

ILGA-Europe's submission to the European Commission's 2012 Progress Report on Croatia

Brussels, May 11, 2012

Political criteria

Human rights and the protection of minorities	
Freedom of assembly and association	<p>In June 2011, Croatian authorities failed to ensure peaceful freedom of assembly of LGBTI people in Split resulting in severe violent attacks at the Pride Parade. Prior to the Split Pride the authorities were informed about the threats of violence and were requested by the organisers of the Pride to act upon those calls and investigate the threats. However, no actions were taken in this regard and the 300 participants of the Pride were led to march under the shower of stones, bottles, bricks, cigarette lighters, explosives and other objects. Police officers didn't make serious effort to protect the participants and failed to organise timely evacuation when it was necessary.</p> <p>In its December 2011 resolution on the Croatia's accession to EU, the European Parliament stated that it "is deeply concerned by the violence against participants in the LGBT pride march in Split on 11 June 2011 and the inability of the Croatian authorities to protect the participants" and called on the future Member State to combat homophobia and prevent homophobic violence.¹ The Split Pride in 2012 is scheduled to take place on 9 June.</p> <p>In contrast, the Zagreb Pride –held a week after Split Pride- proceeded without violence and was attended by over 1000 participants.</p> <p>We will monitor Split and Zagreb Prides in June 2012 and inform the European Commission in the update to this submission.</p>
Hate crime	<p>Early in 2012, the Criminal Code of Croatia was amended. The new Criminal code includes gender identity in addition to already existing sexual orientation in the definition of hate crime. It also includes bias motive not only as an aggravating circumstance but also but also as a</p>

¹ <http://www.lgbt-ep.eu/press-releases/european-parliament-calls-on-croatia-to-adopt-national-action-plan-for-lgbt-rights/>

	<p>qualified form of certain criminal offenses, such as physical injury, severe physical injury and rape.</p> <p>Violence erupted at the first Pride parade held in Split in June 2011. Around 300 participants of the pride parade were faced with 10,000 protesters, who threw a combination of explosive devices, Molotov cocktails, stones, ashtrays and other objects². As a result more than a dozen participants of the Pride march were injured. The organisers of the Pride insist that it was a state facilitated violence as no actions were taken by the relevant authorities to prevent it despite the calls from LGBT organisations. 23 people were charged with hate crimes arising out of Split Pride Parade. At the end of 2011, 14 people had been indicted and 5 were still under investigation. In December 2011, a court in Split issued the first guilty verdict related the violence against Split Pride. A 34 year old man who shouted during the Pride 'Kill the fag, motherf*****, all of you should be killed' was given a 1 year suspended sentence for violent behaviour and violation of the right to assemble.</p>
<p>Equality and non-discrimination</p>	<p>Croatia has a comprehensive anti-discrimination law since 2008 and includes sexual orientation and gender identity as protected grounds. However, according to LGBTI activists the application of the law on discrimination cases against LGBT people have not been satisfactory. No positive judgment has yet been issued under this law in civic courts. On the contrary, judges are often not sensitized on the issue and behave in unprofessional manner. In the case of sexual orientation harassment against a professor at the Faculty of Organisation and Informatics of Zagreb University in Varaždin, one judge examining this case was exempted upon a request of the claimant and interveners for previously demonstrated homophobic attitudes. This case is still being heard. In reprisal, the Faculty sanctioned the victim of discrimination according to its own internal ethical procedure for taking this case forward, but not the perpetrators.</p> <p>In December 2011, in its resolution on the accession of Croatia to the European Union the European Parliament called on the Croatian authorities to adopt and implement an action plan against homophobia¹.</p>

² http://www.ilga-europe.org/home/news/for_media/media_releases/ilga_europe_condemns_violence_and_inadequate_police_actions_at_split_pride

In December 2011, the Ombudswoman for Gender Equality organised a round table discussion on *'Protection of LGBT persons in legal practice – legislation and judicial practice in implementation'*. In the same month she made a recommendation to the Ministry of Education to remove the homophobic content of the school textbook on religious education for 8th grade students.

In April 2012, the government of Croatia adopted a draft law on medically assisted insemination which is discriminatory towards lesbian and bisexual women and trans people. Despite the earlier assurances by the Ministry of Health that the draft law will provide for medial insemination to all women without discrimination and regardless of fertility problems, the current draft does not reflect that ethos. The current draft provides for medically assisted insemination only to women who are under fertility treatment. This law will have a disproportionate affect on single women and women who are in same-sex unions and will therefore constitute an indirect discrimination against LB women. Moreover, the draft law directly discriminates against trans people by explicitly prohibiting medically assisted insemination for trans people.

¹ <http://www.europarl.europa.eu/sides/getDoc.do?type=REPORT&reference=A7-2011-0389&language=EN>