

Croatia

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1 Introduction

In this overview, I provide a snapshot of human rights literature in Croatia, focusing in particular on the three-year period from 2017 to 2020. Before moving to the substance of the review, however, the notion of 'human rights scholarship' or 'literature' should be specified for the purposes of this article. To say that there is a 'literature' on human rights¹ would be misleading insofar as law is not the only disciplinary approach to human rights. Other disciplines, such as political science, philosophy and sociology, have a stake in ongoing scholarly work, creating a plurality of different literatures. The emphasis here is placed on literature in law, with an occasional excursion into other literatures that refer to issues identified in legal scholarship.

2 Relevant Legal Journals

There are no Croatian journals that specialize in human rights. The four faculties of law in Rijeka,² Osijek,³ Split⁴ and Zagreb⁵ all publish flagship journals which also accept publications on human rights, with the *Collected Papers of Zagreb Law Faculty* often being considered the most prestigious of the four. In addition to its *Collected Papers*, the Faculty of Law in Zagreb maintains the *Zagreb Law Review*, a forum intended for younger scholars and accepting all publications in law. The Croatian Academy of Legal Sciences publishes its yearbook, which includes pieces on human rights.

Scholarship on human rights may also be found in specialized law journals and journals publishing scholarship in disciplines cognate to law, such as the *Croatian Yearbook of European Law and Policy*, the *Journal of Finance and Law*, *Croatian and Comparative Public Administration*, *Croatian Annual of Criminal Science and Practice*, *Croatian Political Science Review*, *Političke perspektive*, *Društvena istraživanja: Journal for General Social Issues* and *Croatian Journal of Social Policy*. All these journals are, for the most part, available online, via the Hrčak portal,

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1 The terms 'human rights' and 'fundamental rights' are used interchangeably throughout this review.

2 *Collected Papers of the Law Faculty of the University of Rijeka*.

3 *Journal for Legal and Social Issues of the Faculty of Law, Josip Juraj Strossmayer University of Osijek*.

4 *Collected Papers of the Law Faculty of the University of Split*.

5 *Collected Papers of Zagreb Law Faculty*.

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which also includes the general journals in law mentioned earlier.⁶ While the bulk of the research is published in Croatian,⁷ all relevant journals accept publications in foreign languages, most commonly (but not exclusively) English. The *Collected Papers of the Law Faculty of the University of Split* regularly publish an issue predominantly in French containing contributions of administrative law scholars that participate in the French-Croatian Days of Administrative Law, a conference that takes place in Split on a yearly basis. Some of these contributions are on human rights.⁸ In the referent period, the *Collected Papers of Zagreb Law Faculty* have included work in German.⁹ It should be noted that Croatian journals are open to publishing pieces on aspects of fundamental rights protection from other jurisdictions, such as the horizontal effect of fundamental rights.¹⁰

3 An Overview of Most Significant Publications

In the past three years, relevant Croatian journals have included around sixty papers that, to some extent, deal with human rights. As it would be impossible to include all in a review of this size, we may resort to a bird's-eye view to identify a number of broad themes and situate individual contributions within those. The different themes I identify are not the only way individual pieces of scholarship may be grouped, but they help in organizing the existing work and are sufficiently broad to include the different strands of research without distorting them. The four central themes cover the interaction of human rights with four broad categories: pluralism, vulnerability, technology and (trans)national boundaries. While some individual pieces of scholarship may be seen as contributing to several of these broad areas, all of them gravitate to one of the themes. I will now briefly take each in turn.

The interest in how pluralism may be ordered through law has gained increased traction in Croatian scholarship. This interest incorporates two distinct debates. One is built around hate speech and freedom of expression more generally, while the other is dedicated to the interconnected issues of religious freedom and the secular state. Both place a powerful emphasis on how societal difference may find coexistence through legal structures.

6 See Hrčak: Portal of Croatian Scientific and Professional Journals, hrcak.srce.hr (last accessed 4 June 2020).

7 Note that some journals, such as the Croatian Yearbook on European Law & Policy and Croatian and Comparative Public Administration, publish mostly in English.

8 Take, for instance, J. Massot, 'Le juge administratif protecteur de la liberté individuelle', *Collected Papers of the Law Faculty of the University of Split*, Vol. 54, No. 1, 2017, pp. 1-11.

9 See, for example, J. Sladič, 'Das Recht auf Meinungsäußerung eines Richters in Slowenien: Kosar's Theorem in der Slowenischen Justiz', *Collected Papers of Zagreb Law Faculty*, Vol. 67, No. 5, 2017, pp. 843-865.

10 See, for example, B. Tratar, 'Djelovanje ustavnih prava u građanskom pravu u praksi slovenskog ustavnog suda', *Collected Papers of the Law Faculty of the University of Split*, Vol. 54, No. 4, 2017, pp. 825-836; B. Tratar, 'Pravna osoba (persona ficta) kao titular ljudskog prava na privatnost – u Sloveniji i komparativno', *Journal for Legal and Social Issues of the Faculty of Law, Josip Juraj Strossmayer University of Osijek*, Vol. 33, No. 2, 2017, pp. 9-27.

This is reflected in an ongoing debate on hate speech and freedom of expression more generally.¹¹ The impetus for the debate was provided by an edited volume on hate speech published in 2016, the first of its kind in Croatia and certainly one of the most significant domestic publications on the topic.¹² The monograph was the capstone of an interdisciplinary project, and this is reflected in its content. In terms of the law, hate speech was taken up from the perspectives of constitutional law and European law.

Gardašević investigates how to differentiate cases of speech falling completely beyond constitutional protection and those in which even extreme speech remains protected and is balanced against countervailing rights, such as equality. The jurisprudence of the European Court of Human Rights (ECtHR) on Articles 10 and 17 of the European Convention of Human Rights and Fundamental Freedoms (ECHR, the Convention) is drawn upon to help elucidate the alternative.¹³ Gardašević later adopted a similar approach in a paper on the use of historical symbols, tied with issues of revisionism.¹⁴ Gardašević's argument brings together the decisions on symbolic speech of the European Court for Human Rights and examines their implications for political symbols used in Croatian public life in light of the case law of the Croatian Constitutional Court.¹⁵ By differentiating the different layers of symbolic speech in accordance with the historical standing of its content, Gardašević suggests a method that may be deployed in order to differentiate symbols that may be the expression of constitutionally protected speech, those that may be so in most circumstances and those that are beyond the pale.

Some authors have questioned the ability of European and international law to serve as a useful guidepost in determining the meaning of hate speech. Vasiljević highlighted the inconsistencies in applying hate speech as a legal concept and asked whether the law may provide a final answer in combating hate speech in the first place.¹⁶ Her points on the lack of a uniform definition of hate

- 11 The relationship between hate speech and pluralism is twofold. The debate on freedom of expression and hate speech involves, on the one hand, a multiplicity of possible legal responses to regulating their interaction, both within and beyond criminal law, and, on the other hand, a pluralism of speech that is the subject matter of regulation. (E. Kulenović, 'Sloboda govora i govor mržnje', in E. Kulenović (Ed.), *Govor mržnje u Hrvatskoj*, Zagreb, Fakultet političkih znanosti Sveučilišta u Zagrebu, 2016, pp 54-55.)
- 12 E. Kulenović (Ed.), *Govor mržnje u Hrvatskoj*, Zagreb, Fakultet političkih znanosti Sveučilišta u Zagrebu, 2016.
- 13 Đ. Gardašević, 'Govor mržnje i hrvatski ustavnopravni okvir', in E. Kulenović (Ed.), *Govor mržnje u Hrvatskoj*, Zagreb, Fakultet političkih znanosti Sveučilišta u Zagrebu, 2016, pp 151-185.
- 14 The topic of revisionism was also covered earlier, albeit from the perspective of philosophy. Zelić thus offered reasons for regulating Holocaust denial as a form of hate speech that diminishes the dignity of groups affected by genocide. (N. Zelić, 'Dostojanstvo, legitimnost i istina: o zakonskoj regulaciji poricanja holokausta', in E. Kulenović (Ed.) *Govor mržnje u Hrvatskoj*, Zagreb, Fakultet političkih znanosti Sveučilišta u Zagrebu, 2016, pp. 217-250.)
- 15 Đ. Gardašević, 'Historical Events in Symbols and the Freedom of Expression: The Contemporary Constitutional Debate in Croatia', *Croatian Political Science Review*, Vol. 55, No. 4, 2018, p. 167.
- 16 S. Vasiljević, 'Diskriminatorni govor i govor mržnje u europskom pravnom okviru', in E. Kulenović (Ed.) *Govor mržnje u Hrvatskoj*, Zagreb, Fakultet političkih znanosti Sveučilišta u Zagrebu, 2016, pp. 121-148.

speech on the transnational level would later be picked up by other authors. In her piece, Alkiviadou notes that the lack of a uniform notion of hate speech leads to a variety of obstacles, one of the more significant being that some forms of hate speech, those based on sexual orientation and gender, are not as well represented as those that are based on race, ethnicity or religion.¹⁷ Alaburić, in addition, notes that the lack of a uniform approach, apart from causing a number of problems, fails to provide clear guidelines for state parties of the European Convention for Human Rights.¹⁸ Indeed, according to Herceg Pakšić, whilst Croatian criminal law is in line with the requirements of the Convention, the lack of an established case law in the country, particularly on holocaust denial, does not allow us to ascertain the exact domestic standards that would develop in practice.¹⁹

Spaces in which hate speech may occur were of some interest to legal scholars as well, with universities receiving particular attention. Heinze argued that universities should not introduce standards of hate and discriminatory speech that move beyond the standards required by law. In his view, these restrictions necessitate a powerful restriction of speech across the board, as applying them only in particularly extreme cases may create an impression of partiality incompatible with the university as a forum for the free pursuit of knowledge.²⁰ In the case of universities, features of space within which speech occurs have thus come to the forefront.

The second debate concerning pluralism in Croatian legal literature revolves around the legal treatment of religion. By and large, the literature focused on how religious pluralism may be addressed and is addressed by the law. Staničić contributes to the debate on the status of religious freedom, arguing for its protection as a distinct fundamental right. Contrary to authors who argue that freedom originally protected by religious freedom may in equal measure be safeguarded by other fundamental rights, Staničić posits that retaining a separate existence for freedom of religion is essential to respecting the full spectrum and diversity of religious beliefs and practices.²¹ In two of his publications, on the other hand, Bulat problematizes the interaction between the state and individual religious communities in Croatia, particularly the Roman Catholic Church. His arguments cover two issues, one relating to the interaction of the secular state and individual human rights and the other tied to financing of religious

17 N. Alkiviadou, 'The Legal Regulation of Hate Speech: The International and European Frameworks', *Croatian Political Science Review*, Vol. 55, No. 4, 2018, pp. 203-229.

18 V. Alaburić, 'Legal Concept of Hate Speech and Jurisprudence of the European Court of Human Rights', *Croatian Political Science Review*, Vol. 55, No. 4, 2018, pp. 230-252.

19 B. Herceg Pakšić, 'Tvorba novih standarda u slučajevima teških govora mržnje: negiranje genocida pred Europskim sudom za ljudska prava', *Collected Papers of Zagreb Law Faculty*, Vol. 67, No. 2, 2017, pp. 229-253.

20 E. Heinze, 'No-platforming and Safe Spaces: Should Universities Censor More (or Less) Speech Than the Law Requires?', *Croatian Political Science Review*, Vol. 55, No. 4, 2018, pp. 79-108.

21 F. Staničić, 'Does Religious Freedom Warrant Protection as a Fundamental Human Right?', *Društvena istraživanja*, Vol. 28, No. 2, 2019, pp. 189-206.

communities and the impact this may have on civil rights.²² In both cases, Bulat argues that formal recognition of full religious freedom may be insufficient if it is paired with an interaction of religious communities and the state that may result in treating some citizens differently and, possibly, reducing their rights.

An additional contribution to the debate on pluralism should be mentioned. It transcends both debates I have already described and looks at the criticism directed against liberal understandings of human rights. In his piece, Dimitrijević argues that contemporary democratic crises stem from the failure to respect individual fundamental rights and that radical democratic critiques of liberalism miss their mark insofar as they underestimate the possibility of reimagining liberal constitutionalism to stave off the challenges it faces. Most importantly, Dimitrijević suggests that equality becomes the central value in reorganizing both national and supranational spheres, so that the individual liberty in the core of liberalism may be realized as arbitrary power is completely abolished.²³

Dimitrijević's article, while here connected with the efforts to regulate pluralism through law, may also be brought into a dialogue with the second theme in Croatian literature on human rights: vulnerability. While there have been publications on the rights of the child²⁴ and the need to enact a United Nations (UN) Convention on the rights of the elderly,²⁵ more attention should be given to a cluster of papers published within an interdisciplinary project on protecting persons with mental impairments. It is here that we may find a connection with Dimitrijević's work, as some of the most interesting findings of the project demonstrate how individual rights of institutionalized psychiatric patients are entangled with broader conditions that are the precondition for the patients' successful treatment and reintegration.²⁶

Similar themes may be read from Škorić's investigation of the Convention on the Rights of Persons with Disabilities, specifically its Article 12, which sets out the equal recognition before the law requirement. Here, Škorić examines what the requirement means for state parties to the Convention, particularly given that it uncouples legal and mental capacity. This, as Škorić explains, has been

- 22 D. Bulat, 'Spor etika – građanska prava i pravni položaj vjerskih zajednica u pluraln(istič)kom društvu', *Collected Papers of the Law Faculty of the University of Split*, Vol. 55, No. 3, 2018, pp. 639-665; D. Bulat, 'Javno financiranje vjerskih zajednica i građanska prava u pluralnom i pluralističkom društvu', *Collected Papers of the Law Faculty of the University of Split*, Vol. 56, No. 4, 2019, pp. 963-984.
- 23 N. Dimitrijević, 'Liberalna prava između radikalne demokratske kritike i neuspjeha liberalizma', *Političke perspektive*, Vol. 9, No. 1, 2019, p. 82.
- 24 See, for example, B. Bahtiri & I. Qerimi, 'The Regulation and Protection of Children's Rights in Kosovo from a Legal Aspect', *Journal for Legal and Social Issues of the Faculty of Law, Josip Juraj Strossmayer University of Osijek*, Vol. 35, No. 3-4, 2019, pp. 83-104.
- 25 S. Roksandić Vidlička & S. Šikoronja, 'Pravna zaštita starijih osoba, osobito s duševnim smetnjama, iz hrvatske perspektive: Zašto nam je potrebna Konvencija UN-a o pravima starijih osoba?', *Collected Papers of the Law Faculty of the University of Rijeka*, Vol. 38, No. 2, 2017, pp. 1101-1132.
- 26 V. Grozdanić & D. Rittossa, 'Prava osoba s duševnim smetnjama u psihijatrijskim ustanovama u Republici Hrvatskoj – empirijska analiza', *Collected Papers of the Law Faculty of the University of Rijeka*, Vol. 38, No. 3, 2017, pp. 947-984.

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interpreted as meaning that a reduced mental capacity must not result in a reduced legal capacity which, in turn, requires a careful assessment and construction of support systems that facilitate, rather than replace, the will of the individual suffering from mental difficulties.²⁷

Grozđanić investigates this theme in the Croatian context, looking at the extent to which the Law on Protection of Persons with Mental Disabilities is receptive to an individual's consent to medical treatment or experiments, terming this the 'bioethical capacity' of the law.²⁸ She finds that the law enshrines a powerful regard for individual self-determination, which, by consequence, she interprets as a powerful affirmation of the dignity belonging to each person with a mental disability.²⁹ Rittossa, on the other hand, finds that this message was not sufficiently affirmed by the mechanisms of constitutional adjudication in Croatia. Drawing from an extensive review of the cases that found their way before the Croatian Constitutional Court, she finds that the Court has only rarely decided on the rights of individuals with mental disabilities and has all too often relied on formalistic grounds to decide those few controversies.³⁰ She thus argues that a more activist Court, more comparable in its approach to the ECtHR and the U.S. Supreme Court, may be necessary to enforce rights of those vulnerable due to their disability.

The interaction of law and technology has been another area of interest for Croatian law scholars. Other than the scholarship that has implications for regulating and using technology, such as liability for damages stemming from violating the right to personal data,³¹ pieces of scholarship have been dedicated to investigating how the use of specific technologies may be regulated in order to align it with fundamental rights.

Gumzej and Dragičević have provided a nuanced analysis of the problem of video surveillance in the workplace. In examining the domestic law facilitating the application of the European Union (EU)'s General Data Protection Regulation to workplaces, they argue that the Croatian legislator has not secured an altogether satisfactory framework. For instance, public authorities have been exonerated from paying administrative fines for violations, and the purposes for which workplace video surveillance may be introduced have not been adequately

- 27 M. Škorić, 'The Twenty-First Century – The Beginning of a New Era in the Protection of Human Rights of Persons with Mental Health Disabilities', *Journal for Legal and Social Issues of the Faculty of Law, Josip Juraj Strossmayer University of Osijek*, Vol. 36, No. 1, 2020, pp. 27-45.
- 28 V. Grozđanić, 'Bioetički senzibilitet Zakona o zaštiti osoba s duševnim smetnjama', *Collected Papers of the Law Faculty of the University of Rijeka*, Vol. 38, No. 3, 2017, pp. 929-946.
- 29 *Ibid.*, p. 942.
- 30 D. Rittossa, 'Ustavnopravna zaštita prava osoba s duševnim smetnjama', *Collected Papers of the Law Faculty of the University of Rijeka*, Vol. 38, No. 3, 2017, pp. 1057-1100.
- 31 M. Bukovac Puvača & A. Demark, 'Pravo na zaštitu osobnih podataka kao temeljno pravo i odgovornost za štetu zbog njegove povrede', *Collected Papers of the Law Faculty of the University of Rijeka*, Vol. 40, No. 1, 2019, pp. 287-315.

defined.³² This has, by extension, endangered the full exercise of the right to personal data protection.

Freedom of expression was another topic studied by those interested in the intersection of law and technology. In particular, the right to be forgotten was the topic of a paper that examined how the courts, by interpreting when a piece of information may be considered 'outdated', recreate a sense of time on the Internet, where speech is by itself not subject to any particular social temporality. In a space where technically any act of speech may exist indefinitely, one may introduce time through legal interpretation of 'the public interest' which, it is argued, remains problematic given that there is no single public using the World Wide Web.³³ This feature of the Internet will then continue to challenge the application of usual legal categories, such as freedom of expression.

The issue of boundaries between different legal orders is, for Croatian scholars, both a cross-cutting theme and a specific area of interest. Many publications include some form of comparison of national and supranational legal requirements and frequently use the case law of the ECtHR as a benchmark for domestic law.³⁴ In addition, however, some scholars have studied the matter of boundaries in its own right. Two publications should be singled out, as they deal with national standards of human rights protection and their interaction with their supranational counterparts. Horvat Vuković is the first Croatian author to write more extensively of clashes between the Court of Justice of the European Union (ECJ) and national constitutional courts from the perspective of constitutional law. Her piece is an important contribution to the debate on human rights as she investigates the mechanisms through which the Croatian Constitutional Court may act should European law fail to provide a level of

- 32 N. Gumzej & D. Dragičević, 'Video Surveillance in the Workplace under the Croatian Act on Implementation of the General Data Protection Regulation', *Collected Papers of the Zagreb Law Faculty*, Vol. 69, No. 3, 2019, pp. 327-346.
- 33 M. Miloš, 'Mjerila primjene prava na zaborav i problem temporalnosti slobode izražavanja pred španjolskim sudovima', *Croatian and Comparative Public Administration*, Vol. 17, No. 2, 2017, pp. 291-312.
- 34 See, in this respect, also M. Bajčić, 'Pravo okrivljenika na tumačenje i prevodenje u kaznenom postupku kroz prizmu recentne prakse Europskog suda za ljudska prava i Suda EU-a', *Collected Papers of the Zagreb Law Faculty*, Vol. 69, No. 2, 2019, pp. 223-248; M. Bajčić & A. Martinović, 'EU Citizenship, Free Movement and the Use of Minority Languages in Court Proceedings', *Collected Papers of the Zagreb Law Faculty*, Vol. 67, No. 1, 2017, pp. 107-129; M. Bonačić & T. Tomašić, 'Implementacija standarda Europskog suda za ljudska prava u hrvatskom prekršajnom pravu i praksi', *Croatian Annual for Criminal Science and Practice*, Vol. 24, No. 2, 2017, pp. 381-411; S. Grbić & D. Bodul, '(Nefunkcionalan) institucionalni okvir i problemi ostvarivanja prava na pravično suđenje', *Collected Papers of the Law Faculty of the University of Split*, Vol. 55, No. 4, 2018, pp. 755-769; L. Ofak, 'Zaštita ustavnih jamstava poreznih obveznika u poreznim stvarima', *Collected Papers of the Law Faculty of the University of Split*, Vol. 55, No. 1, 2018, pp. 153-168; R. Rusan Novokmet, 'Utjecaj sankcija Vijeća sigurnosti UN-a na zaštitu temeljnih ljudskih prava', *Collected Papers of the Law Faculty of the University of Rijeka*, Vol. 40, No. 2, 2019, pp. 627-653; E. Sychenko, 'International Protection of Employee's Privacy under the European Convention on Human Rights', *Collected Papers of the Zagreb Law Faculty*, Vol. 67, No. 5, 2017, pp. 757-781.

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human rights protection guaranteed by the core of the Croatian Constitution.³⁵ She argues for constitutional courts intervening in disputes on constitutional identity before the ECJ.

On the other hand, Marochini Zrinski is interested in shedding light on how the domestic legal order may better enforce the standards of human rights protection mandated by the ECtHR. Whilst this is not an uncommon theme in the literature,³⁶ Marochini Zrinski takes it a step further by showing how some of the landmark cases against Croatia have challenged the domestic legislator, courts and the general public. By taking the opportunity to outline the methods of interpretation applied by the ECtHR and contrasting them with the way Croatian law is normally understood, she suggests that a more robust protection of rights laid out in the Convention may be achieved only as the mindsets entrenched in the judiciary are changed.³⁷ In this sense, her argument converges with that of Horvat Vuković, even as Marochini Zrinski argues that Croatian judges will need to be less formalistic in interpreting the law. However, Horvat Vuković argues that constitutionalism is insufficiently valued and protected by the courts.³⁸ The key challenge for delineating constructive interactions between the national and the supranational lies in empowering the judges to both construct and question a boundary between the different sources of law.

4 Relevant Doctoral Theses

Within the referent period itself, no theses in law dealt with human rights. However, in 2016 Desanka Sarvan defended her PhD thesis on the right to water at the Faculty of Law in Zagreb.³⁹ Given that the Croatian Constitution does not explicitly include such a right, Sarvan's exploration of the topic may serve as an impetus for a broader scholarly and political debate on the matter. Her argument is dominantly descriptive, as she looks at the societal conditions that spurred the movement towards recognizing the right to water. In addition, Sarvan explores the implications of recognizing the latter, finding that its central effects revolve

35 A. Horvat Vuković, 'Ustavni sud Republike Hrvatske kao "europski" sud i očuvanje nacionalnih standarda zaštite temeljnih ljudskih prava i sloboda', *Collected Papers of the Zagreb Law Faculty*, Vol. 69, No. 2, 2019, pp. 249-276.

36 G. Graovac, 'Izvršenje "istražnozastvorskih" presuda Europskog suda za ljudska prava u predmetima protiv Republike Hrvatske', *Croatian Annual for Criminal Science and Practice*, Vol. 24, No. 2, 2017, pp. 355-380; M. Konforta, 'Implementacija presuda Europskog suda za ljudska prava', *Croatian Annual for Criminal Science and Practice*, Vol. 24, No. 2, 2017, pp. 271-292; S. Trgovac, S. Grbavac & S. Marković, 'Ustavnosudski pogled na izvršenje presuda Europskog suda za ljudska prava', *Collected Papers of the Law Faculty of the University of Rijeka*, Vol. 39, No. 1, 2018, pp. 633-666.

37 M. Marochini Zrinski, 'Izazovi u primjeni i tumačenju Konvencije u Republici Hrvatskoj', *Collected Papers of the Law Faculty of the University of Rijeka*, Vol. 55, No. 2, 2018, pp. 423-446.

38 Horvat Vuković, 2019, p. 266.

39 D. Sarvan, *Legal Foundation and Implications of Implementations of Human Right to Water* (PhD thesis on file at the University of Zagreb – Faculty of Law). The dissertation was later published as a book in Croatian. (D. Sarvan, *Ljudsko pravo na vodu: pravno utemeljenje i implikacije implementacije*, Zagreb, Novi informator, 2016.)

around changing the emphases in political struggles over natural resources in three respects. Firstly, it is expected that incorporating the right to water will change the priorities in the use of water, as potable water and sustainable management of water resources come to the forefront. Secondly, once the language of human rights is used in formulating policies regarding water, national governments will be expected to assume a greater role in ensuring an equal access to the increasingly scarce natural resource. Finally, Sarvan argues that recognizing the right to water may also have a more ambitious effect, as it may challenge the existing social conditions that frame the supply of water, particularly the understanding of water solely as a commodity.

5 Summary

In summary, whilst the Croatian scholarship on human rights is understandably heterogeneous, there is one feature that bridges the differences, and that is the strong presence of both international and European law in the existing scholarship. Indeed, whilst research on human rights in Croatian literature has spanned a broad gamut of branches of law, the interaction between national, European and international law is simultaneously a specific area of scholarly interest and a theme that cuts across different research projects. Thus, although individual scholarly projects may be dedicated to a right codified in a constitution (not necessarily the Croatian one), most do, in some respect, engage with supranational dimensions of human rights protection. On the other hand, there is a dearth of comparative studies and studies that provide an in-depth account of individual jurisdictions. These, as well as critical explorations of how international and European law may be deployed in understanding human rights, would probably be well-received by Croatian journals and audiences.

