public)
- specific safeguards for the independence of heads of management and members of the governing boards of public service media (e.g. related to appointment, dismissal), safeguards for their financial and operational independence (e.g. related to reporting obligations and the allocation of resources) and safeguards for plurality of information and opinions
- information on specific legal provisions and procedures applying to media service providers, including as regards granting/renewal/termination of licenses, company operation, capital entry requirements, concentration and corporate governance

5000 character(s) maximum

Gong reported to the State Electoral Commission, the Ministry of Culture and Media, the Council for Electronic Media, and the Croatian Journalists' Association an interview with presidential candidate Dragan Primorac in Večernji list, suspecting it to be covert promotion. The author of the interview was a head of the native advertising team at Večernji list, who had never previously written a single journalistic article in the mentioned media outlet. Native advertising is not only prohibited, but it can mislead citizens, undermine a fair electoral process, and weaken public trust in the media.

According to the Media Act, sponsored content in media must be clearly labeled, and financial penalties are prescribed for covert advertising. Additionally, under the Electronic Media Act, political advertising is only allowed during the official election campaign period, which had not yet begun. Covert advertising misleads citizens and also raises concerns about unreported campaign expenses.

Večernji list promptly responded, denying that the interview was sponsored content and arguing that the former head of the native advertising team had suddenly transitioned to a journalist in the newsroom. Furthermore, Večernji list, one of the leading daily newspapers in the country, threatened Gong with a lawsuit in one of its articles, although this had not been pursued at the time of writing this report.

The Ministry of Culture and Media never responded to our inquiries. The State Electoral Commission stated it would monitor candidates' financial reports, while the Council for Electronic Media replied that they did not find the matter problematic, stating: "The fact that the author of the article is the head of native advertising at Večernji list does not lead to the conclusion that this interview is an advertisement or constitutes native advertising".

This was the first such case where the native advertising department authored interviews with election candidates. Furthermore, Večernji list published a news report from a ruling political party event, attributing the author as the "native team." This means the media outlet published a PR article from the party without inquiry, critique, or commentary – characteristics that define journalism – which we see as yet another setback for free and independent journalism.

Following these events, several journalists reached out to us, claiming that it is a practice at Večernji list for native content from the marketing department to be sent to the newsroom, with requests for journalists to sign their names on pre-written articles. If it is true, this practice would violate both the law and professional ethics.

While AEM saw nothing wrong with the interview, the Council of Honour of the CJA was of a different opinion, noting that this was harmful practice. They warned that the authors of advertising texts were not colleagues to journalists, that advertisements were not journalism and that they were distinct professions that must remain clearly separated to preserve the integrity of journalism.

<https://gong.hr/2024/11/26/gong-medijima-intervjue-moraju-raditi-novinarke-a-ne-marketing/>

<https://www.hnd.hr/novinarsko-vijece-casti-hnd-a-granica-izmedu-oglasavanja-i-novinarstva-mora-biti-jasna>

Transparency of media ownership and public availability of media ownership information, including on direct, indirect and beneficial owners

5000 character(s) maximum

In October, Gong called on the Agency for Electronic Media (AEM) to investigate the actual ownership of media outlets, emphasising the prohibition of hidden ownership under the Electronic Media Act. There are concerns about the ownership of Z1 Television, allegedly linked to Mario Radić, former party secretary of the Homeland Movement, now president of the party DOMiNO, and his associates, despite formal registry records.

The Ministry of Culture and Media shifted the responsibility to AEM, stating that media ownership oversight falls under their jurisdiction. They mentioned ongoing work on a new transparency system for media ownership, expected to be operational by the end of 2024, but did not specifically address Z1 Television.

In their first response, AEM stated they relied on data from the Register of Beneficial Ownership and found no irregularities regarding Z1 Television. They acknowledged lacking authority for deeper investigations, such as reviewing business records or secret agreements, and concluded that the registered owner is considered the actual owner. In a second response, AEM reiterated that hidden ownership is inherently covert and outside their investigative scope.

The Parliamentary Committee on Information, Computerisation, and Media provided no response, despite discussing media ownership transparency at a session in December 2023.

Media ownership transparency in Croatia is jeopardized by the unwillingness of institutions to address hidden ownership issues. Gong demands that AEM take responsibility, utilize its legal powers, and ensure genuine transparency in ownership to protect media pluralism and public interest.

<https://gong.hr/2024/10/14/aem-da-su-tajni-vlasnici-medija-htjeli-biti-transaprentni-onda-bi-bili-javni/>

The public broadcaster HRT remains under the influence of the ruling party. Civil society representatives are still not invited to participate as guests in television programs, even on topics where we are the most qualified to speak. For example, in the show *Otvoreno*, a prime-time political magazine, the topic was the new electoral constituencies, and in the discussion Gong's model of electoral constituencies was discussed as the main alternative model. However, no one from Gong was invited to present the model.

C. Framework for journalists' protection, transparency and access to documents

Rules and practices guaranteeing journalists' independence and safety, including as regards protection of journalistic sources and communications, referring also, if applicable, to follow-up given to alerts lodged with the Council of Europe's Platform to promote the protection of journalism and safety of journalists

5000 character(s) maximum

The ruling party HDZ decided on the amendments to the Criminal Code, which introduced a new criminal offense of unauthorised disclosure of the contents of an investigative or evidentiary action. This came after the initials of Prime Minister Andrej Plenković appeared in text messages between former Minister of Regional Development and EU Funds Gabriela Žalac and former State Secretary Josipa Rimac, under investigation for high corruption. While this proposal formally was created with the aim of protecting the presumption of innocence, the right to privacy and the right to a fair trial, Plenković publicly said that the aim was to prevent political damage.

Not only that this was widely criticised by legal experts, the media, parliamentary opposition, the Supreme Court warned that there should not be any crime if there was public interest for leaking information. Also, they were of the opinion that there was still a possibility of the liability of journalists who published such information. Potentially, they could have been accused as accomplices and their private correspondence could have been in danger. Lex AP targets journalistic sources so it could result in a chilling effect in journalists' activity.

The proposal did not initially include that there is no liability when it comes to public interest and that journalists were exempt from this criminal offence. Only after pressure from all sides and the announcement of a protest on January 31, the Minister of Justice announced that there would be such exceptions introduced. One of the members of the working group was judge Ivan Turudić, who later became State Attorney General, who for seven years led proceedings against journalist Dražen Ciglenečki because he compared him to a Serbian war criminal in his article, and for which he was awarded HRK 90,000 in the second-instance proceedings.

The same day the protest was held, on January 31, at the Anti-SLAPP conference in the European Parliament, Gong informed about the situation and warned about the potential chilling effects for journalism that these amendments could lead to.

<https://gong.hr/2024/01/31/gong-u-europskom-parlamentu-sloboda-govora-je-ugrozena-gradani-ce-platiti-najvisu-cijenu/>

<https://gong.hr/en/2024/02/07/plenkovic-and-the-parliamentary-majority-are-endangering-liberal-democracy-and-the-rule-of-law-in-croatia/>

Law enforcement capacity, including during protests and demonstrations, to ensure journalists' safety and to investigate attacks on journalists

5000 character(s) maximum

Access to information and public documents by public at large and journalists (incl. transparency authorities where they exist, procedures, costs/fees, timeframes, administrative/judicial review of decisions, execution of decisions by public authorities, possible obstacles related to the classification of information)

5000 character(s) maximum

Lawsuits (incl. SLAPPs - strategic lawsuits against public participation) and convictions against journalists (incl. defamation cases) and measures taken to safeguard against manifestly unfounded and abusive lawsuits

5000 character(s) maximum

Any other developments related to media pluralism and freedom - please specify

5000 character(s) maximum

In the security report for the first quarter of 2024, Meta states that Gong's research prompted them to independently investigate the case of fake profiles operating under the posts of the HDZ official Facebook page. In it, they determined that the detected fake profiles violated the community guidelines against coordinated inauthentic behavior, which is why they officially removed 150 profiles from these social networks. Also, although the persons who participated in the creation of the aforementioned fake profiles tried to conceal their identities, Meta established a link between such profiles and individuals connected to the HDZ organization Croatian Democratic Union Youth, whose president Maksimilijan Šimrak has recently become a member of Parliament. Instead of admitting responsibility, HDZ accused Gong of political bias.

<https://gong.hr/en/2024/05/31/meta-removes-150-hdz-fake-profiles-from-facebook-and-instagram-because-of-gong/>

<https://md.teyit.org/file/meta-threat-report.pdf>

IV. Other institutional issues related to checks and balances

Please provide information on measures taken to follow-up on the recommendations received in the 2024 Report regarding the system of checks and balances (if applicable)

5000 character(s) maximum

A. The process for preparing and enacting laws

Framework, policy and use of impact assessments and evidence based policy-making, stakeholders'^[1]public consultations (including rules and practices on the transparent participation of civil society to policy development and decision-making processes), and transparency and quality of the legislative process both in the preparatory and the parliamentary phase

[1] This includes also the consultation of social partners

5000 character(s) maximum

Although last year, in its Rule of Law report, the European Commission concluded that great progress had been made in drafting the National Plan for Creating an Enabling Environment for civil society, this plan was not adopted or put up for public debate in 2025. Civil society representatives participating in the working group for drafting the National Plan responded to our inquiries that they had not received any draft by mid-January 2025. Furthermore, the Council for the Development of Civil Society, which is made up of more representatives of the state administration than members of civil society who then sabotage their work, met only twice in the entire year of 2024. Therefore, the body that was supposed to represent cooperation

between the government and the civil sector is not functioning at all, not even pro forma. Moreover, such a body is working to the detriment of civil society. It is urgently necessary to establish new places of cooperation and inclusive dialogue, a place where the voices of civil society will be heard and respected.

However, this will probably not happen while the HDZ and Andrej Plenković are in power, who, in the manner of Orban or Fico, has begun to openly attack civil society, as he already does with the media. At a press conference in December 2024, Plenković openly threatened Gong with the withdrawal of public funding from the state, as if he were personally allocating funds to NGOs. Gong immediately reacted publicly to these threats and informed EU networks of civil society organizations and European media about the entire case.

A problem that has significantly deteriorated in 2024 is the participation of the public (citizens and civil society organizations in e-consultations). It still remains that public consultations are opened only for the sake of form, not because of the inclusivity or for the reasons of improving the draft versions of the legislations. Comments are almost never adopted, or only some comments suggesting grammatical or semantic changes are adopted. In the summer of 2024, changes that occurred physically prevented or made it really hard for civil society to participate in public consultations.

The procedure for participating in public consultations via e-Consultations was changed in mid-May 2024, when the platform became part of the services within the e-Citizens system. According to the experience of numerous civil society organizations, the previous e-Consultations system most often functioned technically well and did not need to be changed.

These changes in the method of participation were introduced quietly, and the Ministry of Justice, Administration and Digital Transformation, which is responsible for the e-Citizens and e-Consultations system, did not ensure the functioning of the system without numerous technical problems that make it difficult for users to easily access and comment.

Therefore, Gong, with more than 40 civil society organisations, appealed to institutions to urgently eliminate technical problems and enable the participation of the interested public in discussions on current regulations.

Most of the public consultations were organized in a shortened period, so the interested public does not have enough time to study the regulation and give their comments for improvement.

<https://gong.hr/2024/08/21/udruga-i-dalje-ne-mogu-jednostavno-sudjelovati-u-javnim-raspravama-i-komentirati-zakone/>

<https://gong.hr/2024/09/17/javne-rasprave-u-hrvatskoj-ko-izdrzi-sudjelovati-ce/>

<https://gong.hr/2024/12/19/gong-porucuje-li-premijer-da-je-sklon-kazniti-organizacije-koje-inzistiraju-na-provedbi-slobodnih-i-postenih-izbora/>

Rules and use of fast-track procedures and emergency procedures (for example, the percentage of decisions adopted through emergency/urgent procedure compared to the total number of adopted decisions)

5000 character(s) maximum

The Rules of Procedure of the Croatian Parliament stipulate that laws are adopted in a fast-tracking (urgent) procedure only exceptionally, when there are justified reasons for doing so, and that in such cases the proposal of a law must be properly justified and the urgency of the procedure explained.

However, the fast-track legislative procedure was often used in the Croatian Parliament in 2024. Of the 102 laws adopted during 2024, 33 laws (32 percent) were adopted in an urgent procedure, and 69 laws (68 percent) in an ordinary procedure.

These figures show a higher frequency of the fast-track legislative procedure in 2024 compared to 2023, when the Croatian Parliament adopted a total of 129 laws, of which 34 laws (26 percent) were adopted in an urgent procedure, and 95 laws (74 percent) in an ordinary procedure.

Comparing the state of urgency of the legislative procedure in the 11th term of the Croatian Parliament (constituted on 16 May 2024) with the state of urgency of the 10th term (constituted on 22 July 2020 and dissolved on 14 March 2024), we can also see an increase in the share of laws passed under the fast-track procedure.

Of the total of 59 laws passed in the 11th term, 25 laws were passed under the fast-track procedure (42 percent), while 34 laws were passed under the regular procedure (58 percent). In the 10th term, however, out of a total of 500 laws, the Croatian Parliament passed 182 laws under the fast-track procedure (36 percent), and 318 laws were passed under the regular procedure (64 percent). These statistics show that in the Croatian Parliament, about one third is passed under the urgent procedure (both annually and by term).

Gong's analysis published in March 2024 showed that the situation in the 10th term of the Croatian Parliament by that time was similar - more than one third of all laws (182 out of 312) had been adopted under the fast-track procedure. Gong noted that this situation is facilitated, among other things, by the fact that in the Croatian Parliament, a simple majority is sufficient to approve the adoption of laws under the fast-track procedure, and not a two-thirds majority, as is the case in the parliaments of some older EU member states.

In the same analysis, Gong warned that excessive use of the expedited legislative procedure devalues democratic procedures and narrows the space for public debate on important social issues.

<https://gong.hr/en/2025/01/13/croatia-still-in-a-state-of-emergency-even-in-2024-a-fifth-of-laws-passed-in-an-emergency-procedure/>

Rules and application of states of emergency (or analogous regimes), including judicial review and parliamentary oversight

5000 character(s) maximum

Regime for constitutional review of laws

5000 character(s) maximum

B. Independent authorities

Independence, resources, capacity and powers of national human rights institutions ('NHRIs'), of ombudsman institutions if different from NHRIs, of equality bodies if different from NHRIs and of supreme

audit institutions

(Cf. the website of the European Court of Auditors: <https://www.eca.europa.eu/en/Pages/SupremeAuditInstitutions.aspx#>)

5000 character(s) maximum

By the end of December, the Government did not give an opinion on the annual report of the Ombudsman for 2023, without which the Parliament cannot debate or vote on it. To make matters worse, the Parliament still has not even discussed the 2022 report. The Ombudsman warned that the institution was not sufficiently respected by the Government and the Parliament and that it was enabled to fulfill its potential. In order for the state to be able to move forward in terms of human rights and the rule of law, it must respect independent institutions and enable them to work at full strength, and the delay of the discussions of their reports in the Parliament makes their work difficult.

https://www.jutarnji.hr/vijesti/hrvatska/kako-cu-stitati-prava-onkoloskih-pacijenata-i-mobingiranih-gradana-ako-cu-u-saboru-2025-govoriti-o-brojkama-iz-2022-15536751?cx_linkref=jl_home_g2_g3

Only after Gong sent a letter to the Ombudsman because of the large number of voters who, despite having valid identity cards, were not on the list of voters in the parliamentary elections, the Ministry of the Interior confirmed that it was a mistake in their IT system, and not a voter's mistake as they claimed on the day of the parliamentary elections in 2024.

<https://gong.hr/2024/10/15/mup-priznao-gresku-s-osobnim-iskaznicama-na-dan-parlamentarnih-izbora-tek-u-ocitovanju-puckoj-pravobraniteljici/>

Statistics/reports concerning the follow-up to recommendations by National Human Rights Institutions, ombudsman institutions, equality bodies and supreme audit institutions in the past two years

5000 character(s) maximum

C. Accessibility and judicial review of administrative decisions

Transparency of administrative decisions and sanctions (incl. their publication and rules on collection of related data)

5000 character(s) maximum

Judicial review of administrative decisions: short description of the general regime (in particular competent court, scope, suspensive effect, interim measures, and any applicable specific rules or derogations from the general regime of judicial review)

5000 character(s) maximum

Rules and practices related to the application by all courts, including constitutional jurisdictions, of the preliminary ruling procedure (Art. 267 TFEU)

5000 character(s) maximum

Implementation of final judgments by the public administration and State institutions and follow-up given to supranational judgments, including decisions from the European Court of Human Rights, as well as available remedies in case of non-implementation

5000 character(s) maximum

D. The enabling framework for civil society

Measures regarding the framework for civil society organisations and human rights defenders (e.g. legal framework and its application in practice incl. registration, transparency and dissolution rules)

5000 character(s) maximum

The shrinking space for civil society in Croatia is having a detrimental impact on democracy and civic engagement. The ongoing neglect of civil society development in Croatia and the failure to address critical issues such as the lack of a National Strategy and the dysfunction of the Council for Civil Society Development severely limit the role of CSOs in promoting accountability, transparency, and citizen participation. Without a comprehensive approach to strengthening the enabling framework for civil society, Croatia risks further eroding democratic values and weakening the voice of citizens in public life. In 2024, the environment for civil society organizations in Croatia remained challenging, with significant barriers impacting their work and contribution to democratic governance. The absence of a National Strategy for the Development of Civil Society continues to hinder long-term planning and systemic support for CSOs, a situation that has persisted since the expiration of the previous strategy in 2016. Despite repeated calls from civil society actors, including Gong and other watchdog organizations, the government has not demonstrated sufficient commitment to adopting this key strategic framework.

The Council for Civil Society Development, which should act as a bridge between government institutions and civil society, has remained largely non-functional. Inconsistent and inefficient operations of this advisory body further weaken trust between civil society and public institutions, limiting opportunities for meaningful collaboration and consultation. The lack of genuine partnership between the government and CSOs, compounded by the absence of effective mechanisms to implement participatory policymaking, significantly narrows the space for civil society and undermines democratic processes.

While EU funding remains an essential source of financial support for CSOs, it is project-based, competitive, and often inaccessible to smaller organizations due to complex application processes and stringent reporting requirements. This creates a gap in funding for core operations, advocacy work, and long-term programs that are critical for the functioning of the civil society sector.

Without stable and predictable funding, many organizations are unable to sustain their operations, and to engage in long-term advocacy or oversight work. This is particularly problematic for watchdog and advocacy organizations such as Gong, which play a crucial role in ensuring accountability, transparency, and public participation in decision-making processes. Civil society is being silenced. All of this points to a systematic and deliberate dismantling of the civil sector in Croatia, effectively transforming civil society into social caretakers. Meanwhile, activities focused on democratization, the rule of law, and securing the rights of LGBTI+ individuals or migrants are being undermined, with the aim of discouraging further work in these areas.

Rules and practices having an impact on the effective operation and safety of civil society organisations and human rights defenders. This includes measures to protect them from attacks – verbal, physical or on-line –, intimidation, legal threats incl. SLAPPs, negative narratives or smear campaigns, measures capable of affecting the public perception of civil society organisations, etc. It also includes measures to monitor threats or attacks and dedicated support services, as well as available remedies

5000 character(s) maximum

Negative narratives and smear campaigns targeting civil society continued in 2024, often portraying CSOs as foreign agents or politically motivated actors. These narratives are sometimes amplified by state officials and politicians, particularly those critical of civil society's oversight role. State-affiliated media and certain political figures have contributed to public hostility by framing civil society as an obstacle to national interests or by dismissing their work as unnecessary or unrepresentative.

Gong faced multiple attacks throughout 2024 from various actors – ranging from social media accounts affiliated with the ruling party, defamatory accounts on social networks, and so-called independent analysts in mainstream media, to the highest state officials, including Prime Minister Andrej Plenković himself. At the end of 2024, during the height of the presidential election campaign, the Prime Minister attacked Gong for doing its job and defending electoral integrity by pointing out a defamatory campaign. During a press conference, the Prime Minister threatened to cut funding, signaling to the public that he could influence the allocation of project funds distributed through two national bodies that co-finance the work of civil society organizations in Croatia – the Office for Cooperation with NGOs of the Government of the Republic of Croatia and the National Foundation for Civil Society Development.

As a result of persistent smear campaigns, public trust in civil society remains fragile, particularly among conservative and rural communities. Efforts to engage citizens and rebuild trust have been undermined by the lack of coordinated state measures to counteract these narratives.

Legal threats and defamation lawsuits are used as tools to intimidate and financially drain CSOs and HRDs, discouraging them from pursuing their advocacy work. In most cases, the Croatian judiciary has yet to demonstrate consistent action against SLAPPs, leaving civil society actors vulnerable.

<https://gong.hr/en/2024/12/19/is-the-prime-minister-signaling-a-willingness-to-penalise-organisations-that-insists-on-free-and-fair-elections/>

Organisation of financial support for civil society organisations and human rights defenders (e.g. framework to ensure access to funding, and for financial viability, taxation/incentive/donation systems, measures to ensure a fair distribution of funding)

5000 character(s) maximum

During December, Gong has been subjected to a smear campaign on social media, joined by Prime Minister Andrej Plenković, who questioned the independence of Gong's work and the future funding of our organization. He mentioned key national bodies that, independent of political interference, should support civil society work—the Government Office for Cooperation with NGOs and the National Foundation for Civil Society Development. This happened after Gong reported the spread of disinformation on social media against presidential candidate Ivana Kekin from Možemo, following the Digital Services Act.

This statement raised concerns about the independence of bodies responsible for supporting civil society, such as the Government Office for Cooperation with NGOs and the National Foundation for Civil Society Development. This is extremely dangerous for democracy and pluralism, interpreting them as an indication that

the Government might attempt to influence the allocation of public funds to organizations that advocate for fair and free elections.

In Croatia, Gong, like other NGOs, is often criticised and labeled with derogatory names for doing its job. We are attacked because we respond promptly, report irregularities to institutions, highlight threats to democracy, raise awareness, educate citizens, and encourage civic participation. Efforts are made to discredit us, often branding us with the colors of political parties. Gong works responsibly, independently, and in the public interest, free from any political pressure.

<https://gong.hr/en/2024/12/19/is-the-prime-minister-signaling-a-willingness-to-penalise-organisations-that-insists-on-free-and-fair-elections/>

Anonymous TikTok profile close to right political options (ruling party, BM365 and right-winged influencer and television host Velimir Bujanec) attacked Gong for "suppressing truth and freedom of speech", threatening its staff and saying that "we would have to leave the country", and that they will "reveal the private assets of the executive director".

Besides the right-winged media and social platforms accounts (predominantly TikTok and X), Gong and its work during this presidential campaign have been subject to accusations of bias when pointing out irregularities during the campaign, such as sponsored content that was not disclosed.

After Gong warned that Večernji list was not distinguishing editorial from sponsored content during the presidential campaign in the case of HDZ's presidential candidate, Večernji list criticised Gong, without asking for our statement and threatened with a lawsuit. After we raised the issue of their unethical practices in the campaign, they stopped following all of Gong's activities.

Furthermore, the so-called independent analysts, mostly PR and communication experts who have previously worked for the government or collaborated with it, tried to delegitimise our work on elections several times in Večernji list and other media outlets by accusing us of censorship and being partial due to our reports of DSA violations to the Croatian institutions (HAKOM and State Electoral Commission) and to the social platforms. One of the most prominent such experts, Krešimir Macan, who was an advisor of the Prime Minister Plenković until 2018 and works for state companies, repeated in the media and on his social network accounts that 'Gong has become the "UDBA" (the infamous Yugoslav secret police) because Gong had reported digital manipulations and defamatory campaigns. It has, in fact, united the front close to the Government that has gathered to undermine the reputation and legitimacy of a civil society organisation like GONG, which has responsibly and with dignity been doing its job for nearly 30 years.

In the beginning of 2024 the Prime Minister Plenković continued to criticise Gong in his public appearances for our watchdog role and responsibilities, and tried to create a spin that civil society organizations should be value neutral. First he accused Gong of being politically instrumented against the ruling party by third parties. When that narrative has evolved, Plenkovic even accused Gong of shaping the political opposition's talking points, and organising protests against the ruling party (that was organised by opposition parties, not the civil society). The official HDZ Facebook page published several posts referring to Gong as partial and mastermind behind the left politicians in the parliament. Additionally, fake news was spread, such as the claim that Gong, together with the Croatian Journalists' Association, organised a protest against the so-called Lex AP. Gong did not organise that protest, but supported it.

<https://www.vecernji.hr/vijesti/gong-je-buduca-udba-za-drustvene-mreze-kampanja-je-blijeda-kekin-iza-sebe-ima-sektu-a-dva-su-problema-okolo-izbora-1823868>

E. Initiatives to foster a rule of law culture

If there have been developments related to initiatives to foster a rule of law culture, please specify, which (e.g. debates in national parliaments on the rule of law, public information campaigns on rule of law issues, contributions from civil society, education initiatives, etc.)

5000 character(s) maximum

After Gong filed a request for a constitutional review of the Government's Amendment of the Regulation on Protected Persons, Facilities and Spaces from November 2020, that closed the St Mark's Square in Zagreb indefinitely, after an attack on the building of the Government of the Republic of Croatia in October 2020, on January 2 the majority of the Constitutional Court's published a decision declaring itself incompetent to decide on the matter.

Gong finds this decision extremely dangerous - it confirms that the principle of separation of powers, which implies mutual checks and balances of the branches of government, does not function in Croatia. Furthermore, St Mark's Square has always been a place of political discourse since the Government, the Parliament and the Constitutional Court are placed there. This square, which is a common good and belongs to everyone, has become subordinate to protected objects owned by the executive branch.

The majority in the Constitutional Court ignored the fact that, as stated in the Constitution itself, fundamental freedoms and rights can only be restricted by law, not by a regulation which is subordinate to the law. In the explanation of the decision in which they declared themselves incompetent, they incorrectly state that the text of the regulation does not restrict constitutional rights and freedoms in any way and that only the application of the regulation can lead to some restrictions, which they cannot determine in this procedure. Their argument is that the Constitutional Court is not competent to evaluate the general implementation of regulations but that this can be the subject of constitutional complaints in individual cases of violations of human rights and freedoms.

Contrary to the majority, judges Mato Arlović, Ingrid Antičević Marinović, Andrej Abramović, Lovorka Kušan and Goran Selanec were not in favour of such a decision. In their dissenting opinions among the constitutional judges, there is a consensus that the regulation is unconstitutional simply by virtue of being a regulation that is not a law, and only by law can constitutional rights and freedoms be limited, including freedom of movement and assembly in squares that are owned by all of us, not the executive branch.

By turning St. Mark's Square into a protected area, the Government has overstepped its powers and appropriated powers that the Constitution exclusively granted to the Croatian Parliament. This has led to a violation of Article 4 and Article 5 of the Constitution of the Republic of Croatia. And not only that, but the Parliament did not react to such actions by the Government, thus violating its constitutional duty from paragraph 2 of Article 52 of the Constitution, as constitutional judges Kušan, Selanec and Abramović point out in their dissenting opinion.

Gong considers the Constitutional Court's decision extremely problematic and interprets it as their pandering to the Government and approval of their overreach of powers and endangering the rights and freedoms of citizens.

<https://gong.hr/en/2024/02/13/if-the-constitutional-court-is-not-competent-no-one-stands-in-the-way-of-the-arbitrariness-of-plenkovics-government/>

According to the interviews for candidates of the Constitutional Court judges held during October, the vast majority of candidates agreed that the Constitutional Court made a mistake by declaring itself incompetent for deciding in the matter, and that the only institution that could have decided on the closure of St Mark's

Square was the Croatian Parliament.

<https://gong.hr/2024/10/25/vecina-kandidata-za-suce-ustavnog-suda-smatra-da-je-sud-pogrijesio-u-slucaju-markovog-trga/>

In February, Gong discovered that the posts of the official Facebook page of HDZ were commented on, liked and shared by a number of suspicious pages which had a low number of followers, very similar creation dates, rare activity, little personal information and profile photos stolen from other people. Thus, Gong reported these findings to Meta.

In the security report for the first quarter of 2024, Meta stated that Gong's research prompted them to independently investigate the case of fake profiles operating under the posts of the HDZ official Facebook page. In it, they determined that the detected fake profiles violated the community guidelines against coordinated inauthentic behavior, which is why they officially removed 150 profiles from these social networks. Furthermore, Meta established a link between such profiles and individuals connected to the Youth branch of HDZ, whose president Maksimilijan Šimrak recently became a member of Parliament. This was one of the first examples of the implementation of the Digital Services Act in practice.

<https://gong.hr/en/2024/05/31/meta-removes-150-hdz-fake-profiles-from-facebook-and-instagram-because-of-gong/>

<https://bit.ly/4jbUYNK> - Meta Adversarial Threat Report

Any other developments related to the system of checks and balances - please specify

5000 character(s) maximum

With the secret decision from December 6 to extend their mandate, the Constitutional Court judges placed themselves above the Constitution. The Constitution clearly stipulates that the mandate of Constitutional Court judges lasts 8 years and can be extended to a maximum of 6 months, which is the deadline that expired on December 7. At the same time, the Constitutional Court hid its decision on the extension of the mandate from the public and the Parliament, until the new judges were sworn in before the President of the Republic of Croatia.

Although the ruling HDZ irresponsibly delayed the election of new judges for a long time, and the opposition SDP immaturely and unnecessarily postponed the vote until a day later, it was already known on Friday that the vote on new judges, on which the ruling party and the opposition had already reached an agreement in principle, would take place on Saturday 7 December. Despite this, the Constitutional Court, like some secret society, made a decision on the extension on Friday, December 6, at a session held at 4 p.m. Three judges were against the decision on the extension, with none of them announcing the writing of a dissenting opinion.

The decision on the extension made on December 6 was announced only on December 8 around 12:00, after the insistence of the public, instead of the public and Parliament being informed about it immediately. Gong has been pointing out for years that the non-transparent work of the Constitutional Court is fatal for democracy and the rule of law.

The document signed by Miroslav Šeparović states that "the report will not be sent to the Croatian Parliament if the Croatian Parliament elects the judges of the Constitutional Court at the session scheduled for December 7, 2024." We consider the method of work in which decisions are made with reports and then hidden from the public and the Croatian Parliament absurd and unacceptable from the point of view of the rule of law.

It is unacceptable that the Constitutional Court, whose task is to respect and protect the Constitution, indulges in arbitrary interpretation and flagrant violation of certain norms in such a way.

The Constitutional Court could have reacted earlier and warned the Croatian Parliament in time of the consequences that would occur if the Constitutional Court was not elected on time, when it was already obvious that it would be difficult to elect judges.

The Constitutional Court has declared itself incompetent to assess whether the unconstitutional closure of Mark's Square is a government decree, while at the same time, they give themselves the right to make such unconstitutional decisions, which will further undermine citizens' trust in institutions.

<https://gong.hr/2024/12/09/gong-oni-koji-ne-postuju-ustav-ne-mogu-biti-njegovi-cuvari/>

Supporting document upload

If you would like to submit any supporting document(s) to your contribution, please upload your file(s) here **1f6709b9-7c5c-4c14-908d-735fe4678de8/Constitutional_Court_St_Marks_Square_decision__CRO_.pdf**

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