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Balancing Freedom of Expression and Democracy: The Case of the “Za Dom Spremni” Greeting in Croatia

Policy Recommendations

1. Media campaigns, public discussions, and clear condemnation of the “Za dom spremni” by social, political, and religious leaders are essential to raising awareness about the negative consequences and harmful nature of this symbol.
2. By developing a culture of memory and highlighting historical facts, educational institutions must provide the younger generation with a better understanding of how totalitarian regimes were operated as well as the dangers of emphasising their characteristics in public space.
3. Cooperation between authorities, civil society, historians, human rights experts, and representatives of minority communities should be enhanced to jointly confront the past, promote democratic values, and prevent the rehabilitation of extremist ideologies.

Abstract

This Policy Brief explores the contentious issue of the “Za dom spremni” greeting in Croatia, examining its historical significance, legal framework, and diverse perspectives. It highlights debates among

historians, political organisations, and minority communities, shedding light on the complexities of balancing free expression and democratic values in confronting the country’s past.



Balancing Freedom of Expression and Democracy: The Case of the “Za Dom Spremni” Greeting in Croatia

Introduction

Since the 1990s, when the Republic of Croatia became an independent and sovereign state, the issue of “Za dom spremni” (“ZDS”)¹ has dominated the Croatian political and public scene. “ZDS” has historical and symbolic ties to the fascist Nezavisna Država Hrvatska (NDH)² regime in the Second World War. Specifically, it was the regime’s official greeting.³ Because the greeting is linked to an ideology that promotes racial and ethnic intolerance, it causes controversy and division in society. Some parts of Croatian society view “ZDS” as a historical heritage, especially because it was used as an official coat of arms by war veterans during the Homeland War (1991-1995), while others perceive it as a symbol of intolerance and fascism. In addition, as radical right-wing politicians embraced and promoted the “ZDS”, tensions escalated, and the gesture was used as a means to rally supporters and express populist patriotic sentiments. In this context, Croatian politics has actualised the historical revisionism issue, leading to subjective interpretations of legal provisions and determining the permissibility of their use on a case-by-case basis. As a member state of the European Union, the North Atlantic Treaty Organization, and the Council of Europe, Croatia should unequivocally sanction any kind of symbol of the totalitarian regimes without any political or legal hesitation, because symbols or greetings reviving past anti-democratic ideologies contradict the goals and values of the mentioned organisations.

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Political Dimension

The majority of Croatian historians and political scientists argue that the use of “ZDS” in public space symbolises an ideology that promoted nationalism, racism, antisemitism, and the persecution of minority groups.⁴ However, some historians argue that “ZDS” has alternative connotations. These historians consider context and interpretation when assessing the greeting’s historical significance. They note the post-World

1 For our home(land) ready!

2 Independent State of Croatia

3 Hasanbegović: ‘Za dom spremni’ ustaški je pozdrav. <https://www.vecernji.hr/vijesti/hasanbegovic-za-dom-sprezni-je-ustaski-pozdrav-1192783> ZDS je isključivo ustaški pozdrav. <http://www.glas-slavonije.hr/309415/11/ZDS-je-iskljucivo-ustaski-pozdrav>

4 ZDS je isključivo ustaški pozdrav. <http://www.glas-slavonije.hr/309415/11/ZDS-je-iskljucivo-ustaski-pozdrav>



War II ban and subsequent diverse political use of the “ZDS”. Also, some veteran organisations argue that banning these symbols degrades the sacrifice⁵ of their fallen members.⁶ In 2015, a petition was launched advocating for the official military use of “ZDS”, which was signed by several academics, bishops, and other dignitaries, with the support of some veteran organisations. However, the petition lacked broad public support and had no policy impact. Signatories acknowledged the greeting’s historical nuances, not limited to the NDH ideology. They called for an open discussion on its historical significance, distinguishing original intent from misuse. However, the president and government did not endorse the proposal, upholding the existing approach to symbols and greetings as incompatible with democratic values.⁷ In 2019, a survey was conducted to ask what citizens think about “ZDS”. The largest percentage, 28.4 percent, said that “ZDS” should be relegated to history and that Croatia should focus on the future, while 21,4% said they would pause discussions for 30 years on that topic.⁸ Veteran associations are also divided on this issue. According to the Croatian Coordination of Veterans’ Associations from Split, the ban on “ZDS” from the Homeland War undermines Croatia’s democratic foundation,⁹ while the Association of Homeland War Veterans and Anti-Fascists (VeDRA) believes that shouting of “ZDS” should be strictly prohibited.¹⁰ Various groups, including intellectuals, church, and veteran associations, have been influential in the legalisation of “ZDS”. Media presence, popularity, reputation, and political connections determine their influence. However, further analysis and research are required for precise quantification.

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The Inconsistency of the Case Law

The Croatian constitution rejects the postulates of the NDH regarding its character, policies, and legislation. The salutation “ZDS” violates the principles of the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), the European Convention of Human Rights and the Framework Convention for the Protection of National Minorities, as well as the recommendations of the European Commission against Racism and Intolerance. As a result, ICERD requires each state party to prohibit and end racial discrimination. The European Convention ensures non-discriminatory enjoyment of all legal rights, and the European Court of Human

- 5 During the Homeland War, certain units of Croatian military wore these symbols on their uniforms.
- 6 Splitske udruge branitelja: Pozdrav ‘Za dom spremni’ čist kao suza. <https://www.vecernji.hr/vijesti/hos-za-dom-spremni-domovinski-rat-1181248>
- 7 Ustaški pozdrav - ozbiljna inicijativa ili egzibicionizam. [https://balkans.aljazeera.net/teme/2015/9/3/ustaski-pozdrav-ozbiljna-inicijativa-ili-egzibicionizam](https://balkans.aljazeera.net teme/2015/9/3/ustaski-pozdrav-ozbiljna-inicijativa-ili-egzibicionizam)
- 8 ISTRAŽIVANJE: Što Hrvati misle o pokliku “Za dom spremni” i jesu li za njegovu zabranu? <https://www.maxportal.hr/vijesti/istrazivanje-sto-hrvati-misle-o-pokliku-za-dom-spremni-i-jesu-li-za-njegovu-zabranu/>
- 9 Splitske udruge branitelja: Pozdrav ‘Za dom spremni’ čist kao suza. <https://www.vecernji.hr/vijesti/hos-za-dom-spremni-domovinski-rat-1181248>
- 10 I VeDRA za zabranu pozdrava “Za dom spremni”. <https://www.portalnovosti.com/i-ve-dra-za-zabranu-pozdrava-za-dom-spremni>



Rights highlights the need to prevent racist speech as a fundamental principle in a democratic society.¹¹ The most notable case involves Croatian football player Josip Šimunić, who urged fans to shout “ZDS” after a Croatian national team match in 2013. As a result, FIFA (Fédération Internationale de Football Association) suspended him for ten matches and fined him 30,000 CHF. Also, Šimunić was fined 25,000 HRK by the High Misdemeanour Court in Zagreb.¹² In response, Šimunić sued Croatia before the European Court of Human Rights, claiming violation of Article 7 of the European Convention on Human Rights and his freedom of expression due to “ZDS” being an old Croatian greeting. The court panel, including Croatian judge Ksenija Turković, rejected Šimunić’s lawsuit, deeming “ZDS” a manifestation of racist ideology due to its association with the NDH regime and racial hatred.¹³ While Croatian law doesn’t explicitly ban “ZDS” and related greetings, institutions, including the courts, use regulations that penalise their use, along with wearing associated symbols, such as the Law on Public Gatherings, Law on Preventing Disorder at Sports Competitions, Law on Offenses against Public Order and Peace, and Law on Suppression of Discrimination. Finally, the High Misdemeanour Court and Constitutional Court have played a role in standardising and guiding judicial practise through their decisions. In its judgement of 27 January 2016, the High Misdemeanour Court analysed “ZDS” and concluded it was an official greeting of the NDH regime.¹⁴ In its decision of 8 November 2016, on the greeting “ZDS” in the context of the right to freedom of expression, the Constitutional Court pointed out that it is important for democracy, society, and the individual, but it carries responsibility and is subject to limitations. Although misdemeanour punishment for expression infringes on freedom of expression, it is lawful and serves the legitimate purpose of penalising racially or affiliationally motivated behaviour at sports competitions. This aims to protect the dignity of others and uphold democratic principles.¹⁵ However, the inconsistency in judicial decisions arose from various rulings, including the 2020 judgement of the High Misdemeanour Court of the Republic of Croatia, which stated that the use of the “ZDS” by Croatian singer Marko Perković Thompson in one of his songs for years does not violate the Law on Misdemeanours Against Public Order and Peace. However, it is noteworthy that the verdict in this case contradicts a series of final verdicts by the High Misdemeanour Court between 2015 and November 2019, which penalised individuals for shouting or emphasising such shouts in public as misdemeanours.¹⁶ The Government of Croatia amended the Law on Misdemeanours in March 2023, raising the fines for misdemeanours, which include public pronouncement of the greeting “ZDS”. Light offences may incur fines up to

- 11 Analiza: sudska praksa i propisi nedvosmisleno o pozdravu “Za dom spremni”. <https://www.ombudsman.hr/hr/analiza-sudska-praksa-i-propisi-nedvosmisleno-o-pozdravu-za-dom-spremni/>
- 12 “Za dom spremni” ponovo koštao Šimunića. <https://n1info.hr/sport-klub/nogomet/a166697-josip-simunic-jos-zesce-kaznjen-zbog-povika-za-dom-spremni/>
- 13 Europski sud otkantao Šimunića: ‘Za dom spremni’ je fašistički pozdrav. <https://www.index.hr/vijesti/clanak/europski-sud-otkantao-simunica-za-dom-spremni-je-fasisticki-pozdrav/2059994.aspx>
- 14 Analiza: sudska praksa i propisi nedvosmisleno o pozdravu “Za dom spremni”. <https://www.ombudsman.hr/hr/analiza-sudska-praksa-i-propisi-nedvosmisleno-o-pozdravu-za-dom-spremni/>
- 15 Ibid.
- 16 Visoki prekršajni sud: Poklič “za dom spremni” nije prekršaj. <https://www.iusinfo.hr/aktualno/dnevne-novosti/41858>



1,000 EUR, while severe offences may result in fines up to 4,000 EUR. Spreading fake news and publicly uttering “ZDS” will be considered grave offences.¹⁷ Through the increase in penalties, the government is promoting democratic values more effectively in a society where totalitarian symbols have no place. Additionally, increasing penalties aims to reduce intolerance, division, and violence. It is important to note that symbols have power and can inspire or support certain ideas and attitudes. The imposition of stricter sanctions can therefore help protect peaceful coexistence and prevent conflicts from arising. A fine increase may also be part of a broader effort to confront the past, especially the period of the Second World War.

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Discussions in Society

In March 2017, the Government of Croatia established a “Council for Dealing with Consequences of the Rule of Non-Democratic Regimes”, which consisted of 18 commission members, mostly jurists, political scientists, and historians. The political intent behind the creation of the council was to confront the legacy of these regimes and address their negative effects on society. In addition to strengthening democratic values, the Council was established to promote truth, justice, and reconciliation. Recommendations noted that “ZDS” insignia had an anti-constitutional character but could be allowed only in exceptional situations and very restrictively for commemorative purposes for slain members of HOS.^{18,19} However, the Council’s recommendations left room for free interpretations and abuses, which are the most obvious during commemorations. Inconsistencies of this kind are increasingly being highlighted by liberal civil society organisations (such as Documenta and the House of Human Rights), which play a crucial role in confronting historical traumas by conducting research and, gathering documentation, testimonies, and archives to uncover historical truths. “ZDS” represents a clear contradiction to civilization’s values, democratic social order, and human rights protected by the European Convention on Human Rights, they unanimously agree.²⁰ The Coordination Committee for Jewish Communities in Croatia has boycotted Holocaust commemorations several times, claiming “ZDS” represents the darkest period in Croatian history, when horrific crimes were

17 Hrvatska: Povećane kazne za ustaški pozdrav ‘Za dom spremni’. <https://balkans.aljazeera.net/news/balkan/2023/4/13/hrvatska-povecene-kazne-za-ustaski-pozdrav-za-dom>

18 The Croatian Defense Forces (HOS) were volunteer military units formed in 1991 under the Croatian Party of Rights (HSP), using “ZDS” as their coat of arms.

19 Recommendations adopted by the council for dealing with the consequences of undemocratic regimes. <https://vlada.gov.hr/recommendations-adopted-by-the-council-for-dealing-with-the-consequences-of-undemocratic-regimes/23539>

20 Kuća ljudskih prava zgrožena odlukom: ZDS simbolizira zločinačku naci-fašističku ideologiju. <https://www.novolist.hr/novosti/hrvatska/kuca-ljudskih-prava-zgrozena-odlukom-zds-simbolizira-zlocinacku-naci-fasisticku-ideologiju/>



committed.²¹ The Serbian minority in Croatia, holds the same position. They believe that the insignia “ZDS” should not appear at the commemorations or anywhere else, because it is directly linked to the NDH regime and its origins.²²

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Conclusion

The use of “ZDS” in Croatia is complex, and it is difficult to identify a general trend of decline or growth. The perception and usage of that greeting can vary depending on events, political situations, and public debates. It is important to note that there is no comprehensive statistical data that unequivocally shows a general trend of decline or growth. In order to emphasise the aversion to totalitarian symbols, it is needed to educate and raise awareness among the younger generations. Education plays a crucial role in promoting democratic values, human rights, tolerance, and respect for diversity. To understand how such ideologies can damage society, young people need to be educated about history, especially periods marked by extremism and violence. Furthermore, the judicial system needs to be strengthened to ensure adequate sanctions for violations related to extremist ideologies. The creation of an inclusive and open social environment is also crucial on a sociopolitical level. It involves promoting dialogue, confronting the past, encouraging critical thinking, and actively combating discrimination, intolerance, and hatred.

21 Kraus: Nije dovoljno ukloniti ‘Za dom spremni’ da dođemo u Jasenovac. <https://balkans.aljazeera.net/news/balkan/2017/3/17/kraus-nije-dovoljno-ukloniti-za-dom-spremni-da-dodemo-u-jasenovac>

22 Korištenje pozdrava ‘Za dom spremni’ treba zakonski regulirati. <https://www.portalnovosti.com/koristenje-pozdrava-za-dom-spremni-treba-zakonski-regulirati>



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