

Response of the Croatian Authorities on intimidation and reprisals

a) What is the legal and policy framework at the national level to ensure the right to participation at the international level, including unhindered access to and communication with international bodies, in particular the UN?

The Republic of Croatia was one of the first countries in Central and Southeast Europe to adopt a systematic approach to the creation of an institutional and legal framework for civil society support and development and among the first in Europe to establish National strategy to improve relations between the state and civil society. This systematic approach means that there are 4 pillars of supporting effective government-civil society cooperation in Croatia. The 4 pillars are: strategic documents and legal framework, institutional framework promoting cooperation between government and CSOs, funding schemes ensuring sustainable CSO programs and consultation standards allowing timely involvement of CSOs in policy making.

Regarding the legal framework for the support to civil society development in Croatia there is an EU based legal framework as well as the legal framework at the national level:

European Union

- UN human rights instruments protecting fundamental freedoms (Universal Declaration of Human Rights etc.),
- ECHR-European Convention on Human Rights and Fundamental Freedoms (Article 11 - protecting freedom of association),
- Interpretative case - law from the European Court of Human Rights,
- Council of Europe Committee of Ministers - Recommendation to Member States on the Legal Status of NGOs in Europe – 2007 (recommends 77 minimum standards to shape legislation and practice vis-a-vis NGOs, as well as the conduct and activities of the NGOs themselves in a democratic society based on the rule of law; based on the best regulatory practices in Europe - all 47 member states of the Council of Europe (COE) voted unanimously to adopt the Recommendation, all CoE member countries expected to follow these standards),
- DG Enlargement Guidelines for EU support to civil society in enlargement countries, 2014-2020 – main goals for countries joining the EU: Enabling environment for civil society (legal, judicial, administrative environment for freedom of expression, assembly and association, enabling financial environment supporting sustainability of CSOs); building CSO capacities.

Croatia

- Croatian Constitution (Article 43),
- the Associations Act (2001, 2013),
- Act on Foundations and Funds (2005),
- the proposal of the Programme of Cooperation between the Government and Nongovernmental, Nonprofit Sector in the Republic of Croatia (2001),
- the National Strategy for the Creation of an Enabling Environment for Civil Society Development 2006-2011 and 2012-2016
- Act on Volunteerism (2007),
- Code of Good Practice, Standards and Benchmarks for the Allocation of Funding for Programs and Projects of NGOs (2007),

- the Act on Organising Games of Chance and Prize-Winning Games (2009), and Regulation on Criteria for Establishing Beneficiaries and the Manner of Distribution of a Part of the Income from Games of Chance,
- the Code of Practice on Consultation with the Interested Public in Procedures of Adopting Laws, other Regulations and Acts (2009),
- Regulation on the Criteria, Standards and Procedures for Financing and Contracting Programmes and Projects of Public Benefit Interest Implemented by Associations.

The listed legal and policy framework ensures civil society organisations the right to participate in activities, initiatives and projects at the international level, including unhindered access to and communication with international bodies, which includes the United Nations as well.

Civil society in Croatia has made positive contribution to the country in the wider social economic sense (social, political, economic, and cultural). In recent years, civil society organizations in the Republic of Croatia have used almost one hundred percent of available EU funds that were intended for the civil society sector, with which they financed programs of informing, educating and empowering various sectors in society; providing a variety of social services that the state has not developed; environmental protection; human rights protection; women's protection and protection against domestic violence; conducting social entrepreneurship and fight against corruption.¹ The associations contribute to the more efficient implementation of the local and national Government strategies² (such as the National Strategy for the Creation of an Enabling Environment for Civil Society Development 2012-2016) in areas such as human rights protection, protection of minority rights, environmental protection, actions of the youth and for the youth, health care policy, and work with children. Apart from that, they implement the programs of public needs in line with specific laws in sports, culture and technical culture, and provide services of interest to the Republic of Croatia, based on the authority assigned to them by the state (e.g. volunteer fire brigades, Red Cross, Croatian Mountain Rescue Service). Along with the already established role of civil society organisations as advocates for the topics of public interest, CSOs have increasingly been recognized as social service providers as well as the catalysts for employment and social cohesion on the local level. Civil society organisations' work in the area of social welfare is aimed at protecting the vulnerable groups (children and youth, women, persons with disabilities, the elderly and frail persons, unemployed, victims of violence, victims of human trafficking, the homeless, substance abusers, etc.) and enabling the beneficiaries' integration in the society through improving their quality of life and helping them overcome social exclusion and poverty in their local communities. Nevertheless, civil society organisations' are very active in the area of international development cooperation and humanitarian aid.

Since 1998 the Government Office for Cooperation with NGOs has provided professional service to the Government of the Republic of Croatia, with the responsibility for creating conditions for the development of efficient cooperation with associations and other civil society organizations in the Republic of Croatia. Aforementioned National Strategy for the Creation of an Enabling Environment for Civil Society Development - being a document with which it is

¹ Since April 2011 the Office for Cooperation with NGOs has been providing co-financing support in the CSO beneficiary counterpart funding under the EU projects, by announcing public calls for co-financing applications for CSO projects contracted under the EU programme. More information available at: <https://udruga.gov.hr/financing-of-projects-and-programmes-of-civil-society-organizations/2964>.

² The process of drawing up the National Strategy for the Creation of an Enabling Environment for Civil Society Development 2012-2016 was based on the highest standards in providing information, conducting consultations, participation and partnership with CSOs in all stages of its development. Available at: <https://udruga.gov.hr/UserDocsImages/UserFiles/File/National%20Strategy-Civil%20Society-Croatia-2012-2016-eng.pdf>.

attempted to set the objectives which Croatia wishes to achieve within civil society development sphere on a strategic level, and The Council for Civil Society Development - being an advisory body to the Government of the Republic of Croatia acting towards developing cooperation between the Government with the civil society organisations in Croatia, are both examples of good practice of the cooperation between the government and civil society.

Additionally, with the aim of encouraging regional and international cooperation in the area of civil society development, the Office for Cooperation with NGOs regularly participates in and organizes meetings with delegations from South East Europe and beyond, so as to exchange experiences and examples of good practice for creating an enabling environment for civil society development. The Croatian experience and good practice refer to strategic framework for cooperation between the state and civil society, key documents, funding framework for programmes and projects of civil society organizations, as well as to standards for consultations in public-policy making. In this activities the Government Office also includes representatives of civil society organisations.

b) What measures have been taken by your Government at the national level to ensure national investigations and accountability on allegations of intimidation and reprisals?

n/a

c) How has your Government contributed to initiatives at the international or regional levels to encourage the prevention of acts of intimidation and reprisals?

One of the key priorities of the Government Office for Cooperation with NGOs over the past 20 years was to strengthen the capacity of civil society organizations to use the available EU funds aimed for the support of the civil society development. Through the implementation of the EU Pre-Accession Assistance Program (CARDS, Phare, IPA), civil society organizations absorbed almost hundred percent of the funds available through open calls programmed by the Government Office for Cooperation with NGOs. By joining the European Union in 2013, pre-accession programs were replaced by Structural and Investment Funds (ESIF), and the Office continued to program and implement open calls for civil society organizations within the European Social Fund (ESF) through the Operational Program "Effective Human Resources". Also, since 2007, the Office has become a national contact point for Europe for Citizens, one of the Union's programs for financing international projects conducted by non-profit organizations and local authorities from different European countries in areas related to common European history and active European citizenship. In 2015, the Framework Agreement between the Swiss Federal Council and the Government of the Republic of Croatia on the implementation of the Swiss-Croatian Cooperation Program on the reduction of economic and social inequalities was signed, so the Office took over the implementation of two projects totalling 7.48 million Swiss francs.

Amongst the variety of projects and programs of the civil society organisations there are also the ones that include activities and initiatives at international or regional levels, therefore the Government contributes to initiatives at the international or regional levels (including the ones that encourage the prevention of acts of intimidation and reprisals) by ensuring the sustainable financing of CSO programs from the state budget (which also includes EU funds) as well as from the budgets of regional and local administrative bodies.

The Government Office for Cooperation with NGOs is also providing professional training programmes for civil servants at national as well as at regional and local level for effective

financing of projects and programmes of associations in the interest of the public good. The purpose of the trainings is to improve the basic knowledge of the standards in funding and contracting of programs and projects in the interest of the public good carried out by associations. The aim of the trainings is to build capacity of state and local officials and civil servants working on cooperation with civil society organizations, in financing and contracting programs and projects in the interest of the public good, in order to acquire the necessary knowledge and exchange experiences with colleagues from other bodies on practical examples.

d) How has your Government provided assistance to members of civil society for their cooperation with the UN? Have any measures been taken to improve the security and safety of those who cooperate with regional and international organizations?

The Government Office provides assistance to other state administration bodies to choose CSO representatives in the working bodies for the making of laws, other regulations and acts through The Council for the Civil Society Development. The Council for Civil Society Development is an advisory body of the Government of the Republic of Croatia, which works on the development of cooperation between the Government of the Republic of Croatia and civil society organizations in the Republic of Croatia. The Council has 37 members: 17 representatives of public authorities - ministries, the Office of the Government of the Republic of Croatia and the National Foundation for Civil Society Development, 14 representatives of associations and other civil society organizations, 3 representatives of civil society from the foundations, trade unions and employers' associations and three representatives of national associations of local and regional self-government. One of the tasks of the Council is the nomination and selection of representatives of civil society organizations in different commissions, advisory or working bodies at the request of the state administration bodies, government offices and other public authorities. The Council's appointment procedure is the following – the state administration body sends an application for the proposal of representatives of civil society organizations to the Government Office for cooperation with NGOs through an official letter defining the number of CSOs that are being sought, a description of their tasks and, where appropriate, and the conditions that such organizations must meet. Subsequently, the Office submits a request to the Council and publishes a public call for candidates for civil society organizations in the working body. The call is also published on the website of the Government Office for Cooperation of NGOs and is most often open for 7 days. If more than one candidature has been received than the requested representative, the members of the Council vote on the proposed candidates. Subsequently, the nomination proposal is submitted to the competent state body.

One of the recent examples of providing assistance to members of civil society for their cooperation at the international level is the appointment of the members from the Republic of Croatia to the European Economic and Social Committee (EESC) for the mandate period from 2015 to 2020. Based on the proposal made by the Croatian Government Office for Cooperation with NGOs, 3 experts from Croatia were elected as representatives of associations in the EESC assembly. The Government Office for Cooperation with NGOs submitted the proposal after the discussion at the session of the Council for the Civil Society Development, at which the support for the prolonged mandate was given to the current members from CSOs, elected in 2013 via the Public Call for the election of EESC members from associations in the Republic of Croatia. The European Economic and Social Committee (EESC) is a consultative body of the European Union founded in 1957, and it provides professional advice to the main EU institutions (European Commission, Council and European Parliament). The EESC represents the interests

of various economic and social interest groups on the European level and it is considered to be a bridge between the institutions of the European Union and civil society. It consists of the following three groups: employers' associations, unions and other civil society organizations (CSOs) which represent different interests. The EESC provides an institutional forum of organized civil society for representing, informing, expressing the views and securing dialogue.

The Government Office for Cooperation with NGOs also publishes on its official website the information about the available public calls for the involvement of civil society organisations in different international councils, working groups and committees, including the ones established by The United Nations. For example, in 2018 The United Nations Economic and Social Council (ECOSOC) has launched applications for the advisory status of civil society organizations at the Council and the information was distributed through the Government's Office website and newsletter.