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Contact: Ireneusz Kondak
Tel: 03.90.21.59.86

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Meeting: 1577th meeting (December 2026) (DH)

Communication from an NGO (Human Rights House Zagreb and Zagreb Pride) (15/09/2026) in the group of cases of Sabalić v. Croatia (Application No. 50231/13) and reply from the authorities (22/09/2026)

Information made available under Rule 9.2 and 9.6 of the Rules of the Committee of Ministers for the supervision of the execution of judgments and of the terms of friendly settlements.

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Réunion : 1577^e réunion (décembre 2026) (DH)

Communication d'une ONG (Human Rights House Zagreb and Zagreb Pride) (15/09/2026) dans le groupe d'affaires Sabalić c. Croatie (Requête n° 50231/13) et réponse des autorités (22/09/2026) **[anglais uniquement]**

Informations mises à disposition en vertu de la Règle 9.2 and 9.6 des Règles du Comité des Ministres pour la surveillance de l'exécution des arrêts et des termes des règlements amiables.

15 SEP. 2026

SERVICE DE L'EXECUTION
DES ARRETS DE LA CEDH

COUNCIL OF EUROPE
DEPARTMENT FOR THE EXECUTION OF JUDGMENTS
OF THE EUROPEAN COURT OF HUMAN RIGHTS
STRASBOURG, FRANCE

Zagreb, 15 September 2026
Ref. No: KLJP-15-09-07/2026

RULE 9.2. COMMUNICATION

concerning

Sabalić v. Croatia
Application no. 50231/13

from

Human Rights House Zagreb and Zagreb Pride

I. INTRODUCTION AND BACKGROUND

1. This submission is jointly prepared by Human Rights House Zagreb¹ and Zagreb Pride² under Rule 9.2 of the *Rules of the Committee of Ministers for the supervision of the execution of judgments and friendly settlements*.
2. Human Rights House Zagreb is a human rights watchdog and advocacy organisation working to protect and promote human rights and fundamental freedoms through research, monitoring, public advocacy, and education. Zagreb Pride is a civil society organisation working to protect and advance the human rights of the LGBTIQ community in Croatia through advocacy, research, victim support, and strategic litigation.
3. Zagreb Pride became involved in the case after the Zagreb Minor Offences Court found the perpetrator guilty of a breach of public peace and order on 20 April 2010, without addressing the homophobic bias motive behind the attack. Since then, Zagreb Pride has supported the applicant throughout subsequent criminal, civil, and constitutional proceedings concerning the attack, including coordinating legal support, monitoring court proceedings, and participating as a third-party intervener before the European Court of Human Rights (ECtHR).³
4. This submission responds to the Government's Action Plan of 12 October 2022 concerning the execution of the judgment in *Sabalić v. Croatia*. While the submitting

¹ Human Rights House Zagreb. <https://www.kucaljudskihprava.hr/en>

² Zagreb Pride. <https://www.zagreb-pride.net/en>

³ *Sabalić v. Croatia*, §§ 87

organisations welcome certain legislative, regulatory, and educational measures described in the Action Plan, serious concerns remain regarding both the effectiveness of individual measures and the practical implementation of general measures to ensure an effective institutional response to hate crimes.

5. The case of *Sabalić v. Croatia* concerns the authorities' failure to ensure effective criminal law protection against homophobic violence after the attack was processed through minor offence proceedings rather than the criminal law framework. The ECtHR found that, despite clear indications of biased motivation, the domestic authorities failed to ensure an adequate response to the homophobic violence committed against the applicant. In particular, the authorities pursued the case through minor offence proceedings rather than criminal proceedings, thereby undermining the possibility of properly applying the relevant provisions of domestic criminal law. The ECtHR found violations of Articles 3 and 14 of the Convention.
6. This submission follows the structure of the Government's Action Plan. Within each section, the submitting organisations assess the measures and their implementation in practice, with particular attention to the operational handling of hate crime cases involving LGBTIQ persons. The submission concludes with recommendations concerning the further execution of the judgment.

II. INDIVIDUAL MEASURES

A. Bringing the violation to an end

7. The submitting organisations acknowledge that, following the judgment in *Sabalić v. Croatia*, the Croatian authorities undertook several measures aimed at executing the judgment, including supervisory review by the State Attorney General's Office, re-examination of the case file, and reopening proceedings before the domestic courts.
8. However, these measures did not result in renewed criminal adjudication capable of addressing the homophobic bias underlying the attack. Although the request for reopening was submitted in May 2021, the Zagreb Municipal Criminal Court ultimately rejected it after more than four years of proceedings because the criminal prosecution had become time-barred. According to information provided to Zagreb Pride by the applicant's legal representative on 9 October 2025, the prolonged handling of the reopening request substantially contributed to the loss of any realistic possibility of renewed criminal accountability.
9. This outcome raises serious concerns regarding the effective execution of the procedural aspect of the judgment. As the Court held, the domestic authorities themselves created the situation in which "by unnecessarily instituting the ineffective minor-offence proceedings, [they] undermined the possibility of properly putting into practice the relevant provisions and requirements of the domestic criminal law."⁴ Effective execution, therefore, required not only reopening the proceedings but also ensuring that they were conducted within a timeframe capable of providing meaningful criminal redress.

⁴ *Sabalić v. Croatia*, § 113

10. The Government's Action Plan attributes the expiry of the limitation period primarily to domestic procedural rules. It does not, however, address the impact of the prolonged handling of the reopening proceedings following the ECtHR judgment. In the submitting organisations' view, this remains central to assessing whether the violation identified by the Court has in fact been brought to an end.

B. The applicants' redress

11. The submitting organisations acknowledge that the applicant received the compensation awarded by the ECtHR in respect of non-pecuniary damage. However, financial compensation alone did not provide full individual redress, as the applicant never obtained renewed judicial examination of the homophobic bias underlying the attack.
12. Based on the submitting organisations' direct involvement, the submitting organisations note that formal judicial recognition of the bias motive constituted a central element of the applicant's pursuit of justice. This was particularly important given the Court's finding that the domestic authorities had failed to respond adequately to the homophobic nature of the violence.
13. The rejection of the reopening request on limitation grounds therefore left the core violation identified by the ECtHR without an effective domestic remedy. In the submitting organisations' view, the applicant's individual redress remains incomplete, as the domestic courts never had the opportunity to reassess the case and provide substantive judicial recognition of the bias-motivated nature of the attack following the ECtHR's judgment.

III. GENERAL MEASURES

A. Measures ensuring a comprehensive framework aimed at combating hate crime and ensuring appropriate judicial response to hate crime incidents

Development of national policies on combatting hate crime

14. The Government relies on the National Plan to Combat Discrimination 2017–2022 and its accompanying Action Plan (2017–2019) as evidence of a comprehensive policy framework for addressing hate crime. While the adoption of these strategic documents is welcomed, they primarily constitute a broad anti-discrimination framework in which hate crime is addressed only indirectly. The National Plan does not establish a specific operational framework for combating hate crime, including clearly defined institutional responsibilities, targeted measures for the investigation and prosecution of hate crime, or measurable indicators for assessing the effectiveness of the criminal justice response. Moreover, implementation was limited in both scope and continuity, as the Action Plan covered only part of the strategic cycle. The Government relies primarily on professional training and awareness-raising activities implemented under the Action Plan; however, the available

implementation reports demonstrate mainly ad hoc, project-based seminars and workshops involving relatively small numbers of participants rather than a systematic and sustainable institutional framework for capacity-building.⁵ While such activities are valuable, the Government has presented no evidence that they resulted in structural improvements in the identification of bias motivation, the qualification and prosecution of hate crimes, or the consistency of judicial practice. Likewise, although the Action Plan envisaged improvements in hate crime data collection, the available implementation reports do not demonstrate the establishment of a comprehensive and transparent monitoring system to track hate crime cases throughout criminal proceedings. Accordingly, the submitting organisations consider that the measures implemented under the National Plan and its Action Plan, while positive in principle, remain limited in scope and have not addressed the structural deficiencies identified by the Court in *Sabalić v. Croatia*.

15. The Government further refers to the National Plan for the Protection and Promotion of Human Rights and Combating Discrimination until 2027⁶ and its implementing Action Plans^{7,8} as evidence of the continuation of public policies in this field. While the adoption of a new strategic framework is welcomed, the submitting organisations consider that it does not adequately address the shortcomings identified in the previous policy cycle. The framework remains broad and horizontal, without introducing targeted measures, clearly defined institutional responsibilities or measurable indicators specifically addressing hate crime, including violence motivated by sexual orientation or gender identity. Its implementation has also been affected by significant delays in adopting and implementing Action Plans, undermining the continuity and predictability of policy implementation.
16. The policy development process has also raised concerns regarding meaningful participation of relevant stakeholders. During the preparation of the 2026–2027 Action Plans,⁹ several organisations specialising in LGBTIQ rights withdrew from the government working groups, citing a lack of meaningful participation, the rejection

⁵ Government Office for Human Rights and Rights of National Minorities, Report on the Implementation of the Action Plan for the Implementation of the National Plan to Combat Discrimination 2017–2019 for 2017 and 2018 (Zagreb, 2019), available at:

<https://pravamanjina.gov.hr/UserDocsImages/dokumenti/01%20Izvj%C5%A1%C4%87e-%20AP-NAP%20za%20borbu%20protiv%20diskriminacije-2017%20i%202018.pdf?vel=1042687>.

⁶ Government Office for Human Rights and Rights of National Minorities, National Plan for the Protection and Promotion of Human Rights and Combatting Discrimination for the Period to 2027 (Zagreb, 2023), <https://pravamanjina.gov.hr/UserDocsImages/dokumenti/National%20Plan%20for%20the%20Protection%20and%20Promotion%20of%20Human%20Rights%20and%20Combatting%20Discrimination%20for%20the%20period%20to%202027.pdf?vel=1552892>.

⁷ Government Office for Human Rights and Rights of National Minorities, Action Plan for Combating Discrimination for 2025 (Zagreb, 2025), <https://pravamanjina.gov.hr/UserDocsImages/dokumenti/Akcijski%20plan%20suzbijanja%20diskriminacija%20za%202025.%20godinu.pdf?vel=1206970>.

⁸ Government Office for Human Rights and Rights of National Minorities, Action Plan for the Protection and Promotion of Human Rights for 2025 (Zagreb, 2025), <https://pravamanjina.gov.hr/UserDocsImages/dokumenti/Akcijski%20plan%20za%20za%C5%A1tite%20i%20promicanja%20ljudskih%20prava%20za%202025.%20godinu.pdf?vel=163127>.

⁹ Government Office for Human Rights and Rights of National Minorities, Preparation of the Action Plan for the Protection and Promotion of Human Rights 2026–2027 and the Action Plan for Combatting Discrimination 2026–2027, <https://ljudskaprava.gov.hr/izrada-akcijskog-plana-zastite-i-promicanja-ljudskih-prava-2026-2027-i-izrada-akcijskog-plana-suzbijanja-diskriminacije-2026-2027/1296>.

of key proposals, and insufficient attention to the needs of affected communities.¹⁰

¹¹ The submitting organisations are particularly concerned that the Government Office for Human Rights and Rights of National Minorities rejected Zagreb Pride's proposal to introduce systematic research on the discrimination and lived experiences of LGBTIQ persons, which would have strengthened the evidence base for targeted hate crime policies.¹²

17. These shortcomings are reflected in the Government's own externally commissioned mid-term evaluation of the National Plan, which identifies weaknesses relating to implementation, inter-institutional coordination, measurable indicators and the operationalisation of strategic objectives.¹³ The evaluation further notes that the highly general and horizontal structure of the framework limits its effectiveness. These findings reinforce the submitting organisations' concern that the current policy framework does not yet provide a sufficiently targeted, operational and measurable response to hate crime, particularly in relation to violence against LGBTIQ persons.
18. Accordingly, while the adoption of successive strategic documents represents a positive development, the submitting organisations consider that Croatia has not yet established a comprehensive policy framework capable of addressing the structural deficiencies identified by the Court in *Sabalić v. Croatia*. The policy framework remains insufficiently targeted, implementation continues to be fragmented, and there is limited evidence that the measures adopted have translated into measurable improvements in the prevention, investigation and prosecution of hate crime.

Legislative measures

2.1. Legal framework

19. The submitting organisations welcome the legislative framework governing hate crime, including the relevant provisions of the Criminal Code (NN 125/11, as amended), which provide a clear legal basis for the prosecution of hate crimes, including those motivated by sexual orientation and gender identity. In its Action Plan, the Government also relies on the ECtHR's judgment in *Škorjanec v. Croatia*, in which the Court recognised that Croatian criminal legislation provides an adequate legal framework for addressing hate crime.

¹⁰ Rainbow Families Association (Dugine obitelji), Rainbow Families Withdraw from the Working Group for Drafting the Action Plans for Human Rights and Combatting Discrimination, 2026, available at: <https://www.dugineobitelji.com/dugine-obitelji-istupaju-iz-radne-skupine-za-izradu-akcijskih-planova-za-ljudska-prava-i-suzbijanje-diskriminacije/>, <https://www.dugineobitelji.com/detaljna-analiza-odbijenih-prijedloga-za-akcijske-planove-za-ljudska-prava-i-suzbijanje-diskriminacije-2026-2027/>.

¹¹ Zagreb Pride, Statement on withdrawal from the Working Group for the Draft Action Plan for the Protection and Promotion of Human Rights 2026–2027 and the Draft Action Plan for the Suppression of Discrimination 2026–2027, 2026, available at: <https://zagreb-pride.net/izjava-o-istupanju-iz-radne-skupine-za-izradu-nacrta-akcijskog-plana-zastite-i-promicanja-ljudskih-prava-2026-2027-i-nacrta-akcijskog-plana-suzbijanja-diskriminacije-2026-2027>.

¹² Ibid.

¹³ Government Office for Human Rights and Rights of National Minorities, Mid-Term Evaluation of the National Plan for the Protection and Promotion of Human Rights and Combatting Discrimination until 2027 – Final Draft Report (Zagreb, 2026), https://ljudskaprava.gov.hr/UserDocsImages//2026//Srednjoro%C4%8Dna%20evaluacija%20Nacionalnog%20plana_zavr%C5%A1ni%20nacrt%20-%20%C4%8Distopis.pdf.

20. However, the principal deficiency identified in *Sabalić v. Croatia* did not concern the legislative framework itself, but its implementation. Mechanisms for addressing bias-motivated violence already existed at the time of the attack against the applicant,¹⁴ yet the domestic authorities failed to recognise and investigate the homophobic motive and instead processed the case as a minor offence.¹⁵ Accordingly, the effectiveness of the Croatian legal framework depends not on the existence of legislative provisions, but on their consistent application in practice.

2.2. Implementation of hate crime legislation

21. While the Government relies on legislative reforms, institutional coordination mechanisms and professional training as evidence of progress, available evidence indicates that the principal deficiency identified in *Sabalić v. Croatia* persists at the level of implementation. Documentation collected by Zagreb Pride between 2021 and 2025 records 30 incidents of anti-LGBTI violence or other conduct potentially falling within Article 323a of the Criminal Code, revealing recurring failures to recognise bias motivation, properly qualify offences, effectively investigate incidents, and provide an adequate criminal justice response.¹⁶
22. These implementation failures are illustrated by several recent cases. In June 2024, despite explicit homophobic insults accompanying a serious physical assault in Zagreb, the hate crime element was reportedly excluded from the legal qualification of the offence.¹⁷ In January 2023, following a violent attack against two men after leaving an LGBTIQ event in Split, victims reported that no official police record of the intervention had been made.¹⁸ Other documented cases similarly involve failures to identify perpetrators, inadequate communication with victims, or the absence of effective investigative action despite clear indications of bias motivation.¹⁹
23. These findings are consistent with broader evidence concerning underreporting and institutional trust. According to the FRA's EU LGBTIQ Survey III, 13% of LGBTIQ respondents in Croatia experienced a physical or sexual attack during the preceding five years, while only 16% reported the incident to the police.²⁰ Zagreb Pride's field research likewise found that fewer than 10% of LGBTIQ respondents who experienced violence reported it to the police or another competent authority, citing distrust in the authorities, expectations of ineffective investigations, fear of secondary victimisation, and previous negative experiences.²¹

¹⁴ Criminal Code (NN 110/97), as amended by NN 71/06, Art. 14, inserting Art. 89(36) and expressly recognising sexual-orientation-based hate crime.

¹⁵ *Sabalić v. Croatia*, §§ 102–107, 111–114

¹⁶ Zagreb Pride, *RM 2021–2025: Evidencija pravne pomoći i slučajeva* (Zagreb, HR: Zagreb Pride, unpublished internal case records, 2025).

¹⁷ Zagreb Pride, *RM 2021–2025*.

¹⁸ Zagreb Pride, *RM 2021–2025*.

¹⁹ Zagreb Pride, *RM 2021–2025*.

²⁰ European Union Agency for Fundamental Rights (FRA), *EU LGBTIQ Survey III: LGBTIQ Equality at a Crossroads: Progress and Challenges* (Luxembourg: Publications Office of the European Union, 2024), <https://fra.europa.eu/en/publications-and-resources/data-and-maps/2024/eu-lgbtqi-survey-iii>.

²¹ Marko Jurčić and Franko Dota, *Rozi megafon: Dva koraka naprijed, jedan natrag – LGBTIQ prava u Hrvatskoj između stagnacije i sudskih pobjeda*. (Zagreb, HR: Zagreb Pride, 2023), 73–74, https://zagreb-pride.net/wp-content/uploads/2023/02/Rozi_megafon3_2018-2022_final.pdf.

24. Taken together, these findings indicate that the principal problem identified in *Sabalić v. Croatia* has not been resolved. Despite improvements to the legislative framework and the introduction of institutional and training measures, available evidence continues to demonstrate inconsistent identification, qualification, investigation and prosecution of anti-LGBTI hate crime in practice.

2.3. Statistics and monitoring

25. The Government relies on police and prosecutorial statistics concerning recorded and prosecuted hate crimes as evidence that hate crimes are adequately identified and processed in practice. However, this interpretation is not shared by the principal international and domestic monitoring bodies. ODIHR has repeatedly observed that Croatian hate crime statistics do not sufficiently distinguish hate crimes from other criminal offences and has recommended improvements in hate crime recording, data collection, institutional capacity-building and the operational response of criminal justice authorities.²²
26. Similar concerns have been expressed by the Ombudsperson for Gender Equality, who has repeatedly identified deficiencies in the collection, coordination and publication of hate crime data, including the absence of a system capable of following cases from initial reporting to final judicial outcome.²³ The European Commission against Racism and Intolerance (ECRI) has likewise concluded that Croatian hate crime statistics remain incomplete and that failures to identify and investigate bias motivation continue to undermine the effectiveness of the state response.²⁴ In its 2024 Concluding Observations, the United Nations Human Rights Committee also expressed concern regarding shortcomings in the reporting, investigation and prosecution of hate crimes targeting ethnic minorities, migrants, asylum seekers and LGBTIQ persons, recommending improved data collection, effective investigations and measures encouraging victim reporting.²⁵
27. Taken together, these consistent findings demonstrate that official hate crime statistics cannot be regarded as conclusive evidence of the effective implementation of Croatia's hate crime framework. Rather, they indicate persistent structural shortcomings in the recording, monitoring and institutional handling of hate crime, despite the legislative and policy measures relied upon by the Government.

²² ODIHR, "Croatia Hate Crime Report 2024," <https://hatecrime.osce.org/reporting/croatia/2024>; ODIHR, "Croatia Hate Crime Report 2023," <https://hatecrime.osce.org/reporting/croatia/2023>; ODIHR, "Croatia Hate Crime Report 2022," <https://hatecrime.osce.org/reporting/croatia/2022>; ODIHR, "Croatia Hate Crime Report 2021," <https://hatecrime.osce.org/reporting/croatia/2021>.

²³ Ombudsperson for Gender Equality, "Annual Report 2025," March 2026, <https://prs.hr/cms/post/1695>; Ombudsperson for Gender Equality, "Annual Report 2024," March 2025, <https://prs.hr/cms/post/1459>; Ombudsperson for Gender Equality, "Annual Report 2023," March 2024, <https://prs.hr/cms/post/1210>; Ombudsperson for Gender Equality, "Annual Report 2022," March 2023, <https://prs.hr/cms/post/948>; Ombudsperson for Gender Equality, "Annual Report 2021," March 2022, <https://prs.hr/cms/post/675>.

²⁴ ECRI, Sixth Report on Croatia, adopted March 18, 2025, published June 16, 2025, <https://www.coe.int/en/web/european-commission-against-racism-and-intolerance/croatia>.

²⁵ United Nations Human Rights Committee, Concluding Observations on the Fourth Periodic Report of Croatia, CCPR/C/HRV/CO/4, 11 September 2024, paras. 17–20, <https://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=uH%2BC073dFMgtxVrsCOWH%2FuvNU58wATn8m4a3zxbP4tOOG6kFt7o6KIPkizZ2KZMIW0Dal9gzf4vI6VEIBch5pQ%3D%3D>.

Regulatory measures

28. The Government relies on the adoption of the 2021 Protocol on Procedure in Cases of Hate Crime (Official Gazette No. 43/21) as an important regulatory measure. The submitting organisations welcome the Protocol as a positive development. However, available evidence indicates that several of its key safeguards remain inconsistently implemented in practice.
29. Despite the Protocol's requirement to identify bias indicators at the earliest stage of proceedings and to conduct an individual assessment of victims, documented cases continue to demonstrate failures to recognise bias motivation. In the Kaštela case, for example, a police officer reportedly dismissed the homophobic elements of the attack despite explicit verbal indicators of bias.²⁶ ²⁷
30. Likewise, the Protocol's requirement for operational cooperation with civil society organisations (Article 7(4)) has not translated into practice. While civil society organisations participate in the Working Group for Monitoring Hate Crimes, there is no evidence of systematic case-based cooperation during hate crime investigations. This is particularly evident in the series of organised attacks against gay men using the Grindr application between 2024 and 2025. Despite repeated incidents following the same modus operandi and Zagreb Pride's direct communication with the police, no structured operational cooperation was established to identify patterns, support victims or strengthen the investigative response.²⁸
31. Accordingly, while the 2021 Protocol represents a positive regulatory development, it has not resolved the implementation failures identified in *Sabalić v. Croatia*. Obligations concerning the identification of bias motivation, victim assessment and cooperation with civil society remain inconsistently applied in practice.

Capacity-building measures

(a) Hate Crime Focal Point: OHRRNM

32. The submitting organisations acknowledge the OHRRNM's formal role as the central coordinating body for hate crime monitoring and policy coordination. However, as noted above, ODIHR has repeatedly identified persistent shortcomings in Croatia's hate crime recording, data collection and institutional response systems, while consistently recommending strengthened institutional capacity, improved recording systems and enhanced operational responses to hate crime.
33. Although ODIHR has repeatedly expressed its readiness to provide technical assistance in these areas, substantially similar observations have been made year after year. Moreover, to the knowledge of the submitting organisations, the OHRRNM has not used the Hate Crime Monitoring Working Group to systematically address recurring implementation problems identified throughout this submission, including

²⁶ Topić, Antonela. "Mladi gej pretučen u Kaštelima. Pitali smo policiju što su dosad napravili." *Index.hr*, November 6, 2021. <https://www.index.hr/clanak.aspx?id=2316296>.

²⁷ Jurčić and Dota, *Rozi megafon*, 74.

²⁸ Zagreb Pride. "PRIOPĆENJE: Zagrebom haraju organizirane nasilničke homofobne bande koje tuku i pljačkaju gej muškarce." Zagreb Pride, 2025. <https://zagreb-pride.net/priopcenje-zagrebom-haraju-organizirane-nasilnicke-homofobne-bande-koje-tuku-i-o-pljackaju-gej-muskarce/>.

deficiencies in hate crime identification, qualification, data collection, and cooperation with affected communities.

34. Accordingly, the existing coordination framework has not resulted in sufficiently consistent institutional practice capable of addressing the deficiencies identified in *Sabalić v. Croatia*.²⁹

(b) Hate Crimes Monitoring Working Group

35. The submitting organisations welcome the continued operation of the Working Group for Monitoring Hate Crimes and the inclusion of civil society organisations. Nevertheless, its practical impact remains limited. The Working Group primarily serves as a forum for information exchange and lacks any operational or supervisory role capable of ensuring implementation of recommendations or institutional accountability.
36. These limitations have also been recognised by the Ombudsperson, who noted that the Working Group meets infrequently and provides insufficient opportunity for substantive discussion of systemic challenges relating to hate crime prevention and institutional responses.³⁰ The ongoing implementation failures documented throughout this submission demonstrate that the Working Group has not served as an effective mechanism to address recurring deficiencies in practice.

(c) Hate Crime Police Unit

37. The submitting organisations welcome the establishment of specialised police structures dealing with hate crime. However, the principal implementation problems identified in *Sabalić v. Croatia* arise not at the level of specialised units but during the initial police response and the handling of cases by frontline police officers.
38. As demonstrated in section 2.2, recent anti-LGBTI hate crime cases continue to reveal failures to recognise bias indicators, properly qualify offences, communicate adequately with victims and ensure an effective criminal law response. Recent reporting concerning the attack on a gay Filipino national in Zagreb further illustrates these concerns.³¹ Although the incident was ultimately reclassified from a misdemeanour to a criminal offence, publicly available information does not indicate that the evident bias indicators relating to sexual orientation and ethnicity were reflected in its legal qualification.
39. These shortcomings are consistent with ODIHR's repeated observations that Croatia should strengthen the awareness and capacity of criminal justice officials dealing with hate crime. While ODIHR has repeatedly offered technical assistance and expertise, substantially similar recommendations continue to be issued, raising concerns regarding the effectiveness of the Government's capacity-building measures.

²⁹ See Section 2.3 (Statistics and Monitoring).

³⁰ Ombudsperson of the Republic of Croatia, Annual Report 2025, p. 198.

<https://www.ombudsman.hr/hr/download/izvjesce-pucke-pravobraniteljice-za-2025-godinu>.

³¹ Index.hr, "Video: Prebila Filipinca, danas plakala na sudu. Obrat u slučaju, dobit će kaznenu prijavu", 17 June 2025, available at: <https://www.index.hr/vijesti/clanak/video-prebila-filipinca-danas-plakala-na-sudu-obrat-u-slucaju-dobit-ce-kaznenu/2791690.aspx>.

40. The submitting organisations are further concerned that organisations representing vulnerable communities are not systematically involved in the design, delivery or evaluation of police training programmes relating to hate crime. Available information also provides only limited insight into training curricula, learning outcomes and evaluation mechanisms, making it difficult to assess their practical effectiveness.³²
41. Taken together, these findings indicate that the principal deficiency identified in *Sabalić v. Croatia* persists primarily at the level of operational implementation and frontline policing, despite the existence of specialised structures and formal training activities.

B. Measures ensuring the judicial review of criminal investigations into hate crimes

42. The Government relies on the Constitutional Court's evolving case-law concerning ineffective criminal investigations as an important safeguard introduced following *Sabalić v. Croatia*. While the submitting organisations acknowledge this development, the practical effectiveness of this remedy remains questionable in light of subsequent developments in the applicant's own case.
43. Following the ECtHR judgment, Sabalić sought the reopening of the criminal proceedings against the perpetrator. However, despite the Constitutional Court's intervention, the reopening proceedings ultimately ended in September 2025 with the dismissal of the request on limitation grounds, preventing renewed criminal adjudication in the very case that prompted the reform of the Constitutional Court's practice.
44. These developments raise serious concerns regarding the practical effectiveness of the constitutional remedy. In particular, they call into question whether the domestic system is capable of ensuring the timely execution of Constitutional Court decisions and ECtHR judgments and of preventing procedural delays that ultimately result in impunity.
45. The submitting organisations therefore invite the Committee of Ministers to request clarification from the Croatian authorities regarding:
- the procedural steps undertaken following the Constitutional Court's intervention;
 - the reasons why the reopening proceedings nevertheless became time-barred; and
 - whether any procedural safeguards have been introduced to ensure that reopening proceedings following ECtHR judgments are conducted with particular urgency so as to avoid limitation periods expiring before a decision on the merits.

³² European Union Agency for Fundamental Rights (FRA), *Addressing Racism in Policing* (Luxembourg: Publications Office of the European Union, 2024), https://fra.europa.eu/sites/default/files/fra_uploads/fra-2024-addressing-racism-in-policing_en.pdf.

C. Awareness-raising measures

46. The submitting organisations acknowledge the considerable number of awareness-raising activities, trainings and professional workshops referred to by the Government. Many of these initiatives addressed important issues relating to hate crime identification, investigation, victim protection and the application of relevant ECtHR standards. However, the Action Plan focuses primarily on the number of activities conducted rather than on their measurable impact on institutional practice.
47. The Government provides no evidence that these activities resulted in more consistent recognition of bias motivation, improved qualification of anti-LGBTI violence as hate crime, increased victim confidence in law enforcement, or measurable improvements in police, prosecutorial or judicial practice. To the contrary, the implementation failures documented throughout this submission, including failures to identify bias motivation, inconsistent legal qualification of offences, inadequate victim communication and persistent underreporting, indicate that the structural shortcomings identified in *Sabalić v. Croatia* continue to persist.
48. The submitting organisations further note that many of the activities relied upon by the Government were implemented through externally funded European Union projects, initiatives of international organisations such as ODIHR, CEPOL and FRA, or projects led by civil society organisations, rather than as part of a sustained state-led capacity-building programme. While such cooperation is valuable, it also demonstrates the Croatian authorities' continued reliance on external actors for the development and delivery of hate-crime training and awareness-raising activities.
49. This conclusion is reinforced by ODIHR's repeated observations between 2020 and 2024 that Croatia would benefit from further awareness-raising and capacity-building of criminal justice officials dealing with hate crime. The repeated issuance of substantially identical recommendations, despite the Government highlighting numerous activities, raises serious concerns about their long-term effectiveness and institutional impact.
50. Accordingly, while the awareness-raising measures described in the Action Plan represent valuable individual initiatives, they do not demonstrate that the structural implementation failures identified by the ECtHR in *Sabalić v. Croatia* have been effectively addressed in practice.

D. Enhancing cooperation with the Council of Europe and the European Commission

51. The submitting organisations welcome Croatia's cooperation with the Council of Europe and the European Commission in strengthening judicial training concerning Convention standards and hate crime prosecution. However, the available evidence does not demonstrate that these initiatives have resulted in measurable improvements in institutional practice. As demonstrated in section 2.2 of this submission, failures relating to the identification of bias motivation, qualification of

hate crimes and the effective handling of anti-LGBTI hate crime cases continue to occur in practice.³³

52. While the cooperation framework described by the Government focused on strengthening training methodologies and educational capacities within the Judicial Academy, the available publicly accessible information does not demonstrate any systematic evaluation of its long-term impact or evidence of sustained improvements in hate crime identification and prosecution.
53. Accordingly, while international cooperation in this area represents a positive development, the persistence of substantially similar implementation failures indicates that these initiatives have not yet translated into consistent institutional practice capable of addressing the deficiencies identified in *Sabalić v. Croatia*.

E. Publication and dissemination

54. The submitting organisations welcome the translation and dissemination of the *Sabalić v. Croatia* judgment among relevant domestic authorities. However, the measures described by the Government appear to have been limited primarily to the institutional circulation of the judgment and related legal analysis, without broader public-facing activities to raise awareness of the judgment's significance for the identification and prosecution of hate crime.
55. This is particularly noteworthy given that the Rules of Procedure of the Expert Council expressly envisage the preparation of educational materials on the execution of ECtHR judgments and public information activities by the Office of the Representative.³⁴ However, publicly available information indicates that dissemination regarding *Sabalić* remained limited to the publication of the judgment, an accompanying legal analysis, and procedural updates on the Office's website.
56. The wider public visibility of the judgment was instead largely ensured through media coverage and advocacy by Zagreb Pride.³⁵ Accordingly, the submitting

³³ Council of Europe, Promotion of the Rule of Law and Fundamental Rights in the Croatian Judiciary, available at: <https://www.coe.int/en/web/help/promotion-of-the-rule-of-law-and-fundamental-rights-in-the-croatian-judiciary>.

Judicial Academy of the Republic of Croatia, Annual Report 2023 (Izvešće o radu Pravosudne akademije za 2023. godinu), Zagreb, 2024, available at: <https://www.pak.hr/wp-content/uploads/2024/04/Izvjescje-o-radu-Pravosudne-akademije-za-2023.pdf>.

European Commission and Council of Europe, Promotion of the Rule of Law and Fundamental Rights in the Croatian Judiciary – Final Presentation (Output 8), available at: https://reforms-investments.ec.europa.eu/document/download/faeb5e54-903e-4172-8d0d-e2526f677894_en?filename=Output%208%20Final%20presentation.pdf.

³⁴ Office of the Representative of the Republic of Croatia before the European Court of Human Rights, Poslovnik o radu Stručnog savjeta za izvršenje presuda i odluka Europskog suda za ljudska prava (Rules of Procedure of the Expert Council for the Execution of Judgments and Decisions of the European Court of Human Rights), <https://uredzastupnika.gov.hr/UserDocsImages//dokumenti/IZVR%C5%A0ENJA/POSLOVNIK%20STRU%C4%85CNOG%20SAVJETA%202022.pdf>.

³⁵ See for example: 24sata. "Hrvatska mora lezbijki platiti 10.000 eura štete zbog napada." *24sata*, January 14, 2021. <https://www.24sata.hr/news/hrvatska-mora-lezbijki-platiti-10-000-eura-stete-zbog-napada-739721>. Mašenjka Bačić. "Hrvatska mora platiti 10.000 eura jer nije zaštitila napadnutu lezbijku." *Portal Novosti*, January 14, 2021. <https://www.portalnovosti.com/hrvatska-mora-platiti-10-000-eura-je-nije-zastitila-napadnutu-lezbijku/>. Slobodna Dalmacija. "Presuda Europskog suda za ljudska prava: Policija je odgovorna što je Republika Hrvatska proglašena krivom za nesprječavanje mučenja lezbijke." *Slobodna Dalmacija*, January 14, 2021. <https://slobodnadalmacija.hr/vijesti/crna-kronika/presuda-europskog-suda-za-ljudska-prava-policija-je-odgovorna-sto-je-republika-hrvatska-proglasena-krivom-za-nesprjecavanje-mucenja-lezbijke-1070857>.

organisations consider that the dissemination measures relied upon by the Government were insufficient to secure the preventive and awareness-raising objectives of the judgment.

IV. CONCLUSIONS AND RECOMMENDATIONS

Overall, while Croatia has adopted a range of legislative, regulatory, and capacity-building measures following *Sabalić v. Croatia*, the evidence presented in this submission indicates that the principal deficiencies identified by the Court persist in practice. The case demonstrates that the remaining challenges concern not the existence of an adequate legal framework, but its consistent operational implementation.

Conclusions

- The submitting organisations consider that neither the individual measures nor the general measures adopted to date are sufficient to warrant closure of the supervision of the Sabalić group of cases.
- The principal deficiency identified in *Sabalić v. Croatia* concerns the operational implementation of the existing criminal law framework rather than legislative shortcomings.
- The outcome of the reopening proceedings in Sabalić, which ultimately ended without renewed criminal adjudication because the offences became time-barred, raises serious concerns regarding the effectiveness of individual measures and the execution of the procedural aspect of the judgment.
- Available evidence demonstrates continuing failures to consistently identify, investigate, qualify and prosecute anti-LGBTI hate crime despite the legislative, regulatory and institutional measures adopted by the authorities.
- Consistent findings by ODIHR, ECRI, the UN Human Rights Committee and domestic monitoring bodies indicate that official hate crime statistics cannot be regarded as conclusive evidence of effective implementation, particularly in light of persistent shortcomings in hate crime recording, classification and significant levels of underreporting.
- The implementation measures relied upon by the Government have not yet resulted in demonstrable improvements in institutional practice capable of addressing the structural deficiencies identified by the Court.

Recommendations

The Committee of Ministers may wish to invite the Croatian authorities to:

- ensure that reopening proceedings following ECtHR judgments are conducted with particular urgency so that criminal accountability is not frustrated by limitation periods;
- clarify the procedural handling of the reopening proceedings in Sabalić and explain what safeguards have been introduced to prevent similar outcomes in future cases;

- ensure effective referral mechanisms where facts disclosed in minor offence proceedings reveal indications of hate-motivated criminal conduct;
- ensure the early identification, documentation and investigation of bias indicators by police and prosecutorial authorities;
- improve hate crime recording and statistical systems so that hate crimes can be reliably distinguished from other criminal offences and monitored throughout criminal proceedings;
- establish operational cooperation between competent authorities and civil society organisations in hate crime investigations, in accordance with the 2021 Protocol;
- develop regular research on the experiences of violence, underreporting and institutional trust among LGBTIQ persons in order to support evidence-based hate crime policies;
- strengthen public dissemination of the Sabalić judgment and awareness-raising measures aimed at increasing reporting of anti-LGBTI hate crime and public confidence in the criminal justice system.

Submitted jointly by
Human Rights House Zagreb
Ivan Novosel
Director of Programmes



and

Zagreb Pride
Ivan Adam Šestan
Executive Coordinator

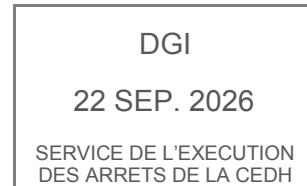


Contact person: Cvijeta Senta, Human Rights House Zagreb,
cvijeta.senta@kucaljudskihprava.hr



GOVERNMENT OF THE REPUBLIC OF CROATIA
OFFICE OF THE REPRESENTATIVE OF THE REPUBLIC OF CROATIA
BEFORE THE EUROPEAN COURT OF HUMAN RIGHTS

Class: 004-02/21-01/12
Reg. No: 50447-03/01-26-57
Zagreb, 22 September 2026



Ms Clare Brown
Head of Division
DEPARTMENT FOR THE
EXECUTION OF JUDGMENTS
OF THE ECtHR
DIRECTORATE OF HUMAN RIGHTS
COUNCIL OF EUROPE

Sent by e-mail: DGI-Execution@coe.int

Subject: *Sabalić v. Croatia* (Application No. 50231/13); Judgment of 14 January 2021, final on 14 April 2021

Dear Ms Brown,

With reference to the Rule 9 submission of the Human Rights House Zagreb and Zagreb Pride received on 15 September 2026, raising certain issues in the above case, the Government of the Republic of Croatia submits its response herewith.

The Government takes note of all the information and arguments provided by the submitting organisations. However, it points out that the arguments presented in their submission are unsubstantiated and fall outside the scope of the execution of the present case, delineated by the violations found by the Court. In addition, the submission refers to some recent activities and documents, e.g. *the National Plan for the Protection and Promotion of Human Rights and Combating Discrimination until 2027* and its implementing action plans for 2025, that the Government's last Action plan of 12 October 2022 does not even contain.

As regards the individual measures, the Government notes that following the present judgment, as reported in its 2022 Action plan, the State Attorney General's Office initiated the official supervision of the work of the competent state attorney's office with regard to the applicant's case and ordered its re-examination in line with the Court's findings. The prosecuting authorities concluded that the prosecution in the applicant's case has become time-barred and that there was no possibility to terminate or annul the unwarranted minor offence proceedings or efface their effects. The Government recalls the Committee's practice of taking into account the objective obstacles faced by the domestic authorities causing their inability to pursue criminal investigations such as prescription. As regards the reference made about the just satisfaction awarded by the Court, the Government notes that the payment of the just

satisfaction is not related to the measures aimed at bringing the violation to an end, rendering the submitting organisations' criticism in that respect irrelevant.

As regards the general measures, the above Rule 9 submission criticizes that the National Plan to Combat Discrimination for 2017-2022, presented in the Government's 2022 Action Plan, does not establish a specific operational framework for combating hate crime, including clearly defined institutional responsibilities, targeted measures for the investigation and prosecution of hate crime. The Government would hereby like to elaborate that, as stated in its 2022 Action Plan, the National Plan is a strategic document combining a set of measures primarily aimed at combating discrimination and enhancing protection of vulnerable groups. Through the envisaged educational activities, the National Plan may contribute to the effectiveness of hate crime prosecution and ensure its compliance with the Convention, but the 'operational framework' and the 'institutional responsibilities' are stipulated in the applicable law - the legislation superordinate to the strategic National Plan.

As regards the applicable law and the legislative measures taken, contrary to the indications in the Rule 9 submission, the facts of the present case occurred in 2010 and the amendments to the Criminal Code were adopted in 2011 and entered into force in 2013. Hence, after the impugned event happened, the law has been changed, defining hate crime as an aggravating form of other criminal offences. It thus ensures that in similar cases, where the victim of a hate crime sustains minor bodily injury, criminal prosecution shall be instigated *ex officio*, notwithstanding the fact that criminal proceedings for minor bodily injury not motivated by hatred is prosecuted privately. In other words, had the above amendments existed before the impugned event, the criminal proceedings would have been initiated in the first place.

As regards the statistical and other data referred to in the Rule 9 submission, including from 'unpublished internal case records of the Zagreb Pride' on, *inter alia*, the ineffectiveness of the measures taken, the Government holds them unsubstantiated and unverifiable. In addition, concerning the complaints of a low number of hate crime cases reported, the Government notes that the authorities may not be held responsible for the underreporting of hate crimes, nor did the Court find a violation in this respect.

The Government further notes that the Committee of Ministers is in charge of the supervision of the effectiveness of the execution measures. That is not a role of the national authorities or other organisations. The respondent states select the most effective measures capable of addressing the particular violation found and inform the Committee of those measures in their action plans and reports. Thus, contrary to the submitting organisations' stance, the prime role of the latter documents is reporting on the execution measures, rather than analysing or assessing their effectiveness. Hence, the (negative) impact assessment of the Government's 2022 Action Plan, provided in the Rule 9 submission, including on insufficient usage of the work of the Hate Crime Monitoring Working Group by the authorities or inappropriateness of the establishment of the Hate Crime Police Unit, seems to fall outside their scope. Moreover, the involvement of the civil society organisations in the design, delivery or evaluation of police training programmes or lack thereof does not render the execution measures automatically (in)effective. However, the authorities are mindful of the possible contribution of civil society organisations in the execution process and have been involving them in the police trainings. In particular, Zagreb Pride was involved in trainings carried out by the Police Academy on the effective prosecution of hate crimes during which a particular emphasis was placed on preventing the misinterpretation of the *ne bis in idem* principle (see 2022 Action Plan).

As regards the (in)effectiveness of the domestic remedy, constitutional complaint, the Government notes that the Constitutional Court aligned its case-law with the Convention. In particular, the Government notes that in [*Zahtila and Koletić v. Croatia*](#) (63344/17, dec. of 30 November 2023) the Court found that the Constitutional Court quashed the decisions of the domestic authorities by which the applicants' criminal complaint against the alleged perpetrators had been dismissed. Consequently, the criminal investigation at the domestic level has been continued, the criminal offences in question not having become time-barred. The Court noted that the Constitutional Court expressly acknowledged that there had been a violation of the procedural limb of Article 3 of the Convention, read in light of Article 14, in that the domestic authorities had not conducted an effective investigation into a violent homophobic attack against the applicants. It further quashed the domestic authorities' decisions which had dismissed their criminal complaint in that respect and the criminal investigation continued. Having been satisfied that respect for human rights as defined in the Convention does not require it to continue its examination, the Court considered it appropriate to strike the application out of the list of cases in accordance with Article 37 § 1 (c) of the Convention.

As regards the reference to the publication and dissemination of the present judgment in connection to the awareness-raising measures, the Government notes the following. While it is true that the Office of the Representative is, *inter alia*, tasked with preparing educational materials on the Convention and the Court's case-law aimed at raising awareness of the execution of the Court's judgments in general, the Rules of Procedure of the Expert Council for the Execution of the Court's Judgments and Decisions, misconstrued in the Rule 9 submission, cannot be interpreted as imposing on the Office the responsibility for the execution of the Court's judgments, as this is the sole competence of the domestic authorities. However, the activities of the Office of the Representative, although they may not replace the authorities' competence for executing the Court's judgments, certainly complement the execution measures taken by the authorities, and as such have been carried out continuously over the years. Moreover, the dissemination of a judgment to the members of the Expert Council should not be understood as mere "institutional circulation". It forms part of the national execution mechanism, aimed at ensuring that the authorities responsible for the execution of a judgment are informed of the Court's findings and are able to identify and implement the necessary measures. In its 2022 Action Plan the Government has reported extensively on all awareness-raising measures taken, including with the involvement of the Office of the Representative, and deems that they are capable of contributing to the prevention of similar violations.

In view of all of the above, the Government reaffirms its strong commitment to fulfilling its obligations arising from Article 46 of the Convention and notes that the Committee shall be informed in detail on the progress achieved in the execution of the present Court's judgment in due time by the Government's forthcoming action plan.

Yours sincerely,

Štefica Stažnik
Representative

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