



EUROPEAN COURT OF HUMAN RIGHTS
COUR EUROPÉENNE DES DROITS DE L'HOMME

FIRST SECTION

DECISION

Application no. 31052/22
Novak ĐINIĆ and Adam ĐINIĆ
against Croatia

The European Court of Human Rights (First Section), sitting on 10 September 2026 as a Committee composed of:

Artūrs Kučs, *President*,
Davor Derenčinović,
Anna Adamska-Gallant, *judges*,
and Liv Tigerstedt, *Deputy Section Registrar*,

Having regard to:

the application (no. 31052/22) against the Republic of Croatia lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms (“the Convention”) on 15 June 2022 by two Croatian nationals, Mr Novak Đinić and Mr Adam Đinić (“the applicants”), who were born in 1980 and 2007 respectively, live in Hillside, United States of America, and were represented by Mr I. Jelavić, a lawyer practising in Zagreb;

the decision to give notice of the complaint concerning the respect for their private life to the Croatian Government (“the Government”), represented by their Agent, Ms Š. Stažnik, and to declare inadmissible the remainder of the application;

the parties’ observations;

Having deliberated, decides as follows:

SUBJECT MATTER OF THE CASE

1. The application concerns the applicants’ inability to change their ethnicity in the birth register of the second applicant.
2. The applicants are Croatian citizens of Serb ethnic origin who live in the United States of America.
3. After the second applicant was born in 2007, his father (the first applicant) filed a request for registering his birth with the Croatian Consulate

General in New York (USA). In the optional part of the birth registration form concerning ethnicity, the first applicant entered both himself and his newborn son as Croat.

4. On 3 June 2008 the Zadar Register Office entered the data on the second applicant's birth as provided for in his parent's application. The applicants were provided with the relevant excerpt from the birth register for the second applicant along with his citizenship certificate.

5. On 16 January 2017, via the Consulate General in New York, the first applicant submitted a request to the Zadar State Administrative Office for the correction of the information on ethnicity entered in the second applicant's birth register from Croat to Serb. He explained that, when filling out the requisite registration form, he had confused the notions of "ethnicity" ("narodnost") and "citizenship" ("državljanstvo") and therefore erroneously entered that both he and the second applicant were of Croat ethnic origin whereas they were of Serb ethnicity and the second applicant was baptised in the Serbian Orthodox Church.

6. The administrative authorities rejected the applicants' request finding that they had committed no error in the entry of the information provided by the first applicant. Specifically, in its decision of 24 April 2018, the Ministry of Public Administration explained that under the domestic law every citizen had the right to freely declare his or her ethnicity if they so wished, and that the State kept no official records of ethnicity. The birth register proved only the fact of one's birth, not ethnicity. Moreover, the domestic law did not provide for a subsequent change of certain basic information in the birth register, such as ethnicity, nor was there any special regulation prescribing the procedure for changing that entry.

7. The above decisions were upheld by the Split Administrative Court and the High Administrative Court, respectively. The applicants' subsequent constitutional complaint was also dismissed on 22 November 2021.

8. Before the Court, the applicants complained that the Croatian authorities' refusal to correct their entry on ethnicity in the second applicant's birth register had resulted in a violation of their right to respect for private life under Article 8 of the Convention.

THE COURT'S ASSESSMENT

9. The Government raised several inadmissibility objections, including that the applicants' complaint did not fall *ratione materiae* within the scope of Article 8 of the Convention. Acknowledging that in Croatia there was no legal avenue to have one's entry on ethnicity in the birth register changed, the Government reiterated that parents were not obliged to enter the ethnicity of their children in the birth register, and that deleting or changing that entry would not have afforded the applicants any additional rights. They also argued that the said refusal to change the impugned entry had had no effect

whatsoever on the private lives of the applicants who lived abroad where Croatian excerpt from birth register was not used in legal transactions. Nor did such entry appear to be of great relevance to the applicants, who requested its change almost ten years after they had received the second applicant's excerpt from the birth register. Moreover, the Government explained that members of national minorities in Croatia could exercise all of their rights solely on the basis of their statement of ethnic affiliation and not on the basis of information entered in the birth register. For example, in order to vote for representatives of national minorities in local elections, every citizen could easily register or change their ethnicity information in the relevant electoral register.

10. The applicants maintained that ethnic identity was particularly important for them not least due to their emotional connection with their ancestors and their specific circumstances of escape from war and life abroad. They also noted that Serbs continued to be a vulnerable minority in Croatia.

11. The Court does not consider it necessary to examine all preliminary objections raised by the Government, as the present case is in any event inadmissible for the following reasons.

12. The Court reiterates that the concept of "private life" is a broad term not susceptible to exhaustive definition. It covers the physical and psychological integrity of a person. It can therefore embrace multiple aspects of the person's physical and social identity which includes their ethnic identity (see *Ciubotaru v. Moldova*, no. 27138/04, § 49, 27 April 2010).

13. The Court notes that the applicants did not point to any negative consequence or practical difficulty which they have encountered or may encounter in their everyday lives due to the ethnicity marked in the second applicant's birth register. They live abroad where the use of their Croatian excerpt from the birth register must be very limited, if at all necessary. Furthermore, as explained by the Government, the entry in the birth register does not prevent them from considering or declaring themselves as being of Serb ethnic origin, celebrating Orthodox holidays, speaking Serbian language or attending the Serbian Orthodox Church (compare *S.-H. v. Poland* (dec.), nos. 56846/15 and 56849/15, § 73, 16 November 2021; see also *Abo v. Estonia* (dec.), no. 29295/22, § 80, 17 September 2024).

14. At the same time, the Court accepts that the domestic decisions may have had some repercussions on the applicants' personal identity, which is why it can proceed on the assumption that there has been an interference in the present case with the applicants' right to respect for private life. Any such interference was in accordance with the law, namely sections 9b, 29, 30, 38 and 39 of the State Registers Act.

15. The Government explained that birth registration was a strictly formal procedure aimed at registering the fact of someone's birth, rather than serving as proof of that person's ethnic identity. It contained certain basic entries which could not be amended if they were given by the parents of their own

free will, unless an error had been made by the competent birth registrar. It was not the purpose of the birth register to record, for example, each change in a parent's occupation or place of residence which also formed part of the basic entry valid at the moment of the child's birth. Moreover, if the legislator was to allow for changes in such basic entries, this may result in numerous requests for changes and overload existing registers offices and causing increase in public expenditure and debt. Against this background, the Court can accept that the impugned measure pursued the legitimate aims of public order and peace as well as economic well-being of the country.

16. As regards proportionality, the Court notes that the present case does not involve an error committed by the authorities in registering the second applicant's birth. To the contrary, it was the first applicant who had made a mistake when declaring his son's ethnic origin for the purposes of birth registration. This information was not required by law, and the field could have been left blank (contrast *Tasev v. North Macedonia*, no. 9825/13, § 34, 16 May 2019, where judges had to declare their ethnic identity in the electoral roll within the context of elections to the State Judicial Council). The first applicant could have also asked for clarification from the Consulate personnel if he had been unsure of the correct way to fill out the requisite form.

17. Secondly, according to the information provided by the Government, the first applicant had previously already declared himself as being of Croat ethnic origin, namely in his residence registration form filed with the Zadar Police Department in 1993. That information was consequently registered in the permanent and temporary residence database, the change of which the first applicant never requested although he could easily have done so. Nor did he ever request that his or the second applicant's ethnic identity be changed in any other database, such as the electoral database.

18. Finally, the Court attaches significant weight to the fact that, although the applicants had received the excerpt from the second applicant's birth register already in 2008, they did not ask for the correction of the entry on ethnicity until 2017, some nine years later. They did not explain to the Court the reasons for such a delay. The foregoing suggests that the information registered in the birth register of the second applicant had indeed had no real or serious impact on their private lives (see paragraph 13 above).

19. In view of the above, the Court does not consider the authorities' refusal to correct the impugned information in the second applicant's birth register disproportionate in the circumstances. This complaint must accordingly be rejected as manifestly ill-founded within the meaning of Article 35 §§ 3 (a) and 4 of the Convention.

ĐINIĆ v. CROATIA DECISION

For these reasons, the Court, unanimously,

Declares the application inadmissible.

Done in English and notified in writing on 1 October 2026.

Liv Tigerstedt
Deputy Registrar

Artūrs Kučs
President