

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 color, 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://narodne-novine.nn.hr/clanci/sluzbeni/2011_11_125_2498.html (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://narodne-novine.nn.hr/clanci/sluzbeni/2011_11_125_2498.html (in Croatian)

2.2. Hate speech as misdemeanor offense

2.2.1. Anti-discrimination Act, article 3, paragraph 1:

(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.

Available at: https://narodne-novine.nn.hr/clanci/sluzbeni/2008_07_85_2728.html (in Croatian)

2.2.2. Electronic Media Act, article 12, 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.

Available at: https://narodne-novine.nn.hr/clanci/sluzbeni/2009_12_153_3740.html (in Croatian)