

ILGA-Europe's submission to the European Commission's 2010 Progress Report on Croatia

Brussels, May 31, 2010

Political criteria

Human rights and the protection of minorities	
<i>Civil and political rights</i>	
Freedom of assembly and association	<p>In December, 2005 the Croatian Parliament adopted the Changes to the Public Assembly Act (Official Gazette, nr. 150/05). The amended Act proscribed prohibition of public assembly in the area of 100 meters from the headquarters of the State Institutions at St. Mark's Square. Anyone that approaches the area of 100 meters from the buildings of the Croatian Parliament, President of the Republic of Croatia and the Government, regardless of the purpose and the method of the public assembly or number of participants, or anyone that wishes to forward some request, shall be punished with a fine of 5.000,00 HRK – 20.000,00 HRK (675 - 2700 EUR). St. Mark's Square, where all above mentioned institutions are situated was traditional place for public gatherings of citizens. Permanent prohibition of public gathering, especially regardless of the number of participants is an unjustified restriction of the right to freedom of assembly. In April, 2008 Lesbian group Kontra sought permission from the Ministry of Internal Affairs to hold a public gathering on St Mark's square for the International Day Against Homophobia on 17th of May. The request was refused referring to the Public Gathering Act.¹ Zagreb Pride and Zagreb Queer Festival, which have regional importance and bring together many activists from other Western Balkan countries, 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, 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>

¹ 2008 Annual Report on the Status of Human Rights of Sexual and Gender Minorities—Team for Legal Changes of Iskorak and Kontra, Croatia

	<p>However, after both 2008 and 2009 Zagreb Prides incidents of violent attacks were reported and documented by our partner organization. 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. ²</p> <p>The 2009 Zagreb Pride in June 2009 was accompanied by a well organized 'Anti-Gay Protest against Gay Pride' with a slogan 'It is Unacceptable for Them to Impose Their Distorted Lifestyle on Us'. This protest was organised by Croatian Pure Party of Rights and the Croatian Nationalists. During the protest the participants hold their hands in a fascist salute while shouting 'Kill the faggots!' and tried to attack the participants of the Zagreb Pride. One participant of the Pride was followed and severely beaten up after the Pride march. The authorities of the city of Zagreb didn't ban the mentioned Anti-Gay Protest despite it's explicit use of fascist iconography, calls for 'eradication of homosexuality' and instructions on how to make Molotov cocktails. Hate slogans inciting violence against LGBT people were displayed in the website of the organizers 10 days before the Pride.³ Kontra strongly condemned Croatian authorities for allowing the Anti-Gay Protest to take place and filed a criminal complaint against the organizers of the protest the proceedings of which are in progress.</p>
<p>Homophobic and transphobic violence/ hate crime and hate speech</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, four 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. In 2009 Kontra has been working on 18 cases of hate crimes committed against LGBT people on the basis of their sexual orientation and gender identity. In 2009 4 cases of attacks on LGBT people were documented</p>

² 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

³ *ibid*

	<p>by Kontra.</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 2009 the organizers of Anti-Gay Protest used hate speech well before and during the Zagreb Gay Pride. While calling to join them, they have invited all nationalists and fascist groups <i>Ustaše</i> to unite and 'to eliminate this [homosexuality] plague'. Despite these explicit calls for violence the request by the organizers of the protest was approved by the authorities. There were number of attempted attacks on Zagreb Pride participants and one participant was beaten up after the march.</p> <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 human rights violations of LGBT people. 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.</p>
<i>Economic and social rights</i>	
<p>Discrimination/ Anti-discrimination policies</p>	<p>Comprehensive 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 and they rarely seek help or redress. In cases where the victims do report the violations, the response from relevant authorities is usually slow and largely inefficient. This demonstrates that there is a big gap between the anti-discrimination law and its actual implementation.</p>

There were number sexual orientation and gender identity discrimination cases reported to local LGBT organizations during the reporting period.

In one case, documented in November 2009, a professor 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, the Dean of the Faculty conducted an investigation to establish the responsibility of employees who had committed the discrimination and the victim received a written apology from his colleagues.⁴

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. The investigation of the case has started but no information is available on the progress of the investigation.⁵

Insults, stereotypical jokes, and societal prejudices against LGBT people are common manifestations of societal discrimination in Croatia.⁶

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.⁷

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) case⁸ found that Croatia is in violation of Article 11§2 of the European Social Charter

⁴ *ibid*

⁵ 2008 *Annual Report on the Status of Human Rights of Sexual and Gender Minorities*—Team for Legal Changes of Iskorak and Kontra, Croatia

⁶ US Department of State 2009 Human Rights Report: Croatia , <http://www.state.gov/g/drl/rls/hrrpt/2009/eur/136025.htm>

⁷ *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

⁸ http://www.coe.int/t/dghl/monitoring/socialcharter/Complaints/CC45Merits_en.pdf

	<p>(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.⁹</p>
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⁹ <http://www.interights.org/croatia-sex-ed>