

Hate Speech Legislation in Croatia

1. Hate crime (definition)

Penal Code, article 87, paragraph 21:

(21) Hate crime represents a criminal offense committed on the ground of race, skin colour, religion, national or ethnic origin, disability, gender, sexual orientation or gender identity. Such offense will be considered as aggravated circumstance unless this Act envisages harder sanctioning.

Available at: <https://www.zakon.hr/z/98/Kazneni-zakon> (in Croatian)

2. Hate speech (public incitement to hatred and violence) (definition)

2.1. Hate speech as criminal offense

Penal Code, article 325:

(1) Anyone who by press, radio, TV, computer system or network, on public gathering or in any other way, publicly incites or makes available to the public leaflets, pictures or other material that incites to violence or hatred directed towards a group of people or a member of a group on the grounds of race, religion, national or ethnic belonging, origin, skin colour, gender, sexual orientation, gender identity, disability or any other characteristics, will be punished up to three years of prison.

(2) Whoever organizes or leads a group of three or more persons for perpetrating acts from paragraph (1) of this article, will be punished from six months up to five years of prison.

(3) Whoever participates in the joint activity stated in the paragraph (2) of this article, will be punished up to one year of prison.

(4) Anyone who publicly approves, incites or considerably lessens criminal act of genocide, crime of aggression, crime against humanity or war crime directed towards a group of people or a member of a group on the grounds of race, religion, national or ethnic belonging, origin, skin colour and in a way that is suitable for incitement to violence and hatred against such group or a member of a group, will be punished as stated in the paragraph (1) of this article.

(5) For the attempt stated in paragraphs (1) and (4) of these article, perpetrators will be punished.

Available at: <https://www.zakon.hr/z/98/Kazneni-zakon> (in Croatian)

2.2. Hate speech as misdemeanour offense

2.2.1. Anti-discrimination Act:

Article 4:

(1) Harassment represents all unwanted behavior on some of the grounds from the article 1, paragraph 1 of the Anti-discrimination Act that results in or represents the violation of the personal dignity and causes fear, unfriendly, degrading or offensive surroundings.

Article 25:

(1) Anyone, with the aim of causing fear to another or creating a hostile, humiliating, or offensive environment based on differences in race, ethnicity, skin color, gender, language, religion, political or other beliefs, national or social origin, financial status, membership in a union, social status, marital or family status, age, health condition, disability, genetic heritage, gender identity or expression, and

sexual orientation, who violates their dignity shall be punished with a misdemeanor fine ranging from 5,000.00 to 30,000.00 kunas.

Available at: <https://www.zakon.hr/z/490/Zakon-o-suzbijanju-diskriminacije> (in Croatian)

2.2.2. Act on Preventing Disorders at Sporting Events Art. 4(1)(5 and 7)

(1) Unlawful behavior, within the meaning of this Act, is considered:

- attempting to bring in, bringing in, or displaying banners, flags, or other items with text, images, symbols, or other markings expressing or inciting hatred or violence based on racial, national, regional, or religious affiliation,

-singing songs or shouting messages whose content expresses or incites hatred or violence based on racial, national, regional, or religious affiliation

Available at:

<https://www.zakon.hr/z/445/Zakon-o-sprje%C4%8Davanju-nereda-na-%C5%A1portskim-natjecanjima> (in Croatian)

2.2.3. Public Gathering Act

Article 3:

Only based on this Law can restrictions on the right to public assembly be prescribed, which are necessary in a democratic society to protect the freedoms and rights of others, the legal order, public morality, and health.

The freedom of speech and public expression at public gatherings is limited by the prohibition of any incitement to war or the use of violence, to national, racial, or religious hatred, or any form of intolerance.

Article 18, paragraph 2:

Participants in peaceful assemblies and public protests are prohibited from wearing uniforms, parts of uniforms, clothing, insignia, or other symbols that incite or encourage war or violence, national, racial, or religious hatred, or any form of intolerance.

Available at: <https://www.zakon.hr/z/444/Zakon-o-javnom-okupljanju> (in Croatian)

2.2.4. Act on Misdemeanours against Public Order and Peace

Article 5:

Anyone, in a public place, by performing, reproducing songs, compositions, and texts, or by wearing or displaying symbols, texts, images, or drawings that disturb public order and peace, shall be fined for a misdemeanor in the amount of 700.00 to 4,000.00 euros or with imprisonment for up to 30 days.

Article 14:

Anyone who insults or disparages the moral feelings of citizens in a public place shall be fined for a misdemeanor in the amount of 200.00 to 1,000.00 euros or with imprisonment for up to 30 days.

Available at: <https://www.zakon.hr/z/279/Zakon-o-prekr%C5%A1ajima-protiv-javnog-reda-i-mira> (in Croatian)

2.2.5. Electronic Media Act

Article 14, paragraph 2:

(2) In audio and / or audio-visual media services it is forbidden to incite, encourage incitement and spread hatred or discrimination on the grounds of race or ethnic origin or skin color, gender, language, religion, political or other belief, national or social background, property, union membership, education, social status, marital or family status, age, health, disability, genetic heritage, gender identity and expression or sexual orientation, as well as Antisemitism and xenophobia, fascism, nationalism, communism as well as other totalitarian regimes.

Article 94:

(2) Providers of electronic publications are obliged to:

take all measures in accordance with Articles 24, paragraphs 3 to 5 of this Law to protect minors;

take all measures in accordance with Article 14 of this Law to prevent the publication of content that incites violence or hatred,

....

(3) The provider of electronic publication is responsible for the entire content published on the electronic publication, including user-generated content, if it fails to register the user and if it has not clearly and prominently warned the user about commenting rules and violations of the provisions of paragraph 2 of this article.

Available at: <https://www.zakon.hr/z/196/Zakon-o-elektroni%C4%8Dkim-medijima> (in Croatian)