
**Study on Homophobia, Transphobia and Discrimination on
Grounds of Sexual Orientation and Gender Identity**

Sociological Report: Croatia

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A. Executive summary

1. Positive advances in the status of the human rights of LGBT persons in Croatia in 2009 are visible. The increase in reports of violence and discrimination against organisations for the protection of the rights of LGBT persons is thus a positive development. Nevertheless, the great majority of people who experience discrimination and violence never report such incidents because of their lack of confidence in the legal system, and fearing disclosure of their sexual orientation or gender identity.
2. Still, the general attitude towards LGBT people is to a large extent negative - this is shown in quantitative studies from the period 2002-2005 and 2007 as well as by the assessments and experiences of LGBT NGOs. This is, for example, seen in scepticism in regarding LGBT persons as friends, neighbours or colleagues or regarding the granting of rights to LGBT persons.
3. The case that occupied the public the most in 2009 was the Gay Pride and associate anti-protest named "Anti-Gay Protest Against the Gay Parade – It Is Unacceptable for Them to Impose Their Distorted Lifestyle on Us", organised by the Croatian Pure Party of Rights and the Croatian Nationalists. Participants in the anti-protest shouted: "Kill the faggots!" and held their arms in a fascist salute and the police did not react. Several participants in the gathering tried to attack the participants in Zagreb Pride during the event. One of the participants in Zagreb Pride was attacked after the event. Proceedings in regards to the criminal complaint against the organisers are in progress. Apart from public events like Gay Pride or Zagreb Queer Festival, different campaigns (involving local media) and other promotional actions like the distribution of postcards or flyers or press conferences have been organised in different cities throughout Croatia during 2009.
4. The number of registered hate crimes is rather low showing an underreporting of offences. The number of registered offences on the grounds of sexual orientation is rather low – in 2008 there were four offences and only two in 2007. In 2009 there was only one person convicted for hate speech, primarily due to the fact he admitted during the process to his offences.
5. There are co-habitation rights for same-sex couples in Croatia provided by the Same-Sex Unions Act. This Act provides same-sex couples with only two rights: the right to joint property and to support by the partner.
6. Until now there has been only one asylum request because of persecution on the ground of sexual orientation or gender identity.
7. Survey results from 2005 show that two thirds of the persons in charge for making business decisions in 202 Croatian companies gave a negative answer to the question: "Would you hire a homosexual person who is out?" This is indicative of a rather bad situation in the labour market, which is largely characterised by the invisibility of LGBT persons.
8. LGBT organisations feel that the media has been educated during the last years in reporting about discrimination in general, and about discrimination on the grounds of sexual orientation and gender identity as well, and that there is quite a lot of neutral or even positive reporting.
9. The transgender community is very invisible in Croatia and remains the most marginalised part of the LGBT community. Although there are some cases documented, the data is hard

to reach and to classify. Two major obstacles are facing all transgender persons: accessibility to health services and administrative change of documents.

B. Data Collection

10. Data have been collected for this report through:
11. A study of available online and print data on the situation regarding homophobia, transphobia and discrimination on grounds of sexual orientation and gender identity in Croatia.
12. Data collection through interviews in Croatia held in Zagreb 15 and 16 April 2010 with:
13. Authorities
 - Government Office for Human Rights
 - Government Office for Gender Equality
 - Ministry of Internal Affairs
14. NGOs:
 - Lesbian Group Kontra
 - Zagreb Queer Festival
 - Centre for Peace Studies
15. National Human Rights Structures:
 - Office of the Ombudsman for Human Rights
 - Office of the Ombudsman for Gender Equality

C. Findings

C.1. Public opinion and attitudes towards LGBT people

16. The representatives of organisations and institutions interviewed overall describe the attitude towards LGBT persons in Croatia as negative, but the State also note a process of development and improvement.¹
17. Although there are no recent studies, several surveys have been carried out which indicate the level of acceptance of LGBT persons in Croatia.
18. The following passage from a report on hate crime from the Lesbian Group Kontra summarises the results of some quantitative studies from the period 2002-2005 - even though the data are somewhat dated, they give an impression of tendencies, variations and concerning issues:²
19. "The research results of the Puls Agency from 2002, taken at the representative sample of 600 persons, show that only 40% of the participants believe that the rights of the homosexual persons are threatened. Also, only round 40% of participants would grant the right to marriage to the same-sex partners. It was also discovered that only less than half of the sample would accept friendship with homosexual persons, while somewhat more than a half would like to have a homosexual person as a neighbour, and somewhat less than 60% would like to have a homosexual person as a co-worker. [In another survey] almost half of the participants considered homosexuality as an illness. Three out of four persons would accept a homosexual person as a neighbour, and two out of three persons would accept a homosexual person as a friend. Only a bit more than two thirds of participants would accept a homosexual person as his/her child's teacher, and as his/her brother/sister's partner, and only every fourth participant would accept a homosexual person as his/her child's partner.
20. Research³ was conducted in 2005 by the psychologist Maja Parmac at a sample of 1121 participants in Zagreb, Rijeka and Split. The results show that men are more homophobic than women and that they have a more pronounced negative attitude towards homosexual men than towards lesbian women. No statistically significant difference in intensity of attitude towards lesbians and gays was found in women.
21. It appeared that 14% of men and 3% of women would disown a homosexual son. Even around 60% of men do not want to look at homosexual men in public, as opposed to around 3% of women, more than two thirds of men and two fifths of women agree with the statement that 'Male homosexuality is unnatural'. Around 60% of men and around 27% of women would not like their child to grow up in a society which tolerates male homosexuality. When they judge about lesbians, (...) 5% of men and 1% of women would disown their lesbian daughters. Almost every fourth man and every third woman does not want to see the lesbians in public, and almost half of men and a bit more than one third of women agree with the statement that 'Female homosexuality is unnatural'. Around 40% of men and 30% of women do not want their child to grow up in a society which tolerates lesbianism."

1 All interviews held in Zagreb, 15-16 April 2010.

2 Lesbian Group Kontra, *Violence against lesbians, gays and bisexuals in Croatia: research report*, Zagreb, 2006, p. 6-7.

3 Research was also conducted in 2007 by Puls Agency

22. According to the representatives of the Centre for Peace Studies⁴, and Zagreb Queer Festival only in Zagreb and Rijeka there is some sort of an LGBT community whereas in other places it is practically impossible to have any LGBT activism. Even in the second biggest town in Croatia, Split, because of strong conservatism, there are no working LGBT organisations. Nevertheless, in Zagreb there are a few organisations representing the LGBT community and there is a tradition for, at least, a gay and lesbian movement. The lesbian movement in Croatia celebrated 20 years of existence last year, from the moment when the first lesbian organisation was established.⁵
23. Dialogue between governmental officials and LGBT activists regarding changes to the legislative framework has taken place in the past and the Government financially supported some of the projects implemented by LGBT organisations. Nevertheless, NGOs report lack of consistent consultation in working groups. The government also suspended financial support to a project made by Iskorak because of the “inappropriate content” of the publication made during the project, while Iskorak’s and Kontra’s representatives claim that the book had only educational purpose.⁶
24. The Anti-discrimination Act (Zakon o suzbijanju diskriminacije) which entered into force on January 1, 2009 prohibits discrimination based on the sexual orientation in various fields (see the legal report on Croatia) and provide mechanisms for collective suits as well as the NGOs as interveners in the court procedure. The implementation of the Act is still to be monitored and evaluated.

C.2. Freedom of assembly and association

25. There are several active LGBT NGOs and groups active in Croatia. They include Lesbian Group Kontra, Iskorak, Lesbian Organisation Rijeka, Q Sport, Zagreb Pride, and the Zagreb Queer Festival. None of them have encountered problems with registration.
26. Several public LGBT events have been held in Zagreb in recent years. For example, Queer Zagreb cultural festivals and pride parades. The first Zagreb Pride took place in 2002, and has since been organised nine times in the period 2002-2010). The organisers stress the regional (Balkan) participation and importance of the Zagreb Pride for the entire region.⁷
27. About the principles of the Pride, the organisers state:
28. "The operational platform of the Pride is queer-feminist and it stems from: the peace and anti-violence movement, feminist movements, the environmental movement, the union rights movement, the human rights movement, LGBTIQ movements. Pride principles imply a public activism which openly works towards eradicating homo/bi/trans-phobia, sexism, violence against animals, violence against the environment, nationalism, racism, inequality and discrimination of any kind."⁸

4 Meeting with Centre for Peace Studies, 16 April 2010.

5 Meetings with the Government Office for Human Rights, Ombudsman's Office for Human Rights, Ombudsman's Office for Gender Equality and with Kontra, 15-16 April 2010.

6 Meetings with Kontra and Government Office for Human Rights, 15 April 2010.

7 The website of the Zagreb Pride, www.zagreb-pride.net/index.php?option=com_content&task=view&id=14&Itemid=37, accessed 2 January 2010.

8 Ibid.

29. In 2002, around 30 people were attacked physically after the Pride manifestation. In the years 2003-2006 there were no violent attacks. In years 2007-2009 there were violent attacks after the manifestation.⁹
30. The sixth Zagreb Pride with the theme "Visibility – Right to Public Visibility of LGBTIQ persons" took place on 7 July 2007, and was subject to violent attacks which received considerable media attention. Even though the police were present several people assaulted and attacked some of the Pride participants both during and after the parade.¹⁰ Police failed to bring criminal charges in respect of violent attacks on the participants in the 2007 Pride March, including an attempted attack with Molotov cocktails. Notwithstanding the significant number of evidenced cases of physical violence, not one criminal charge was submitted by the police against the perpetrators.¹¹
31. During Gay Pride in 2009, counter-demonstrations were organised. According to Kontra, this is the first year when counter-demonstrators were better organised in the terms that "opponents registered the counter-event at the police station".¹² On 13 June 2009 (at the same time as the Gay Pride), *Croatian Pure Party of Rights* (registered political party) and the Croatian Nationalists organised a public gathering under the slogan "Anti-Gay Protest against Gay Parade - It Is Unacceptable That They Impose On Us Their Distorted Life Style". *Croatian Pure Party of Rights*, called all Nazi, nation-social and all similar groups to come and "to eradicate the plague of homosexuality". A representative of the Ministry of Internal Affairs stated that the Ministry was aware of counter-demonstrators but they did not ban the gathering because the security assessment of the officers at the field was that there will be no problems¹³.
32. As well, according to the representative of the Ministry for Internal Affairs, "sometimes there is a very thin line between hate speech and freedom of speech" and in this particular case "the freedom of speech came first."¹⁴ The organised protests represent a rather different situation from the period 2002-2007 where there have not been organised protests of significance as such. During last the two years there has been a slight increase of counter-demonstrators organised by opponents from the right-wing movement (they were not banned). At the same time, the opinion of the LGBT organisations is that a great number of uniformed police officers in each Gay Pride creates an atmosphere of unease and insecurity of what might happen. Although suggested, other forms of security measures, such as banning demonstrations with reference to hate speech, have not been undertaken.
33. LGBT organisations mainly criticise the fact that the police did nothing to prevent violence that took place during the Pride 2009. According to all interviewed representatives of the LGBT NGOs, there were obvious signs of hate speech and calls for hate crimes in different media (mostly Internet media) and the police did nothing to prevent the attacks and to ban the gathering of the counter-demonstrators.

9 Meeting with organization Kontra, 15 April 2010.

10 A short report in the attacks by the Zagreb Pride organisers, www.ilga-europe.org/europe/guide/country_by_country/croatia/short_report_on_violence_during_and_after_the_zagreb_pride_2007, accessed 2 January 2010.

11 Team for Legal Changes – CSO Iskorak and Kontra, *Annual Report on the Status of Human Rights of Sexual and Gender Minorities in Croatia*, Zagreb, 2007.

12 This and the following information about the Pride: Meetings with Kontra, 15 April 2010, and the Center for Peace Studies, 16 April 2010.

13 Meeting with Ministry for Internal Affairs, 16 April 2010.

14 Meeting with a representative from the Ministry of Internal Affairs, 16 April 2010.

34. This goes along with the statement of the representative of the Ministry of Interior, according to whom "the majority of hate crimes on the grounds of sexual orientation are happening around and during the Gay Pride"¹⁵.
35. There have also been events promoting LGBT culture. Zagreb Queer Festival, a cultural event, has not had any incidents during its existence. Representatives of the Queer Festival Zagreb and Centre for Peace Studies (organising mostly cultural events) stated that there have been no police or special security measures at the Queer Festival starting with 2006.¹⁶

C.3. Freedom of expression

36. Apart from the annual Gay Pride and Zagreb Queer Festival, the Lesbian Group Kontra and Iskorak organised two campaigns: "Different Loves, Same Rights" and "Right to Work Without Discrimination". In addition, different promotional actions like the distribution of postcards or flyers or press conferences have been organised in different cities throughout Croatia during 2009. Although the majority of activities were realized with no bigger incidents, there seems to be some cases of violation of freedom of expression. In 2007 Lesbian Organisation Rijeka – LORI asked the director of the Zadar City Library for permission to stage their performance under the title "Will it Be Different When I Tell Them that I'm Gay?" on the library's premises, but received a negative answer from him. Although NGOs Kontra and Iskorak filed complaints against the director of the city Library, the court decided that there was no discrimination in this particular case¹⁷.
37. At the same time, the Ministry of Education did not support an invitation by the Queer Festival Zagreb to recommend to the students to take part in the exhibition showing Nazi prosecution of homosexuals in Croatia during the second World War (name of the exhibition: "Nazi terror against homosexuals in Germany 1933-1945"). The explanation made by the Ministry of Education and Agency for Education, that the exhibition was inappropriate and unprofessional,¹⁸ was questioned and highly criticised by numerous organisations which started a public debate on the issue. The Ministry later apologised.¹⁹

C.4. Hate crime - hate speech

38. In late 2005 a quantitative study was carried out with a sample of 202 persons from the LGB population in Zagreb, Rijeka and Osijek.²⁰ The study shows that half of the lesbian, gay and bisexual respondents had suffered violence due to their sexual orientation during the previous four years. Almost 40% of the respondents had experienced insults or swearing in that period, 20% of them suffered threats of physical violence, while 14% of the participants had experienced physical violence. More lesbians and bisexual women had experienced sexual violence (38%) than men (22%). Younger respondents were more vulnerable to violence than the older. The violence had mostly been committed by persons unknown to the victims, either in open or enclosed public areas.
39. Socio-demographic characteristics such as the level of education, employment category, or status in relation to with whom people live, showed no statistically significant differences.

¹⁵ Meeting with the Ministry of Internal Affairs, 16 April.2010.

¹⁶ Meeting with Zagreb Queer Festival, 16 April 2010.

¹⁷ Meeting with organization Kontra, 15 April 2010.

¹⁸ The conclusion of the letter, translated into English, reads as follows: "Due to the lack of coherent argument in the text which accompanies the exhibits, we consider the exhibition inappropriate for the students." The original letter is kept in the offices of Centre for Peace Studies.

¹⁹ Meeting with Zagreb Queer Festival, 16 April 2010.

²⁰ Lesbian Group Kontra, *Violence against lesbians, gays and bisexuals in Croatia: research report*, Zagreb, 2006.

40. Eighty per cent of the respondents who had experienced violence did not report the incident to the police. "The reasons for not reporting the violence to the police vary from mistrust towards the police, their own judgment of the insufficient severity of violence for reporting to the police, to fear, shame and unease."²¹
41. In a report on the human rights situation by the CSO Iskorak and Kontra from 2006 it is noted that even though there has been progress in terms of anti-discrimination legislation in recent years, LGBT persons are still reluctant to use the legislation, "because they do not trust Croatian legislation and administration of justice."²²
42. The reluctance to use the existing legislation due to fear of exposure or lack of trust in the outcome of such a case was confirmed by several stakeholders interviewed.²³
43. The number of registered hate crimes is rather low showing an underreporting of offences. In 2009, three out of four convicted hate crimes on the grounds of Sexual Orientation happened during the Pride. Nevertheless, the number of registered offences on the grounds of sexual orientation is rather low – in 2008 there were four offences and only two in 2007.²⁴
44. Regarding hate speech, the above mentioned report note some instances of hate speech during 2006 from some members of Parliament - at a session of the Committee for Human Rights and during debates on the Registered Partnership Bill. As examples, the following quotations from members of the Croatian Democratic Union (HDZ) are given:
45. "The main message of the Bible on this subject is Sodom and Gomorra. AIDS is one of the examples of what happens in those same-sex unions."²⁵
46. "The whole Universe is heterosexual, from the fly to the elephant, from atoms to planets. If it was not so, the Sun would not rotate around the Earth, it would fall down and we would all burn."²⁶

C.5. Family issues

47. The Same-Sex Unions Act provides same-sex couples with two rights: the right to joint property and to support by the partner. It does not provide same-sex partners with other rights and responsibilities available to different-sex partners through the institutions of marriage and common-law marriage (such as for example regarding inheritance). According to Kontra, the Same-Sex Union Act has to be changed in order to include all the rights that are granted to different-sex unions.²⁷ For more on the relevant legislation and its adoption and implementation, see the legal report on Croatia.
48. Transgender persons can, after legal recognition of the acquired gender, marry persons of the opposite sex.

21 Ibid., p. 28.

22 Team for Legal Changes – CSO Iskorak and Kontra, *Annual Report on the Status of Human Rights of Sexual and Gender Minorities in Croatia*, Zagreb, 2006, p. 2.

23 Meetings with Kontra, the Ombudsman for Gender Equality, the Ombudsman for Human Rights, and the Centre for Peace Studies, 15-16 March 2010,

24 Meetings with Ministry of Internal Affairs, 16 April 2010.

25 Team for Legal Changes – CSO Iskorak and Kontra, *Annual Report on the Status of Human Rights of Sexual and Gender Minorities in Croatia*, Zagreb, 2006, p. 3.

26 Ibid., p. 7.

27 Meeting with Kontra, 15 April 2010.

C.6. Asylum and refugee issues

49. Until 2010 there has been only one asylum request because of persecution on the ground of sexual orientation or gender identity. Human Rights Watch brought this specific case to the attention of Kontra in 2009²⁸. The country of origin of the applicant is the Russian Federation.

C.7. Social security, social care and insurance

50. There are no data in the area of access to social security, social care and insurance. However, as a consequence of the Same-Sex Union Act the only rights that are accessible to same-sex partners are in relation to joint property and support by the partner (see chapter 3.5 *Family issues*).

C.8. Education

51. INTERIGHTS, the International Centre for the Legal Protection of Human Rights, in collaboration with the Center for Reproductive Rights and the Center for Education, Counselling and Research (CESI), filed a case against Croatia in October 2007 regarding the school curriculum and text books.
52. Interights states that: "The [European Committee for Social Rights] noted that statements found in the curriculum '...stigmatise homosexuals and are based upon negative, distorted, reprehensible and degrading stereotypes....'"²⁹
53. Interights further note that: "The complaint alleged that one of the country's state-sponsored sex education programmes, TeenStar, violated young people's basic rights to health and non-discrimination. TeenStar's abstinence-based curriculum teaches that condoms do not prevent HIV and other sexually transmitted infections, that gay relationships are "deviant" and that stay-at-home mothers make for better families. The complaint also addressed the lack of a comprehensive mandatory sexuality education curriculum, as required by Article 11 of the European Social Charter."³⁰
54. On 30 March 2009 the European Committee of Social Rights that monitors the harmonisation of national policies and programmes with the European Social Charter, made a decision connected with the suit of the organisation INTERIGHTS against the Republic of Croatia. The Committee found a breach of Art 12 para 2 of the European Social Charter relating to the anti-discrimination provisions of the Charter for the different reasons³¹. The Committee concluded that "certain educational materials which are used in the regular teaching programme are biased, discriminatory and degrading, especially concerning the way in which people whose sexual orientation is different from heterosexual are described." This conclusion of the Committee is based on an examination of the content of a textbook for biology for the third year of high school entitled *Biology 3: Life Processes*, written by Ivana Regula and Milivoj Sljepčević which was approved by the Ministry of Education and published by Školska Knjiga³². The result is that the textbook was withdrawn not long after the complaint was made to the Committee.

28 Kontra's Annual 2009 Report, p. 43. See also legal country report on Croatia drafted for this study.

29 Interights, www.interights.org/croatia-sex-ed, accessed 31 December 2009.

30 Ibid.

31 See more at Annual 2009 report, Kontra, p. 32.

32 Ibid.

55. Also, there are different incidents connected to religious education. For example, in October 2009 parents of children who attend the eighth year of Bartol Kašić Primary School in Zagreb informed the media that a teacher was teaching eight-year-old pupils in religious education classes that homosexuality is a disease. After the foreign media covered the case, the Ministry of Science, Education and Sport invited the parents to make their complaints to the Ministry's inspectorate³³.
56. There have been some attempts to measure the level of homophobia in the schools. Centre for Peace Studies is currently working on a research on the level of homophobia in schools in Zagreb. During the survey, 700 students and 100 teachers will be interviewed through questionnaires³⁴. During the previous survey done by Care International about 14% of high school students know someone who is gay – which is an indicator of some visibility of LGBT people.

C.9. Employment

57. In late 2005 a quantitative study was carried out with a sample of 202 persons from the LGB population in Zagreb, Rijeka and Osijek.³⁵ When talking about the peers and co-workers, the LGB respondents were significantly less open at the workplace than in the circle of friends. More than one third of the persons were sure that all their friends certainly know of their sexual orientation, which may point to disclosure to a relatively large circle of people. Only 13.6% of them were sure that everybody at their place of work was familiar with their homosexuality or bisexuality. About 31% of the respondents were sure, or assumed, that none of their colleagues knew of their sexual orientation.
58. The lack of disclosure of one's sexual orientation might reflect fear of discrimination of loss of job/career opportunities. Research results published by the Henda Agency in 2005 confirm that such fear may be well founded. The results show that two thirds of the persons in charge for making business decisions in 202 Croatian companies gave a negative answer to the question: "Would you hire a homosexual person who is out?"³⁶
59. An opinion poll from 2002 carried out by the Puls Agency shows that, at the time, less than 60% of the population would like to have a homosexual as a colleague.³⁷
60. In the annual 2009 report, Kontra describes the case of a professor at a university in a small town in Croatia.³⁸ He was mocked and insulted by his colleagues in the workplace on the ground of his sexual orientation. After the request from Kontra's lawyer, the Dean of the Faculty conducted an investigation to establish the responsibility of employees who had committed the discrimination. The victim received a written apology from his colleagues because of their previous behaviour.

C.10. Housing

61. There is are data on discrimination in the area of housing.

33 Ibid.

34 Meeting with Centre for peace studies and Zagreb Queer Fest, 16 April 2010

35 Lesbian Group Kontra, *Violence against lesbians, gays and bisexuals in Croatia: research report*, Zagreb, 2006.

36 Result presented in: Lesbian Group Kontra, *Violence against lesbians, gays and bisexuals in Croatia: research report*, Zagreb, 2006, p. 39.

37 Ibid.

38 Lesbian Group Kontra, *Annual Report on the Status of Human Rights of Sexual and Gender Minorities in Croatia*, 2009, p. 45.

C.11. Health care

62. The quantitative study referred to earlier³⁹ shows that the experience of violence was related to several symptoms of psychological problems. The persons who experienced assaults due to their sexual orientation showed more anxiety, depression and lower self-esteem than the persons who had not experienced violence.
63. There are still cases of attempts to "heal homosexuality". One case that occupied the public attention was of Ana Dragicevic⁴⁰. Allegedly, she has been accommodated since the age of 16 in the psychiatric hospital and from the age of 18 to 21 she had been forcibly accommodated in the same hospital without a decision by the responsible county court, exclusively because of her homosexual orientation. The hospitalisation had been carried out by the former director of the hospital in question, Dr Marija Vulin, at the request of the parents. The victim described that she was treated in a way that progress in her therapy was approved only when she denied her homosexual tendencies. During the treatment she was subjected to various psycho-pharmaceuticals and was accommodated with serious psychiatric patients. She was released only after the director was replaced, which was done after the Inspectorate of the Ministry of Health and Social Welfare confirmed irregularities in the work of that psychiatric institution.
64. According to the representatives of the Ombudsman for Gender Equality⁴¹, they approached the victim, asking for a written statement in order to be able to start the process in the court, but the victim did not want to be involved in any judicial processes and she never replied.
65. There are two main problems that transgender persons face in relation to health services. Firstly there are no experts in Croatia who can do gender reassignment surgery neither are there medical facilities for consultative support. The second problem is that transgender persons are not able to get free medical assistance for treatment like other citizens of Croatia. Hormonal therapy and surgery are usually not covered by medical insurance and they are not on the list of free services. That is why a special permission issued by medical specialist for a refund of the costs is needed in each particular case. When put together – these two problems make a magical circle – it is possible, in principle to get the refund on the treatment abroad, but only with the permission of the medical specialists which do not exist, and nobody knows who is in charge of issuing such permits.
66. Kontra described a case of a woman⁴² who underwent gender reassignment treatment 10 years ago and currently she is facing different medical complications which need to be treated abroad. She was refused a refund of the health costs because it was impossible to find the medical specialist who is in charge of issuing official permission. In another other case, Kontra managed to get the doctor's permission but the doctor was unable to indicate needed procedures.⁴³

C.12. Access to goods and services

67. It is a general opinion of all organisations that were interviewed that this type of discrimination in the access to goods and services is seriously underreported. There were no cases in court regarding this type of discrimination.

39 Result presented in: Lesbian Group Kontra, *Violence against lesbians, gays and bisexuals in Croatia: research report*, Zagreb, 2006.

40 Meeting with Ombudsman office, Ombudsman for gender equality and with Kontra. Also, see in detail in Annual 2009 report, Kontra, p. 45 .

41 Meeting with Ombudsman for gender equality, 15 April 2010.

42 Meeting with Kontra, 15 April 2010.

43 Ibid.

C.13. Media

68. According to all representatives from the LGBT organisations met, the media has been educated during the last years in reporting about discrimination in general, and about discrimination on the grounds of sexual orientation and gender identity as well. There is a general feeling that there is quite a lot of neutral or even positive reporting.⁴⁴ According to the organisation Kontra, they have established good cooperation with the Croatian journalist's association and they have different joint activities.⁴⁵
69. Nevertheless, there are the examples of negative reporting. In the Kontra's Annual 2009 report a few cases of negative reporting are listed.⁴⁶ One example is the texts published in *Slobodna Dalmacija*, *Jutarnji List* and *Nacional* concerning the publication by the association Iskorak of a brochure about safe sex which was developed for men who have sex with men. Several media published extremely homophobic articles about the brochure, calling it vulgar, scandalous and pornographic exclusively because of its explicit style of writing about gay sex and illustrations with dolls, and condemning the state institutions for financing such brochures.
70. It seems that there is a good cooperation between LGBT NGOs and the Council of Honour of the Croatian Journalists Association. There are two cases on which the organisations Iskorak and Kontra complained to this Council – the case of Josip Jović and the case of Mladen Pleše. In the first case against the journalist in question, the Council of Honour supported the complaints and punished journalist Josip Jović by a public reprimand. In the second case against the editor who published an allegedly homophobic letter of a reader, the Council of Honour rejected the complaint.⁴⁷
71. Almost all of the stakeholders interviewed pointed out that the biggest problem regarding hate speech in the media is the Internet⁴⁸. There was only one case where a perpetrator has been convicted because of hate speech. In this case the person was convicted because he openly incited to hatred during the court process. Usually, hate speech is very hard to prove and to prosecute, especially in the cases when it is done through international and foreign servers and websites under unclear jurisdiction.

C.14. Transgender issues

72. The transgender community is very invisible in Croatia. Although there are some cases documented, the data are hard to reach and to classify. Still, the Lesbian Group Kontra note in their annual 2009 report that: "In 2009 we noted an increase in the number of reports of violations of the human rights of transgender persons. We believe that this was a consequence of the increased activities of civil society organisations in that field and public discussion brought by the Anti-Discrimination Act."⁴⁹
73. Two major obstacles are facing all transgender persons: accessibility to health services (see chapter 3.11. Health care) and administrative change of documents. In this moment, it is impossible to change documents unless a person has gone the whole procedure of gender reassignment, and possesses adequate medical documentation. For more

44 Meetings with Kontra and Center for Peace Studies, 15-16 April 2010.

45 Meeting with Kontra, 15 April 2010.

46 Lesbian Group Kontra, *Annual Report on the Status of Human Rights of Sexual and Gender Minorities in Croatia*, 2009, p. 35.

47 Meeting with Kontra, 15 April 2010.

48 Meetings with Office for Human Rights, Ombudsman's Office, Ministry for Internal Affairs, Kontra, Centre for Peace Studies, 15-16 April 2010.

49 Kontra's Annual report 2009, p. 5.

elaborate information, see the chapter on *Health care and Transgender issues* in the legal report on Croatia.

74. Two Acts in question for removing the administrative obstacles for transgender persons in acquiring a new identity are the Personal Names Act and the State Registries Act. In November 2009 Kontra made a proposal for the evaluation of the constitutionality of those two Acts⁵⁰. On 20 November, Transgender Remembrance Day, activists of Kontra, Women's Network of Croatia and Iskorak – Centre for Sexual and Gender Minorities' Rights organised an action of submitting the proposal for evaluation of constitutionality of the above acts and handing out flyers on the rights of transgender persons.
75. There were also different cases reported of discrimination against transgender persons and mainly documented by Iskorak or Kontra:
76. One case happened on 3 January 2010 - a group of young men carried out an attack on a transgender woman in a small town in Croatia. The following morning the victim went to the police station. She described the attack to the police official, who made a note of her personal details and told her: "See what you look like – I would beat you up too." Apart from this, the police did not want to accept her complaint on the attack⁵¹.
77. The second case is of S.F., a child who for many years has been identifying with the gender other than the one assigned at birth. Because of the gender identity, teachers and pupils in primary school mistreated the child. In 2008 the Ombudsman for Children reacted, sending a letter to the school after which the situation improved. The name of the child was changed to neutral at the request of the mother (who explained that everyone referred to the child as "it"). However, in the birth certificate it is visible that a change has been made because the change of name has been entered in the supplementary notes. It was not possible to change the child's gender in the document because the child had not gone through the complete gender reassignment procedure (including surgery).⁵²

C.15. Other areas of concern

78. **Indiscriminate recording of personal information by police:** Two NGOs reported that police discovered that a man was gay when investigating him on suspicion of having committed a criminal offence unrelated to his sexual orientation. His partner was also interrogated, and rude jokes were made about their sexual orientation. Some months later, in 2006, he was questioned when crossing the national border. He noticed that the police computer included the word "homosexual" in the field "special affinities" on his record.⁵³
79. **Regarding conditions in prisons:** the CPT report on Croatia for 2007 notes that: "several consistent accounts of offensive remarks by certain members of staff were heard (in the context of young women forming intimate relationships with each other); such remarks continued to poison the general atmosphere in the establishment, despite the Ombudsman's earlier intervention on this issue."⁵⁴

50 See more at Kontra's Annual 2009 report, p. 16.

51 Kontra's Annual report 2009, p. 40.

52 See more in Kontra's Annual report 2009, p. 42.

53 Information provided to ILGA-Europe by the Team for Legal Changes of Iskorak and Kontra, 27 January 2009.

54 Council of Europe/CPT, *Report to the Croatian Government on the visit to Croatia carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CTP)*, 2007, p. 50.

C.16. Data availability

80. There are different stakeholders gathering the data on homophobia, transphobia and discrimination on grounds of sexual orientation and gender identity: Ombudsman Office for Human Rights, Ombudsman Office for Gender Equality, Government Office for Human Rights of the Republic of Croatia, Ministry of Internal Affairs, and the Ministry of Justice. Still, the amount of official data remain limited. Very useful sources of information are LGBT organisations working in the field.

Especially useful is the fact that the Penal Act in Croatia recognises hate crime, which allowed the Ministry of Internal Affairs to start classifying the criminal offences based on different grounds.