



Croatia



Croatian officials continued to gradually improve the human rights situation for LGBTI people. The authorities ensured there was adequate police protection for participants to the Split Pride (which had been violent in 2011) and it was even attended by five government officials. The Prime Minister called for greater rights for same-sex partners although he fell short of supporting marriage equality because of the strong opposition from the Catholic Church. The government also expressed its intention to remove the degrading and offensive references to homosexuality identified in biology and religious education textbooks, while LGBT specific content was included in official curricula of the Police Academy. However, discriminatory legislation on fertility treatment was adopted which explicitly excludes single women and women living in same-sex relations from access to medically assisted insemination.

Education

- An analysis of primary and secondary school textbooks commissioned by Lesbian Group Kontra revealed that the content related to homosexuality in both religious education and biology textbooks is inaccurate and discriminatory. Textbooks on religious education refer to homosexuality as a 'deviance' and 'an unacceptable phenomenon that is not sufficiently researched by medicine and psychology'. In biology textbooks, homosexuality is discussed solely in relation to sexually transmitted diseases, especially HIV/AIDS. Similarly, references to 'intersexuality' are only made when describing abnormal and antisocial behaviour. Kontra therefore demanded that the relevant ministries remove the discriminatory texts. Following this request, the government expressed its intention to initiate a procedure to remove the texts, however, no action had been taken by the government by the end of the year.

Employment

- In February, the Croatian Supreme Court held that Vlatko Marković, the former president of the Croatian Football Association, discriminated on the ground of sexual orientation when he said that he would not allow gay players on the Croatian national football team. The judgment was published in the newspaper *Večernji list*.
- In July, the Municipal Court in Varaždin announced the verdict in a case of sexual orientation discrimination and harassment against a professor at the Faculty of Organisation and Informatics of Zagreb University in Varaždin. The court found that there had been discrimination and harassment against the victim in the workplace on the grounds of his sexual orientation and prohibited the university from hindering the victim's further professional advancement at the university. However, the Court did not accept the plaintiff's claim of victimisation when two of his colleagues responsible for the discrimination and harassment initiated a procedure against him before the ethical committee of the university, resulting in his being reprimanded for publicly speaking out about the discrimination at the university. At the same time the Municipal Court in Varaždin allowed

individual lawsuits of the two mentioned colleagues to proceed, they claimed that the plaintiff had harmed their reputation and honour; the court refused to join the two cases. The plaintiff and the Gender Equality Ombudswoman filed two requests for the removal of the judge on the basis of omission and bias. The requests were rejected by the president of the Municipal Court in Varaždin. Both the plaintiff and the defendant are appealing.

Enlargement

- Croatia is expected to accede to the European Union and become the 28th Member State in July 2013, subject to its acceptance by all EU countries. As with other countries in the enlargement process, Croatia is monitored on how it transposes the EU *acquis* and meets the political criteria for EU accession. In October, the European Commission issued its *2012 Progress Report on Croatia* where it stated that "Lesbians, gays, bisexual and transgender (LGBT) people still face discrimination and even threats and attacks". The report also noted the Croatian government's commitment to ensuring the smooth organising of Split and Zagreb Prides given its failure to ensure adequate protection of the participants of the first Split Pride in 2011.

Equality and non-discrimination

- The Ministry of Justice agreed to develop a *Programme and an Action Plan based on a draft National Programme and Action Plan for combating sexual orientation and gender identity discrimination* submitted by Kontra.

Family

- In January, Kontra and Iskorak challenged the constitutionality of the Family Law. There had been no response by the end of the year.
- In May, the Prime Minister of Croatia, Zoran Milanović, called for public discussion on equality and stronger civil rights for same-sex couples before the law. In his statement he referred to legal recognition of same-sex relationships, saying that there was no intention to create

an equal marriage law due to the strong resistance of the Catholic Church and other religious parts of society, but a bill on registered partnership would be appropriate.

- In November, LGBT organisations participated in the ministerial working group discussions on the drafting of the registered partnership bill which will be prepared by the Ministry of Administration.

Freedom of assembly

- In May, Split City Council illegally denied permission for the Pride Parade to follow the same route as the previous year, to the city's waterfront (the city's central place). In addition, the city authorities made homophobic statements in the media and took other measures, including ordering a private company to dismantle the stage at the waterfront and placing metal fences and stone flower pots at the site of the gathering, to hinder the march from taking place on the original route. The City Council cited the need to avoid repetition of the violence during the 2011 Parade, when an estimated 10,000 anti-gay protesters turned up and some attacked the demonstrators. The police had arrested 137 people, resulting in seven convictions in April. The Croatian Gender Equality Ombudsman condemned the City Council's decision and called for the Parade to be allowed to proceed on its chosen route. In the end, the 2012 Pride Parade was held under heavy security, without incident and with the participation of five members of the government. The event was closely monitored by the EU and the OSCE.

Human rights defenders

- In June, Kontra, Iskorak and Domine received the 'civil activism and democracy' award from GONG, an NGO overseeing elections in Croatia, for their organisation of Split Pride 2011.

Legal gender recognition

- In November 2011 the Ministry of Health adopted the *Rules on Gathering Medical Documentation on Sex Reassignment*. Adoption of the Rules was a direct consequence of the pressure on state institutions that was

created by the case of a transgender minor. The Rules prescribed that the "opinion of the National Health Council on the change of sex represents documentation that is the basis for the procedure of the entry of data on the change of sex in the registry of births." A request for an opinion from the National Health Council should be submitted (form for this was published as part of the Rules). It is visible from the Rules that the form should be filled in by the endocrinologist, psychologist, general practitioner and a social worker. It is unclear what kind of opinion can be provided by a social worker on someone's gender identity and change of name in personal documents. Furthermore, the form provides the possibility for the person in question to underline three ways for changing sex: (i) medical treatment; (ii) surgical procedure; and (iii) other way. The third option was not explained and it remained unclear why opinions of doctors are requested in the form if medical treatment is not necessary for change of data in personal documents.

- In September, following a request by Kontra, the Ministry of Health responded by stating that, "in accordance with the view of the medical profession it is necessary to have an interdisciplinary team of experts" and again listed the experts that were identified in the *Rules* as necessary to give their opinion, without providing any additional information as to the sort of opinion that is necessary. In two cases that Kontra worked on, the National Health Council (the implementing body of the *Rules*), first refused to implement the *Rules* under the claim that the *Rules* were not clear, even though both persons had forms filled in by all prescribed experts; and later the Council stated that in both cases "change of the gender marker in the state registry is denied on the basis of the fact that sex reassignment was not done irreversibly and completely."

Police and law enforcement

- In March, the OSCE Office for Democratic Institutions and Human Rights, in co-operation with the Croatian Ministry of Interior, introduced the *Training Against Hate Crimes for Law Enforcement (TAHCLE)* programme to law enforcement officers in Zagreb. The objective of the

TAHCLE is to improve police skills in recognising, understanding and investigating bias motivated crimes.

- Following the changes in the *Criminal Code* in 2011 LGBT organisations advocated for the introduction of LGBT specific content in official curricula of the Police Academy. The response from the Police Academy has been positive and they introduced the subject into their training courses in the academic year 2012/2013.

Sexual and reproductive rights

- In May, the *Medical Insemination Act* was adopted. The act limits fertility treatments to women with fertility problems, and expressly excludes single women and women living in same-sex relationships. The Minister of Health, Rajko Ostojić, had earlier stated that the new law would not discriminate, but later withdrew his statements. Initially the proposed law explicitly stated that transgender people are not entitled to the treatment (Article 10 Paragraph 7); this provision was removed as a result of pressure from civil society and the Office of the Gender Equality Ombudswoman. In November, the Women's Network of Croatia submitted a proposal to evaluate the constitutionality of the *Medical Insemination Act*.

Member organisations of ILGA-Europe

ISKORAK – Sexual and gender minorities rights center
www.iskorak.hr

Lesbian Group Kontra
www.kontra.hr

Lesbian organization Rijeka – LORI
www.lori.hr

Women's Room – Zenska Soba
www.zenskasoba.hr

Zagreb Pride
www.zagreb-pride.net