



Croatia

Country report for use in Canadian refugee claims based on persecution on the basis of sexual orientation or gender identity

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By: Sexual Orientation and Gender Identity Working Group

This document was prepared by law students and highlights information about publicly-accessible, English language country conditions available at the time it was prepared. It is not exhaustive, nor is it updated on a regular basis. The information provided herein is not a substitute for legal advice or legal assistance, and the International Human Rights Program at the University of Toronto, Faculty of Law cannot provide such advice or assistance.

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I. Introduction

Croatia joined the European Union on July 1, 2013 and it is not surprising then that legal protections have significantly improved in recent years. That said, discrimination against members of the LGBT community continues in Croatia, in large part due to the strong influence of the Catholic Church. In 2013, a referendum was held to amend the Constitution to define marriage as a union between a man and woman. It passed with 66% approval. Although the referendum has made it nearly impossible to legalize same-sex marriage in the country, a law allowing same-sex civil partnerships was passed in July 2014. The law grants same-sex couples in civil unions inheritance, tax, and next-of-kin rights, but excludes parenting rights. Hate crimes against members of the LGBT community remain common but are underreported to police. In cases where hate crimes are reported to authorities, the police often treat the attacks as minor offences and fail to identify them as hate crimes. Generally, the Croatian government has taken a progressive stance in relation to the LGBT community; however, further protection is still needed.

II. Legislation

1. *The Constitution of the Republic of Croatia*
Online (official English and Croatian text):
<http://www.legislationline.org/documents/section/constitutions>



- **Article 3 provides that freedom, equal rights, and respect of human rights are among the highest values of constitutional order.**
- **Article 14 provides for equal human rights and fundamental freedoms before the law regardless of distinguishing characteristics.**
- **Article 14 does not explicitly include sexual orientation as an enumerated class.**
- **In 2013, there was a referendum to amend the Constitution to define marriage as between a man and a woman. The referendum passed with 66 percent voter approval. While the government announced its intention to amend the Constitution to reflect the referendum, it is unclear whether that amendment has been enacted as of yet.**

Article 3: *Basic Provisions*

Freedom, equal rights, national and gender equality, peace-making, social justice, respect for human rights, inviolability of ownership, conservation of nature and the environment, the rule of law and a democratic multiparty system are the highest values of the constitutional order of the Republic of Croatia and the ground for interpretation of the Constitution.

Article 14: *Common Provisions*

All persons in the Republic of Croatia shall enjoy rights and freedoms, regardless of race, colour, gender, language, religion, political or other conviction, national or social origin, property, birth, education, social status or other characteristics. All persons shall be equal before the law.

2. *The Anti-Discrimination Act*

Online (unofficial English translation):

http://minoritycentre.org/sites/default/files/antidiscrimination_law_croatia.pdf

[Croatian Text \(amended\):](#)

<http://www.ilo.org/dyn/natlex/docs/ELECTRONIC/92776/108252/F-95254552/HRV-2012-C-92776.pdf>

- **Article 1(1) provides for protection of people against discrimination on the grounds of sexual orientation.**
- **Article 12 empowers the Ombudsman to receive complaints of discrimination, issue public warnings, engage in mediation, file criminal charges, etc.**
- **Article 25 stipulates that anyone who aims to intimidate another person or creates an offensive environment on grounds of sexual orientation will be subject to a fine.**



- **According to Article 8, the *Anti-Discrimination Act* applies to the conduct of all state bodies, bodies of local and regional self-government units, legal persons vested with public authority, and to the conduct of all legal and natural persons, especially in the areas of work, education, social security, health protection, judiciary and administration, housing, media, access to goods and services, membership in organizations, and access to participation in cultural creation.**

Article 1(1): *Subject Matter of the Act*

This Act provides for the protection and promotion of equality as the highest value of the constitutional order of the Republic of Croatia, creates prerequisites for the realisation of equal opportunities, and regulates protection against discrimination on the grounds of race or ethnic affiliation or colour, gender, language, religion, political or other belief, national or social origin, property, trade union membership, education, social status, marital or family status, age, health condition, disability, genetic heritage, native identity, expression or sexual orientation.

Article 8: *Scope*

This Act shall apply to the conduct of all state bodies, bodies of local and regional self-government units, legal persons vested with public authority, and to the conduct of all legal and natural persons, especially in the following areas:

1. work and working conditions; access to self-employment and occupation, including selection criteria, recruiting and promotion conditions; access to all types of vocational guidance, vocational training, professional improvement and retraining;
2. education, science and sports;
3. social security, including social welfare, pension and health insurance and unemployment insurance;
4. health protection;
5. judiciary and administration;
6. housing;
7. public informing and the media;
8. access to goods and services and their providing;
9. membership and activities in trade unions, civil society organisations, political parties or any other organisations;
10. access to participation in the cultural and artistic creation.



Article 12: Central Body Responsible for the Suppression of Discrimination

(1) Activities of the central body responsible for the suppression of discrimination shall be carried out by the Ombudsman.

(2) Within the scope of his/her work, the Ombudsman shall:

1. receive reports of all the natural and legal persons referred to in Article 10 of this Act;
2. provide necessary information to natural and legal persons that have filed a complaint on account of discrimination with regard to their rights and obligations and to possibilities of court and other protection;
3. if the court proceedings have not yet been initiated, examine individual reports and take actions falling within his/her competence required for elimination of discrimination and protection of rights of discriminated persons;
4. warn the public about the occurrence of discrimination;
5. with the parties' consent, conduct mediation with a possibility of reaching an out-of-court settlement;
6. file criminal charges related to discrimination cases to the competent state attorney's office;
7. collect and analyse statistical data on discrimination cases,
8. inform the Croatian Parliament on the occurrence of discrimination in his/her annual and, when required, extraordinary reports;
9. conduct surveys concerning discrimination, give opinions and recommendations, and suggest appropriate legal and strategic solutions to the Government of the Republic of Croatia.

Article 25: Penalty Provisions

Whoever, with the aim to intimidate another person or to create a hostile, degrading or offensive environment on the grounds of a difference in race, ethnic affiliation, colour, gender, language, religion, political or other belief, national or social origin, property, trade union membership, social status, marital or family status, age, health condition, disability, genetic origin, native identity or expression, and sexual orientation, hurts another person's dignity, shall be charged a fine for misdemeanour amounting from HRK 5,000.00 to HRK 30,000.00.

3. *Text of the Criminal Code*

Online (unofficial English translation):

http://www.vsrh.hr/CustomPages/Static/HRV/Files/Legislation_Criminal-Code.pdf

[Croatian Text \(amended\):](#)

<http://www.ilo.org/dyn/natlex/docs/ELECTRONIC/95308/112158/F-1499753736/HRVAT.pdf>



- **The Criminal Code does not prohibit or punish same-sex activities or relationships.**
- **The age of consent for both opposite-sex and same-sex sexual activity is 15 years of age.**
- **Article 151A provides for punishment for the production of promotional materials inciting hatred or discrimination against individuals based on sexual preference.**
- **Article 174 states that the dissemination of ideas of superiority on the basis of sexual hatred will be punished by imprisonment.**
- **Article 174 also makes it a crime to violate fundamental human rights and freedoms. While there is no mention of sexual orientation in reference to the violation of human rights, the offence is broad and could refer to human rights and freedoms of the LGBT persons recognized by the international community.**

Article 151A: Extolling of Fascist, Nazi and Other Totalitarian States and Ideologies or Promoting of Racism and Xenophobia

Whoever produces, sells, imports or exports through a computer network or in any other way makes available to the public promotional materials glorifying fascist, Nazi and other totalitarian states, organizations and ideologies which advocate, promote or incite to hatred, discrimination or violence against any individual or group on the basis of race, color, gender, sexual preference, national or ethnic origin, religion, political or other beliefs, or for such purposes possesses large quantities of these promotional materials, shall be punished by a fine or by imprisonment not exceeding one year.

Article 174: Racial and Other Discrimination

(1) Whoever, on the basis of a difference in race, religion, political or other belief, property, birth, education, social position or other characteristics, or on the basis of gender, color, national or ethnic origin, violates fundamental human rights and freedoms recognized by the international community shall be punished by imprisonment for six months to five years.

(2) The same punishment as referred to in paragraph 1 of this Article shall be inflicted on whoever persecutes organizations or individuals for promoting equality between people.

(3) Whoever publicly states or disseminates ideas on the superiority or subordination of one race, ethnic or religious community, gender, ethnicity or ideas on superiority or subordination on the basis of color for the purpose of spreading racial, religious, sexual, national and ethnic hatred or hatred based on color or for the purpose of disparagement shall be punished by imprisonment for three months to three years.



***Note:** Since the English copy we were able to find was an unofficial translation, it is not up-to-date with the current amendments. As such, it does not include the current age of consent.

4. *Act on Gender Equality*

Online (unofficial English translation):

<http://www.ilo.org/dyn/natlex/docs/ELECTRONIC/83909/92965/F1671454996/HRV83909.pdf>

Croatian text:

<http://www.ilo.org/dyn/natlex/docs/ELECTRONIC/83909/92966/F865547374/HRV83909%20Croat.pdf>

- **Article 5 defines gender equality as women and men being equally present in all segments of public and private life.**
- **Article 6 states that there shall be no discrimination on the basis of marital status or sexual orientation.**
- **The Act does not make any specific reference to transgender identity.**
- **The major sections of the Act refer to discrimination in matters of employment and occupation, education, political parties, media and statistical data.**

Article 1: *General Provisions*

This Act lays down a general framework for the protection and promotion of gender equality as a fundamental value of the constitutional order of the Republic of Croatia and it defines and regulates the method of protection from discrimination on grounds of sex and establishment of equal opportunities for women and men.

Article 5: *Definitions of Terms*

Gender equality means that women and men are equally present in all segments of public and private life, that they have an equal status, equal access to all rights and equal benefits from achieved results.

Article 6: *Definitions of Terms*

1. Discrimination on the grounds of sex (hereinafter referred to as "discrimination"): any difference, exclusion or restriction made on the grounds of sex with the effect or purpose to jeopardise or frustrate recognising, benefiting from or exercising human rights and fundamental freedoms in the political, social, cultural, economic, civil or other area on the grounds of equality between men and women, education, economic, social, cultural, civil and any other sphere of life.

2. There shall be no discrimination on the grounds of marital or family status.



3. There shall be no discrimination based on sexual orientation.
4. There shall be no discrimination with regard to access to and supply of goods and services.
5. An instruction to discriminate, if it is done intentionally, shall be deemed to be discrimination within the meaning of this Act.

5. *Law on Same Sex Civil Unions*

Online (unofficial English translation):

<http://iglhrc.org/content/croatia-law-same-sex-civil-unions>

Croatian text:

<http://narodne-novine.nn.hr/clanci/sluzbeni/306172.html>

- **Article 4 grants limited rights for qualified same-sex partners including the right to support and the right to “mutual relations regarding property.”**
- **Article 21 specifically prohibits discrimination towards members of same-sex civil unions.**
- **The Act does not grant all the same rights available to married opposite-sex partners.**

Article 2: *General Provisions*

Same sex civil union, as defined by this Law, is a union of two persons of the same sex living together (later in the text: partner) which lasts at least 3 years and is based on principles of equality between partners, mutual respect, assistance and an emotional relationship between partners.

Article 3: *General Provisions*

Same sex civil union is considered to be a life union of persons which:

- are at least 18 years old
- have working capabilities
- are not married or living in civil marriage or other same sex civil unions
- are not directly related

Article 4: *General Provisions*

Legal effects of the existence of same sex civil unions are the right to support one of the partners and the right to acquisition and regulation of mutual relations regarding property and the right to mutual assistance.

Article 21: *Prohibition of Discrimination*

1. Any form of discrimination, direct or indirect on the basis of same sex civil union, as well as on the basis of sexual orientation is prohibited.
2. Encouraging other persons to discriminate is considered to be the discrimination cited in paragraph 1 of this article.



3. Direct discrimination means any act which puts or has put a person who is a member of same sex civil union into an unfavorable position in regards to a comparable situation. This is based on the fact that the person which is discriminated against is a member of a same sex civil union.

4. Indirect discrimination exists when specific regulations, criterion or practice, which appears to be neutral, put a person which is a member of same sex civil union into unfavorable position regarding all other persons.

6. *Asylum Act*

Online (unofficial English translation):

http://www.mup.hr/UserDocsImages/engleska%20verzija/2013/asylum_act.pdf

- **Article 2 may consider LGBT persons as refugees, due to membership in a particular social group, depending on whether they have a well-founded fear of persecution and on their country of origin pursuant to Article 4.**
- **Sexual orientation does not include acts considered to be criminal acts pursuant to Croatian legislation.**
- **Gender-related aspects will be considered.**

Article 2 (Relevant): *Meaning of Terms used in this Act*

Particular terms used in this Act shall have the following meanings:

Refugee means an alien who is outside the country of his/her nationality, and owing to a well-founded fear of being persecuted for reasons of his/her race, religion, nationality, membership of a particular social group or political opinion, is unable or, owing to such fear, is unwilling to avail himself/herself of the protection of that country, or a stateless person who is outside his/her country of habitual residence, and who is unable or, owing to a well-founded fear, is unwilling to return to that country.

Particular social group in particular includes members sharing innate characteristics or a common background that cannot be changed, or characteristics or beliefs that are so fundamental to identity or conscience that a person should not be forced to renounce it. Such group should have a distinct identity in the relevant country, as being perceived different by the surrounding society. Depending on circumstances in the country of origin, a particular social group may also mean a group based on common characteristics of sexual orientation. Sexual orientation cannot be understood to include acts that are considered to be criminal acts pursuant to the legislation of the Republic of Croatia: Gender related aspects might be taken into consideration, but they shall not by themselves alone create a presumption of persecution pursuant to Article 4 of this Act.



Article 4: Asylum

The Republic of Croatia shall grant asylum to an alien who is outside the country of his/her nationality, or to a stateless person who is outside the country of his/her habitual residence, and who, owing to a well-founded fear of being persecuted for reasons of his/her race, religion, nationality or membership of a particular social group or political opinion, is unable or, owing to such fear, is unwilling to avail himself/herself of the protection of that country.

***Note:** In 2013, Croatia harmonized the Aliens' Act and Asylum Act.¹ Croatian text:

<http://www.ilo.org/dyn/natlex/docs/ELECTRONIC/95196/112103/F907982750/100HRVATSKI%20SABOR.pdf>

7. *Electronic Media Act*

Online (unofficial English translation):

http://www.emediji.hr/files/repozitorij/ELECTRONIC_MEDIA_ACT_12_December_2009.pdf

Croatian text (amended):

http://www.emediji.hr/files/zakonski/Zakon_o_elektronickim_medijima_563.pdf

- **Article 12 of the Act prohibits discrimination based on sexual orientation in audio and/or audiovisual services.**
- **Article 16 of the Act prohibits the promotion of discrimination in audiovisual commercial communications.**
- **Article 30 of the Act prohibits advertising in a manner that is abusive in relation to genders and sexual orientations.**

Article 12 (2): General Provisions

In audio and/or audiovisual services it shall be prohibited to promote, favour the promotion of and spreading of hatred or discrimination based on race or ethnic affiliation or colour, gender, language, religion, political or other belief, national or social origin, property, trade union membership, education, social status, marital or family status, age, health condition, disability, genetic heritage, native identity, expression or sexual orientation, as well as anti-Semitism and xenophobia, ideas of the fascist, nationalist, communist and other totalitarian regimes.

¹ <http://www.mipex.eu/croatia>



Article 16 (4): General Provisions

Audiovisual commercial communications shall not ... include or promote any discrimination based on sex, racial or ethnic origin, nationality, religion or belief, disability, age or sexual orientation...

Article 30 (2): Advertising

Advertising which depicts women and men in an abusive or humiliating way in relation to gender and sexual orientation shall be prohibited.

8. *Labour Act*

Online (unofficial English translation):

<http://www.ilo.org/dyn/natlex/docs/ELECTRONIC/84016/93988/F806760027/HRV84016%20English.pdf>

Croatian text:

<http://www.ilo.org/dyn/natlex/docs/ELECTRONIC/89277/102511/F893551197/HRV-2011-L-89277.pdf>

- **Article 5 of the Act prohibits direct and indirect discrimination of employees and stipulates for the protection of employee dignity in accordance with separate laws.**

Article 5(4) and 5(5): Basic Obligations and Rights Arising from the Employment Relationship

(4) Direct and indirect discrimination in the field of labour and labour conditions shall be prohibited, which includes selection criteria and employment requirements, promotion requirements, vocational guidance, vocational training, additional training and retraining, in accordance with a special law.

(5) The employer shall protect employees' dignity during work from such treatment by superiors, peers and persons with whom employees come into regular contact during their work that is unwanted and contrary to a separate law.

***Note:** In the pre-amended text (2004), the Labour Law Act at Article 2.1 made specific reference to sexual orientation as prohibited grounds for discrimination.

http://www.vsrh.hr/CustomPages/Static/HRV/Files/Legislation_Labour-Act.pdf

9. *Life Partnership Act*

Online: [http://www.ilga-](http://www.ilga-europe.org/home/news/latest/croatia_registered_partnership)

[europe.org/home/news/latest/croatia_registered_partnership](http://www.ilga-europe.org/home/news/latest/croatia_registered_partnership)



- **The Act defines a same-sex union as a form of “family;” consequently, same-sex couples benefit from a clear legal recognition that same-sex unions fall within the constitutionally protected status of “family life.” This status is regulated through the legal form of “life-partnership.”**
- **The same-sex partners are provided access to labour rights, retirement, health insurance and protection, social benefits, tax benefits, equal access to goods and services as well as family privileges already granted to married opposite-sex couples.**
- **Same-sex couples are still unable to adopt as a couple. However, if a biological child of one of the same-sex partners does not have a second, officially recognized parent, the same-sex partner can become a legal guardian of the child if the child lives with the couple. If the child has a second, officially recognized parent, the partner has the rights of a step-parent. This right, similar to step-child adoption, is called a partner-guardianship.**

***Note:** This act came into effect September 1, 2014. It supplements the rights already outlined in the Law on Same-Sex Civil Unions. Official legislation was not available at time of writing final report.

***Note:** While couple adoption is not permitted, single adoption is permitted in Croatia and would presumably apply to a single, LGBT person. It is unclear how the rights permitted above, of step-parent, would apply to a child legally adopted by a single LGBT person prior to a life partnership.

10. *Medical Insemination Act*

Online: <http://www.refworld.org/pdfid/5195f1151.pdf> (p. 73)

- **The Act explicitly excludes women in same-sex relationships and possibly even single women from receiving state-funded fertility treatment.**
- **Initially, Article 10 explicitly excluded transgender individuals from receiving treatment; this provision was later removed because of pressure from civil society.**

***Note:** Official legislation was not available at time of writing final report.

11. Transgender Rights

- **Gender transition is legal in Croatia.**
- **Until June 2013, the fact that the person changed genders was stated on his or her new birth certificate. However, under the new**



law, the fact that the person has undergone sex reassignment surgery is no longer indicated on the person's birth certificate.

- **A person is allowed to change gender with either sex reassignment surgery or hormone replacement therapy.**

***Note:** Unfortunately, we were unable determine which piece of legislation details transgender rights. Consequently, we were unable to find either a Croatian or an English version of the text. All of our information concerning transgender rights comes from secondary sources.

III. Case Law

***Note:** Since December 15, 2012, Croatia has been designated a Designated Country of Origin (DCO) by the Government of Canada. DCO are countries where the government feels it is less likely for a person to be persecuted, places that, according to the government, do not normally produce refugees. The purpose of this designation is to expedite the refugee claims from these countries in order to deter abuse and limit the resources used for these claims. Hearings on these claims are usually heard within 30 to 45 days after referral of the claim to the Immigration and Refugee Board of Canada and failed claimants do not have access to an appeal regime. In the context of LGBT persons, this designation is important because, while the country may not produce refugees in other contexts, the government does not need to consider the treatment of LGBT persons when determining whether the country is considered safe. Therefore, it is possible that the country may respect some human rights but not respect the rights of the LGBT community nor offer state protection for persecution on the basis of sexual orientation. However, it is presumed within the refugee hearings that a DCO respects human rights and offers state protection, thus making a refugee claim more difficult to prove.²

Immigration and Refugee Board of Canada Decisions

1. *RPD File No. TB1-12514*, [2013] RPDD No.124

Holding: Refugee claim denied.

² <http://www.cic.gc.ca/english/refugees/reform-safe.asp>.



- **Claimant found to lack credibility due to inconsistencies between PIF and testimony.**
- **Board found that claimant has an internal flight alternative and adequate state protection in Croatia.**

The claimant sought refugee protection on two bases: his sexual orientation and his fear of his ex-wife's husband, who he alleged had violently targeted him. The claimant said he had struggled to find employment and had been refused payment for jobs because of his sexual orientation. He alleged that he could not safely live openly as a gay man. Many discrepancies were found between the claimant's PIF and testimony. The Board found the claimant's reasons for the discrepancies – he was depressed or did not know the particular details were important – to be inadequate, which diminished his credibility. The claimant's voluntary return to Croatia on multiple occasions and his failure to make refugee claims in Austria, Italy, and Germany also called into question his subjective fear.

The determinative issue in this case was whether the claimant would receive state protection upon return to Zagreb, the proposed internal flight alternative. The Board concluded that the claimant did not rebut the presumption of state protection. The Board noted that Croatia is a functioning democracy with constitutionally guaranteed rights. Further, the Board put forth evidence of an active LGBT community in Zagreb and the state's interest in the protection of sexual minorities in Croatia, indicating that the claimant will likely not face danger in Zagreb.

2. *RPD File No. TB1-13087*, [2012] RPDD No. 631

Holding: Refugee claim denied.

- **Female claimant found to not be credible based on implausible and inconsistent responses in her hearing and in her vague PIF.**
- **Female claimant failed to show that Croatia could not provide protection.**

The claimants were a family with a young son. The wife claimed that she is a lesbian and that her husband was aware of this. She claimed that he acted as a cover for her because same-sex relations were not accepted in Croatia. The claimant alleged that her sexual orientation was discovered in her community and that she and her family were the targets of multiple threats, including a threat to her life. The Board found that many of the female claimant's allegations lacked credibility. Her allegations that she had been homeless in Canada, that she frequented cafes to meet women for



relationships, and that her community discovered her sexual orientation because she was kissing a woman in public were all found to be flawed. The Board also noted that the claimant failed to seek police protection. The claimant said that police protection in Croatia was not available until actual physical harm had been caused, but the Board pointed to documents from the country's Minister of Interior that condemn hatred against LGBT people. As such, the Board noted that the claimants had not "rebut[ted] the presumption that states can protect their citizens." The Board concluded that on a balance of probabilities the claimants did not face a personal "risk to their lives or cruel and unusual punishment" if they were to return to Croatia.

Federal Court of Canada Decisions

1. *Strugar v. Canada (Minister of Citizenship and Immigration)*, [2013] FCJ No. 915

Holding: Refugee claim denied.

- **This was an application for judicial review of case #2 above.**
- **The Federal Court found the Tribunal's conclusion that the claimant was not credible to be unreasonable.**
- **However, the Court affirms the Tribunal's state protection analysis: adequate state protection was available and the claimant failed to seek it.**

IV. Government Reports

Canada

1. Immigration and Refugee Board of Canada, "Croatia: Treatment of sexual minorities by society and government officials; laws, state protection and support services" (2012).

Online: [http://irb-](http://irb-cisr.gc.ca/Eng/ResRec/RirRdi/Pages/index.aspx?doc=453997)

[cisr.gc.ca/Eng/ResRec/RirRdi/Pages/index.aspx?doc=453997](http://irb-cisr.gc.ca/Eng/ResRec/RirRdi/Pages/index.aspx?doc=453997)

- **Sexual minorities are not socially accepted. They are subject to widespread exclusion and discrimination. Many choose not to be open about their sexuality.**



- **The Roman Catholic Church plays an important role in Croatian society, and has a major influence on the treatment of LGBT people.**
- **According to a survey conducted by the NGO LORI in the cities of Zagreb, Rijeka and Osijek, nearly 25 percent of respondents would find it “extremely unpleasant” to know that a neighbour or work colleague was homosexual. Just 14 percent had gay or lesbian friends or colleagues.**
- **According to a study conducted by GONG, an organization that monitors elections and encourages political participation in Croatia, 68 percent of students surveyed agreed with the statement “[h]omosexuals should be banned from public appearances since they can have [a] bad influence [on] youth.” Forty-four percent thought that homosexuality was a “disease.”**
- **A survey of male secondary school students conducted in 2009 by Care International found that 39 percent of respondents had threatened or verbally assaulted, and 19 percent had physically assaulted, people they thought were “homosexual or too effeminate.” Eighty-three percent would not like to have a homosexual friend and 95 percent were “disgusted” when men “behave like women.”**

While somewhat dated, this information provides an overview of the treatment of LGBT persons in Croatia. It explains that societal attitudes towards sexual minorities are generally negative. Hate crimes and violence against members of the LGBT community are common, and some specific cases are discussed in this report. Although laws protecting LGBT persons are in place, in practice protection remains weak. Police often fail to identify the hate motive in attacks against members of the LGBT community. The response also includes a section on support services available for sexual minorities. Most services are located in Zagreb. The main LGBT NGOs are Zagreb Pride, LORI, Kontra, and Isktorak. These organizations have few resources at their disposal.

United States of America

1. U.S. Department of State, “Croatia 2013 Human Rights Report” (2013).
Online:
<http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2013&dli=220264#wrapper>
 - **Societal violence and discrimination against LGBT persons continued in 2013.**



- **Attacks against LGBT persons and workplace discrimination were reported in several cities.**
- **In contrast to previous years, there were no counter demonstrations or hate speech reported at any of the pride events in the country. There were no arrests or injuries.**
- **There is also societal discrimination against persons with HIV/AIDS.**

This report provides a comprehensive outline of the human rights situation in Croatia. It includes a brief section on “societal abuses, discrimination, and acts of violence based on sexual orientation and gender identity.” This section discusses cases of violence and discrimination against LGBT persons in 2013. It also includes a brief discussion of the 2013 referendum to amend the Constitution to define marriage as between a man and a woman (discussed further in the NGO reports section, below). The referendum passed with 66 percent voter approval.

V. Reports from International Agencies and Non-Governmental Organizations

Freedom House

1. “Freedom in the World 2014: Croatia,” 2014.
Online: <http://www.freedomhouse.org/report/freedom-world/2014/croatia-0#.VDx7A0uH9g3>
 - **In 2013, Zagreb held its largest-ever gay pride parade.**
 - **In 2013, a referendum to amend Croatia’s Constitution to define marriage as between a man and a woman passed with approximately 66 percent voter approval. The government confirmed that the Constitution would be amended accordingly.**
2. “Nations in Transit 2014: Croatia,” 2014.
Online: <http://www.freedomhouse.org/report/nations-transit/2014/croatia#.VDdbZOUuH9g2>
 - **The Constitutional Court declined to rule on the legality of the successful referendum to amend the constitution to define marriage as exclusively between a man and a woman.**



- The ramifications of the referendum for LGBT rights are unclear, as the government has pledged to pursue legislation strengthening civil partnerships.
- Conservative civil society organizations, the Croatian Catholic Church, and center-right political parties launched a campaign against a sex education program the government had introduced in schools that included same-sex relations in its curriculum. In a newspaper interview on the program, a prominent theologian stated “lesbians and fags will destroy Croatia.” Deputy Bishop Valentin Pozaić called the “baleful” program a tool of indoctrination and demanded Prime Minister Milanović’s ouster.

Amnesty International

1. “Inadequate Protection: Homophobic and Transphobic Hate Crimes in Croatia,” 2012

Online: <http://www.amnesty.org/fr/library/asset/EUR64/001/2012/fr/702383c5-062b-4330-b874-f405486da82c/eur640012012en.pdf>

- In 2011 alone, Croatian police recorded 45 hate crimes committed on the basis of sexual orientation (most in the context of Pride when LGBT individuals were more visible).
- The city of Split hosted its first Pride in 2011. There were 150-400 participants and 3,500-10,000 protesters, who shouted threats and threw stones and other objects at participants.
- The first openly gay organization in Split, QueerSport Split, was formed in 2011. It has not been able to publicly advertise for new members due to fears that they could be targets of homophobic violence. The group hosted the General Assembly of the European Gay and Lesbian Sport Federation in 2012, but police advised the group not to publicize the event for fear of a negative backlash in the city.
- The Zagreb Pride event is well protected by police, but attacks on participants after the parade in other parts of the city are frequently reported by LGBT organizations.
- Opinion surveys indicate that homophobic hate crimes are widespread, but that these crimes are underreported.
- There have been cases where attacks on LGBT persons have been reported, but police have treated the attacks as minor offences and not as hate crimes.



This report provides a dated but comprehensive overview of the discrimination and violence experienced by members of the LGBT community in Croatia. Specific cases of attacks against LGBT persons are discussed. While hate crimes are common, the investigation and prosecution of hate crimes remains problematic. The events that occurred at Split Pride in 2011 demonstrate that intolerance for sexual minorities remains strong and police protection remains weak. Very little information is available on transphobic hate crimes.

2. “Annual Report 2013: Croatia,” 2013

Online: <http://www.amnesty.org/en/region/croatia/report-2013>

- **Although legal protection against LGBT hate crimes has improved, no specific guidelines were provided to the police. As a result, physical attacks against LGBT people were sometimes classified as minor offences and hate motives were not investigated.**

International Lesbian and Gay Association (ILGA) Europe

1. “Annual Review of the Human Rights Situation of Lesbian, Gay, Bisexual, Trans and Intersex People in Europe,” 2014.

Online:

<https://dl.dropboxusercontent.com/u/15245131/Annual%20Review%202014%20web%20version.pdf>

- **1,197 respondents from Croatia took part in the study.**
- **60 percent felt discriminated against or harassed because of their sexual orientation in the year preceding the survey.**
- **26 percent felt discriminated against at work or when looking for employment.**
- **41 percent felt discriminated against when buying goods or accessing services, healthcare, social services or housing.**

This report contains a discussion of the referendum and its outcomes. Most high-level political figures and national media opposed the referendum. The referendum did not prevent the government from making proposals for registered partnerships with rights similar to marriage. Two weeks after the vote the Prime Minister announced a government proposal for “life partnerships” that would grant same-sex couples inheritance, tax and next-of-kin rights. The proposal excluded parenting rights. Zagreb Pride reported a record 12,000 participants.



COWI & The Danish Institute for Human Rights

1. “Study on Homophobia, Transphobia and Discrimination on Grounds of Sexual Orientation and Gender Identity – Legal Report: Croatia,” 2011.

Online: http://www.coe.int/t/Commissioner/Source/LGBT/CroatiaLegal_E.pdf

- **Violence and discrimination against LGBT persons are a frequent occurrence in Croatian society. A 2006 survey of 100 members of the LGBT community conducted by Lesbian Group Kontra found that 50% of those interviewed reported experiencing some form of violence due to their sexual orientation.**
- **Violence is often not reported by victims due to the stigma surrounding sexual minorities.**
- **Members of sexual and gender minorities often are not aware of their rights or of the mechanisms in place to protect those rights.**
- **Members of the LGBT community often do not trust state institutions, especially the police, whose officials frequently behave in a discriminatory manner while processing cases of discrimination and violence against LGBT people. Because of this, the real number of violent events is almost impossible to estimate.**

The majority of this report discusses legislation concerning the LGBT community in Croatia. While legal protections have improved significantly in recent years, further changes are needed and implementation of these laws remains problematic. LGBT people have little confidence in state institutions, and often do not report discrimination and violence to police.

VI. Newspaper and Media Reports

1. “Croatia: LGBT movement flag hung on Rijeka national theater,” ANSAMED, 8 October 2014.

Online:

http://www.ansamed.info/ansamed/en/news/nations/croatia/2014/10/08/croatia-lgbt-movement-flag-hung-on-rijeka-national-theater_e7f4d570-ce4a-4a06-9f58-4df9f436e348.html.



- In celebration of Croatia's 23rd National Independence Day, the Rijeka National Theater hung a rainbow flag from its balcony in recognition of the LGBT movement.
 - Reference was made to a 2013 referendum with 66% approval that enshrined marriage as a solely an opposite-sex union in the Croatian constitution.
 - Considered to be the most liberal city in the Croatia, Rijeka was the only large city in the country that rejected the referendum.
2. "Croatia registers first gay civil union after gay marriage ban," Gay Star News, Sylvia Tan, 7 September 2014.
Online: <http://www.gaystarnews.com/article/croatia-registers-first-gay-civil-union-after-gay-marriage-ban070914>
- **The first civil partnership between a same-sex couple was registered between two men in Zagreb.**
3. "Croatia passes law on same-sex unions," ANSAmed, 15 July 2014.
Online:
http://www.ansa.it/ansamed/en/news/nations/croatia/2014/07/15/croatia-passes-law-on-same-sex-unions_64fe4604-9706-44fb-a8ce-d48129ba01e1.html
- **Croatian parliament passed a law on civil partnerships that gave same-sex unions (called "life partnerships," not "marriage") the same rights as those in opposite-sex marriages except for the right to adopt children.**
 - **The rights granted include: inheritance rights, social benefits, tax deductions, etc.**
4. "Croatia Says It Will Pursue Civil Unions," New York Times, Dan Bilefsky and Ahmed Salihbegovi, 3 December 2013.
Online: http://www.nytimes.com/2013/12/03/world/europe/croatian-government-to-pursue-law-allowing-civil-unions-for-gay-couples.html?_r=0
- **After the referendum that led to the amendment of the Croatian Constitution that defined marriage as between a man and a woman – making it nearly impossible to legalize same-sex marriage – the Croatian government put forth plans for a law recognizing civil partnerships between same-sex couples.**
 - **Prime Minister Zoran Milanovic said he regretted holding the referendum.**



- **The referendum had a low voter turn-out: 38 percent of registered voters cast ballots.**
 - **66 percent of those who answered voted in the affirmative to the question: “Do you agree that marriage is matrimony between a man and a woman?”**
 - **The referendum pitted conservatives and church groups who view Croatia as becoming too secular against human rights activists.**
 - **Despite the referendum results, LGBT activists suggest that attitudes towards LGBT people are steadily improving in Croatia.**
5. “Croatians back same-sex marriage ban in referendum” BBC News Europe, 2 December 2013.
Online: <http://www.bbc.com/news/world-europe-25172778>
- **Croatian constitution to be amended following a referendum in which two thirds of voters said “yes” in response to question: should marriage be defined as “the union between a man and a woman?”**
 - **The government, human rights groups and public figures encouraged people to vote “no.” Prime Minister Zoran Milanovic was also against the changes.**
6. “Celebrations as Croatia bans gay marriage,” Aljazeera, Aljosa Milenkovic, 2 December 2013.
Online: <http://blogs.aljazeera.com/blog/europe/celebrations-croatia-bans-gay-marriage>
- **Celebrations occurred after referendum vote that would constitutionally ban same-sex marriage.**
 - **Conservative group “In the Name of the Family” spearheaded the referendum to change the definition of marriage in the Croatian constitution.**
 - **In the Name of the Family was supported by various NGOs and the Catholic Church.**
7. “Gay rights supporters protest in Croatia,” Sky News, 1 December 2013.
Online: <http://archive.globalgayz.com/europe/croatia/gay-rights-supporters-protest-in-croatia/>
- **Over 1000 LGBT activists staged a protest on the eve of the constitutional referendum that outlawed same-same marriage in Croatia.**



- **The government and many important public figures spoke out against the referendum and encouraged voters to vote “no.”**
 - **The Roman Catholic Church encouraged its followers to vote “yes.”**
8. “Croatia: Mayor of Zagreb agrees to host and sponsor annual LGBT conference,” Pink News, Joseph Patrick McCormick, 30 July 2013.
Online: <http://www.pinknews.co.uk/2013/07/30/croatia-mayor-of-zagreb-agrees-to-host-and-sponsor-annual-lgbt-conference/>
- **Zagreb Mayor Milan Bandic announced that the city would host the annual ILGA-Europe conference. ILGA-Europe is an umbrella organization for 408 organizations around Europe that works to support LGBT rights.**
 - **The theme of the conference was family relations, specifically focusing on whether same-sex couples should have the right to adopt children.**
 - **Croatian President Ivo Josipovic was expected to speak.**
9. “Croatia Catholic Church forcing people to sign against gay marriage,” Gay Star News, Joe Morgan, 13 June 2013.
Online: <http://www.gaystarnews.com/article/croatia-catholic-church-forcing-people-sign-against-gay-marriage130613>
- **Catholic Church in Croatia alleged to have coerced people into signing a petition demanding that the government change the definition of marriage in the constitution to being between a man and a woman.**
 - **The Church is apparently requiring individuals to sign the petition if they want to be married in a church, have their child baptized, or access other services.**
 - **Campaign group “In the Name of the Family,” created for the express cause of combatting same sex marriage, with 6,000 volunteers, rejected backing from Church.**
10. “Gay rights demonstration in Croatia,” Euronews, 13 January 2013.
Online: <http://www.euronews.com/2013/01/13/gay-rights-demonstration-in-croatia/>
- **LGBT activists held protest at Zagreb’s main cathedral in support of a proposed curriculum for state primary schools including sections on sexual minorities and gender roles.**



- **Church against the curriculum, arguing that it “imposes a ‘gender ideology’” on children.**
 - **Riot police had to form barricade separating LGBT activists and anti-gay supporters; three people arrested.**
11. “Croatian court condemns football chief for gay hate,” Gay Star News, Daniele Guida Gessa, 6 November 2012.
Online: http://www.gaystarnews.com/node/5812?utm_source=New+email+sign-ups&utm_campaign=8a82284a32-RSS_EMAIL_CAMPAIGN&utm_medium=email
- **Croatian Supreme Court ordered the former chief of the National Football Federation, Vlatko Markovic, to give a public apology after he made homophobic comments to the media and was sued by Croatian LGBT associations.**
 - **He had already been fined by the European Football’s Association for his statements.**
12. “Gay march key tolerance test for EU-bound Croatia,” AFP, Lejla Veselica, 8 June 2012.
Online: <http://archive.globalgayz.com/europe/croatia/gay-march-key-tolerance-test-for-eu-bound-croatia/>
- **Over 500 people marched in the Pride parade in 2012 under the protection of 900 riot police; their placards said “Gay is OK” and “Equal in the Eyes of the Law.”**
 - **Among those marching were five ministers and foreign diplomats.**
 - **Police banned a counter-march at the site of the Gay Pride parade in Split.**
 - **Holding a peaceful Pride parade in Split, “the bastion of traditional culture” in Croatia would be an indication that Croatia fit alongside other EU countries as progressive.**
13. “Croatian city of Split divided over gay pride after violent clashes,” Gay Star News, Tris Reid-Smith, 31 May 2012.
Online: http://www.gaystarnews.com/article/croatian-city-split-divided-over-gay-pride-after-violent-clashes310512?utm_source=New+email+sign-ups&utm_campaign=08ca180f36-
- **Split City Council decided that the Gay Pride parade could not be held on the same route as the prior year after violence broke out.**



- **Parade organizers challenged the city’s decision on the basis that it fails to take a stand against hatred against LGBT identified people.**

14. “Hundreds arrested, several hurt in Croatian anti-gay violence,” Monsters & Critics, 11 June 2011.

Online:

http://news.monstersandcritics.com/europe/news/article_1644978.php/Hundreds-arrested-several-hurt-in-Croatian-anti-gay-violence

- **Violence occurred at the first Gay Pride parade in Croatian city Split. Around 300 people were arrested and five people were hospitalized.**
- **The parade had to be shut down and evacuated when police could not control the violence.**
- **150-300 LGBT supporters were attacked by a 10,000 person mob that threw stones, bottles and ashtrays.**
- **The violence at the parade reflective of general violence organized by far-right groups in the region.**
- **In contrast, other cities, like Zagreb, have had violence-free and successful Pride parades.**

VII. Scholarship

1. European Union Agency for Fundamental Rights, (2014). *European Union Lesbian, Gay, Bisexual and Transgender Survey*. Equality. Luxembourg: Publications Office of the European Union, pp.3, 15-19.

Online: http://fra.europa.eu/sites/default/files/eu-lgbt-survey-results-at-a-glance_en.pdf

- **93 079 respondents from EU and Croatia.**
- **60% of respondents from Croatia have experienced discrimination based on their sexual orientation in the last 12 months; EU LGBT average is 47%.**
- **26% of respondents from Croatia felt discriminated against in seeking employment in the last 12 months; EU LGBT average is 20%.**
- **93% of respondents from Croatia “had heard negative comments or seen negative conduct because a schoolmate was perceived to be LGBT during their schooling before the age of 18;” EU LGBT average is 91%.**



- **66% of respondents from Croatia had “always” or “often” hidden their sexual orientation before the age of 18; EU LGBT average is 67%.**
2. COWI: The Danish Institute for Human Rights, (2009). *Study on Homophobia, Transphobia and Discrimination on Grounds of Sexual Orientation and Gender Identity Sociological Report: Croatia*.
Online: http://www.coe.int/t/Commissioner/Source/LGBT/CroatiaSociological_E.pdf
 - **The general attitude towards LGBT people is largely negative but there is evidence of significant improvement.**
 - **The transgender community is virtually invisible in Croatia.**
 - **Transgender individuals face major issues accessing the healthcare system and registering name changes.**
 - **The implementation of the Anti-Discriminatory Act is still to be monitored and evaluated.**
 - **LGBT persons are hesitant to report discrimination and make use of the enacted legislation because they do not trust the administration of justice.**
 - **14% of men and 3% of women in a survey would disown a homosexual son.**
 - **66% of a group of respondents responsible for making large business decisions responded negatively to the question of whether they would hire a homosexual person who makes their sexual orientation public.**
 3. Interights.org, (2014). *Interights v Croatia | INTERIGHTS*.
Online: <http://www.interights.org/croatia-sex-ed/index.html>
 - **Croatia was criticized by the European Social Rights Committee in 2009 for using homophobic textbooks in school claiming that they “stigmatize homosexuals and are based upon negative, distorted, reprehensible and degrading stereotypes.”**
 - **Teenstar, a government sponsored education program, allegedly claims that gay relationships are ‘deviant’ and that families are better off when mothers stay home.**
 4. Jugovic, I., Pikic, A. and Bokan, N. (2007). *345 Lesbians, Gays and Bisexuals in Croatia: How the Stigma Shapes Lives*.
Online: http://www.policy.hu/takacs/books/isbn9616455459/pdf/peace-mirror/21_Jugovic-Pikic-Bokan.pdf



- **Views about homosexuality are strongly divided in Croatia.**
 - **Over 50% of respondents from the LGBT community believe that it is virtually impossible for their sexual orientation to be recognized.**
 - **To avoid discrimination, 37.2% of respondents often or always avoid talking about their emotional and sexual life.**
 - **LGBT people do not have many social settings in which they can interact in Croatia.**
 - **There are obvious damaging consequences to the stigmatization of LGBT people in Croatia, as evidenced by over 50% of survey respondents having experienced violence because of their sexual orientation.**
5. Bijelic, N. and Hodzic, A. (2013). *Heteronormativity in Secondary Schools in Zagreb: Young Men Wearing Make-up, Kissing and Walking Proudly*. Družboslovne razprave.
Online: <http://druzboslovnerazprave.org/clanek/pdf/2013/73/3/>
- **Homosexuality was decriminalized and the age of consent was set at 14 for both opposite and same-sex sexual activity in 1977.**
 - **Significant improvements in legal protection for the LGBT community have occurred but remain irrelevant until implemented.**
 - **The Catholic Church is still a large influence on private and social life.**
 - **In a survey of secondary school students and teachers, 81% of student respondents claim that the curriculum offers no information on homosexuality.**
 - **26% of students have been verbally abusive to others because of their homosexual orientation; 6% were physically abusive and 20% stood by when witnessing abuse.**
 - **The majority of teachers seem to be accepting of different sexual orientations; however, 60% hold negative views on visible non-heteronormative sexual and gender expressions.**
 - **LGBT issues have recently been made part of the official curricula of the Croatian school system but there have been strong objections from various groups.**
6. Refworld, (2013). *Croatia-ILGA-Europe Annual Review*.
Online: <http://www.refworld.org/pdfid/5195f1151.pdf>
- **The government has expressed intent to remove discriminatory content from textbooks, but there has been no action yet.**



- **In the 2012 Progress Report issued by the EU, it was stated that “lesbians, gays, bisexual and transgender (LGBT) people still face discrimination and even threats and attacks.”**
- **The Ministry of Justice agreed to enact a programme and action plan to combat sexual orientation and gender-based discrimination.**