

# ILGA-Europe's submission to the European Commission's 2011 Progress Report on Croatia<sup>1</sup>

Brussels, April 29, 2011

## Political criteria

Human rights and the protection of minorities	
<i>Civil and political rights</i>	
<b>Freedom of assembly and association</b>	<p>Zagreb Pride and Zagreb Queer Festival are organized every year. At the same time, during 2009 two advocacy campaigns on employment equality and the rights LGBT families were organized by Kontra and Iskorak, during which postcards and flyers were distributed on the streets and press conferences held in different cities throughout Croatia. Kontra received threats during campaigns, but there were no incidents during actions in different cities. Zagreb Queer Festival was also held without incidents.</p> <p>However, after 2008, 2009 and 2010 Zagreb Prides incidents of violent attacks were reported and documented by local LGBT organisations. In 2008, 2 human rights activists and 3 pride participants from Kosovo have been attacked after the Pride march. In 2009 a young man was brutally beaten up after the march in front of his house. In 2010 2 Pride participants were severely beaten up after the Pride.</p> <p>Like in 2009, the 2010 Zagreb Pride was accompanied by a well organized 'Anti-Gay Protest' by the youth section of the Croatian Pure Party of Rights. As in the previous year the participants of that protest held their hands in a fascist salute while shouting 'Kill the faggots!'. Around 10 participants of that protest wearing black hoods attacked and brutally beaten up 2 Pride participants. While 3 of them were arrested by the police for the attacks, no further information is available on the cases. Prior to the Pride the group has issued press releases with hate statements. The Ombudsperson for Gender Equality who is also responsible for sexual orientation and gender identity discrimination cases requested from the relevant authorities to</p>

<sup>1</sup> This submission is made based on the 2010 Annual Report on the status of human rights of sexual and gender minorities in Croatia by Lesbian Group Kontra

	<p>prohibit the protest based on the fact the group has issued a number of homophobic statements inciting hatred and violence against participants of the Pride. However, no actions were taken by the authorities in this regard.</p> <p><u>2011 Spilt Pride will take place on the 11 June and the Zagreb Pride on 18 June. Information on both events can be provided at a later stage.</u></p>
<p><b>Hate crime and hate speech, public statements targeting LGBT people</b></p>	<p>The level of homophobia and transphobia is still high in Croatia despite the recent reforms in country's legislation. The Criminal Code of Croatia was amended in Oct 2006 to include a provision on hate crime and sexual orientation is amongst the bias types covered by the provisions on aggravating circumstances. However, five years since the introduction of hate crime provision in the law, the government still fails to collect and provide reliable information on the crimes motivated by hatred, including by homo/ transphobic hatred. The cases that have been reported to us are the ones documented by LGBT organizations.</p> <p>In 2010 Kontra and Iskorak have been working on 23 cases of hate crimes committed against LGBT people on the basis of their sexual orientation and gender identity.</p> <p>It is also to be said that many LGBT people who suffer violence because of their sexual orientation and gender identity do not report due to the lack of trust in police and fear of being victimized. Most cases of violent attacks are the ones reported by LGBT activists.</p> <p>As mentioned earlier, in June 2010 the organizers of Anti-Gay Protest used hate speech before and during the Zagreb Gay Pride. During the Pride about 100 anti-gay protestors from the youth section of the Croatian Pure Party of Rights marched with hate slogans, held their hands in a fascist salute while shouting 'Kill the faggots!'. Around 10 participants of that protest wearing black hoods attacked and brutally beaten up 2 Pride participants. The police stopped the incident during the rally from escalating and arrested three attackers. Prior to the Pride the group has issued press releases with hate statements inciting to violence against Pride participants. Despite the calls by LGBT organizations in Croatia and by the Ombudsperson for Gender Equality to ban the mentioned gathering, the authorities have allowed it to happen.</p>

Although the police take its duty to protect the participants of the Pride seriously, it often fails when it comes to responding to individual cases of violence and to following up homo/transphobic crimes adequately. Many police officers and public prosecutors in Croatia have homophobic attitudes and often don't take seriously threats and dangers to LGBT people reported to them. Moreover, police officers themselves are sometimes responsible for the violations. When a transgender woman reported to the police about the attack she suffered from a group of transphobic youth on 3 January 2010, she got the response from the police officer 'you see what you look like? I would have beaten you up too'. She was then rudely asked to leave the police station without her case being recorded.

During the reporting period a number of homophobic statements were made by political figures, religious leaders and professionals.

On 7 November 2010, the president of the Croatian Football Association Vladko Markovic stated in an interview for the daily newspaper *Vecerni List* that while he is the president no openly gay person can play in Croatia's national football team. To a question whether he has ever met a gay player in his career he responded 'No, fortunately only healthy people play football'. The executive vice president of Dinamo Football club, Zdravko Mamic supported the statements by Mr. Markovic noting that he wouldn't allow gay people to play football either and that gay people are better off to play ballet instead.

In October 2010, a parish priest of Kastav, Franjo Jurcevic, publicly supported the violence by the right wing groups in Belgrade during the Belgrade Pride in October 2010. Referring to the violence during the Belgrade Pride he noted on a number of occasions that 'the people of Belgrade have shown what they think about such psychopaths'. He further incited to similar violence in Croatia by saying 'Bravo for the normal people of Belgrade. This is how normal people of Zagreb should also act when these sick people occupy public streets and public spaces'. Kontra filed a complaint against Mr. Franjo Jurcevic for incitement to violence and hatred based on sexual orientation. In January 2011, he was given a three-month suspended

	<p>jail sentence for hate speech. He was found guilty for inciting to discrimination against LGBT people and sentenced to one year of probation.<sup>2</sup></p> <p>In the website of the Association Katolik, a number of homophobic messages were posted comparing homosexuality with necrophilia, zoophile, pedophilia and incest. The Ombudsperson for Gender Equality reacted to it by sending a letter to the Association Katolik urging to remove from the website the mentioned content.</p> <p>In July 2010, in an interview for the daily newspaper <i>Vecerni List</i>, the member of the Croatian parliament Mrs. Marijana Petir expressed her 'disgust' over the 'propaganda of homosexual behavior' referring to a TV programme broadcast in 2008. It is not the first time that Mrs. Petir makes public homophobic statements.</p>
<i>Economic and social rights</i>	
<p><b>Discrimination/ Anti-discrimination policies</b></p>	<p>The anti-discrimination law providing protection from discrimination on a number of grounds including sexual orientation and gender identity has been adopted in July 2008. The law has not been applied vigorously in practice since. LGBT people continue to suffer discrimination in employment, health care and in other fields. There were a number sexual orientation and gender identity discrimination cases reported to local LGBT organizations during the reporting period. Some of the cases that illustrate the types of discrimination are described below.</p> <p>A transgender teenager who was bullied and ridiculed at school repeatedly and after having changed a number of schools requested with his mother from relevant authorities to have his name and gender marker changed in the documents before reaching the age when he can undergo sex reassignment surgery. Although the name of the child was changed to a neutral one, the authorities refused to change the gender of the child on the personal documents until he undergoes complete reassignment surgery. This decision is evidently contrary to the well being and interests of the child. The mother of the child is determined to pursue the case in the local courts and if need be bring it before the European Court of Human Rights.</p>

<sup>2</sup> [http://www.ilga-europe.org/home/guide/country\\_by\\_country/croatia/croatian\\_priest\\_sentenced\\_over\\_anti\\_gay\\_remarks](http://www.ilga-europe.org/home/guide/country_by_country/croatia/croatian_priest_sentenced_over_anti_gay_remarks)

Dr D.Kresic, a senior employee at a university in a small town in Croatia was mocked and insulted by his colleagues on the ground of his sexual orientation. Upon Kontra's request in November 2009, the Dean of the Faculty conducted an investigation to establish who were responsible for the harassment and the victim received a written apology from his colleagues. However, the situation deteriorated instead of getting better. The harassment continued and Dr Kresic was systematically stopped from being promoted. In December 2010 he filed an individual lawsuit against the faculty. This is an important case being the first case to be tried in a court on discrimination at work place on the grounds of sexual orientation.

There are documented cases when family members of LGBT persons use the laws on 'Protection from Violence in the Family' and the 'Protection of Persons with mental health problems' to place them in psychiatric clinics and/or press charges for misdemeanor against them. In one scandalous case, a young woman was put in a psychiatric hospital and 'treated for being lesbian'. The case has been published in the newspaper *Jutarnji List* on January 4, 2009.

In a more recent case, in December 2010 a young man was placed, against his will in Jankomir Psychiatric Hospital by the request of his father and with the help of the police forces when the father found out that he is gay. The legal team of Kontra intervened and the young man was released 3 days later. He, however, was found guilty for family violence (for throwing a cake on his parents) and was fined HRK 500. He didn't take any further legal actions against his parents as he had to continue living with them and finish his studies.

Children in primary schools in Croatia are taught during religious education classes that 'homosexual acts are intrinsically disordered'. The school textbooks of 2009/2010 academic year stated that 'They [LGBT people] close the sexual act to the gift of life. [...] Under no circumstances can they be approved. [...] They do not choose their homosexual state; for most of them this represents a trial.' In October 2009, two parents of students at Bartol Kašić Primary School in Zagreb informed media that the teacher of religion taught students that homosexuality is a disease.<sup>3</sup> Kontra filed criminal complaint and complaint under the provisions

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<sup>3</sup> *Annual Report on the status of human rights of sexual and gender minorities in Croatia*, 2009, Lesbian Group Kontra, [http://www.kontra.hr/kontra/documents/izvjestaj2009\\_en.pdf](http://www.kontra.hr/kontra/documents/izvjestaj2009_en.pdf)

of the Anti-Discrimination Act against the school and the teacher. In the third hearing held at Municipal Court in Zagreb on 15 July 2010 the judge showed partiality towards the side of the defendant (the school teacher) and intimidated the witness of the plaintiff, insulted her, and interrupted her constantly. Kontra requested exemption of the judge which was refused.

The European Committee of Social Rights in its decision made public on 11 August 2009 on International Centre for the Legal Protection of Human Rights (INTERIGHTS) v Croatia (no. 45/2007) case<sup>4</sup> found that Croatia is in violation of Article 11§2 of the European Social Charter (right to protection of health) . The Committee found that that Croatia's limited curriculum covering sex education discriminates on the basis of sexual orientation and stated that certain parts of the educational materials "stigmatize homosexuals and are based upon negative, distorted, reprehensible and degrading stereotypes". The committee also noted that the state has an obligation to ensure that educational materials do not reinforce demeaning stereotypes and perpetuate forms of prejudice which contribute to social exclusion, embedded discrimination and denial of human dignity.<sup>5</sup>

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<sup>4</sup> [http://www.coe.int/t/dghl/monitoring/socialcharter/Complaints/CC45Merits\\_en.pdf](http://www.coe.int/t/dghl/monitoring/socialcharter/Complaints/CC45Merits_en.pdf)

<sup>5</sup> <http://www.interights.org/croatia-sex-ed>