**Response of the Croatian Authorities regarding the Letter from the Special Rapporteur on the promotion of the right to freedom of opinion and expression**

Regarding the consistency of Croatian laws with the Article 19 of the International Covenant of Civil and Political Rights and Universal Declaration of Human Rights, we would like to emphasize that the criminal offense of violating freedom of thought and expressing thoughts (Article 127 of the Criminal Code) is committing the one who denies or restricts the freedom of speech or public appearance, freedom of the press or other means of communication or the free establishment of a public communications institution. A prison sentence of up to one year is prescribed. The same punishment shall also be imposed on the person who orders or carries out censorship, unlawfully denounces or restricts the freedom of reporting to the journalist, or who unlawfully prevents the printing, sale or distribution of books, magazines, newspapers or other printed matter, or production and broadcasting of radio and television programs, news agency programs, or the release of other media content.

The offense of racism and xenophobia committed by computer systems is regulated by the Article 325 of the Criminal Code, which reads:

(1) Whoever in print, through radio, television, computer system or network, at a public rally or in some other way publicly incites to or makes available to the public tracts, pictures or other material instigating violence or hatred directed against a group of persons or a member of such a group on account of their race, religion, national or ethnic origin, descent, colour, gender, sexual orientation, gender identity, disability or any other characteristics shall be sentenced to imprisonment for a term of up to three years.

(2) Whoever organizes or leads a group of three or more persons for the purpose of committing the offense referred to in paragraph 1 of this Article, shall be punished by imprisonment for a term between six months and five years.

(3) Whoever takes part in the association referred to in paragraph 2 of this Article, one shall be punished by imprisonment for a term not exceeding year.

(4) The sentence referred to in paragraph 1 of this Article shall be imposed on whoever publicly approves of, denies or grossly trivialises the crimes of genocide, crimes of aggression, crimes against humanity or war crimes, directed against a group of persons or a member of such a group on account of their race, religion, national or ethnic origin, descent or colour in a manner likely to incite to violence or hatred against such a group or a member of such a group.

(5) The perpetrator who attempts to commit the criminal offence referred to in paragraph 1 or 2 of this Article shall be punished.

The Electronic Media Council (Council) manages the Electronic Media Agency and carries out the duties of a regulatory body in the area of electronic media. The Council is not competent for implementing legislative measures, administrative regulation, judicial decisions and other public policies and measures that impose obligations on social media and search platforms and/or platform users in order to remove, restrict or other regulate on-line content.

The Council doesn’t handle on an ongoing basis requests or demands (weather formal or informal) to these platforms to voluntarily remove, restrict or otherwise regulate content.

“The Anti-Discrimination Act (National Gazette, No. 85/08, 112/12), in force since 1 January 2009, introduces an elaborated anti-discrimination protection for a large scope of discrimination grounds (race or ethnicity or skin color, sex, language, religion, political or other beliefs, national or social origins, economical status, trade union membership, education, social status, marital or family status, age, health condition, disability, genetic heritage, gender identity, expression or sexual orientation) and on a very wide field.

According to Article 8., the Act applies to the conduct of all state bodies, bodies of local and regional self-government units, legal persons vested with public authority, and to the conduct of all legal and natural persons. Public informing and the media is among the emphasized areas to which the act applies.

On the policy level, in December 2017 the Government of the Republic of Croatia has adopted the National Plan to Combat Discrimination for period 2017-2022 and the accompanying Action Plan for implementation of the National Plan to Combat Discrimination for period 2017-2019. The Action Plan contains concrete measures with responsible authorities, deadlines, indicators and financial sources to implement objectives set in the National Plan for the first three years of implementation.

As the working group for drafting the National Plan has identified the importance of continuous educations of public authorities and awareness raising in tackling hate speech, this issue has been addressed in two priority areas, judiciary and public information/media, with the following activities (measures):

• Organizing professional seminars on provisions of Criminal Code regarding hate crimes and hate speech for judges, attorneys, state attorneys, police and representatives of civil society organizations, especially regarding the hate crime towards members of national minorities and because of sexual orientation

• Organization of round tables on subject of discrimination, hate crime and hate speech

• Monitoring the implementation of the Code of Conduct on countering illegal hate speech online

• Systematically educate the journalists and editors as well as other professional groups involved in production of media content on methods of fighting discrimination in media

Since social networks have been recognized as the most critical hate speech surroundings, the responsible authorities within this frame are expected to provide adequate response by training the key stakeholders and raising awareness about destructive effects of hate speech on the community.

When it comes to the monitoring of the Code of conduct on countering illegal hate speech online, an agreement between the European Commission and IT companies (Facebook, Google, Twitter, Microsoft) on hate speech removal, although the EU initiative, by inclusion into the the National Plan it also became a part of the national policy in a certain way. Croatia has participated in the 2nd and 3rd round of monitoring and the process is done through the cooperation of the European Commission, the Centre for Peace Studies (NGO) and the Office for Human Rights and Rights of National Minorities.