

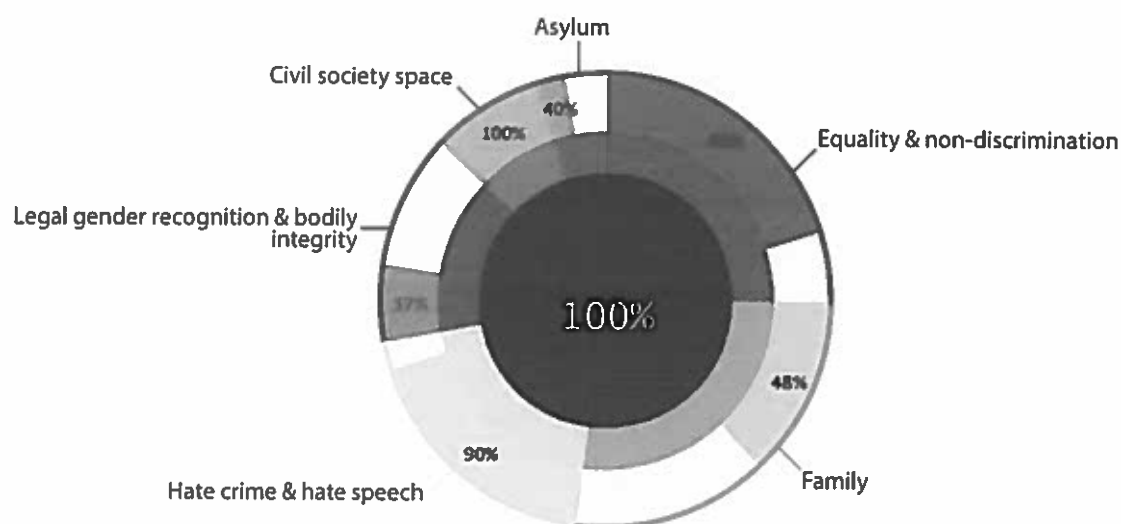
Croatia



Reduced support for LGBTI NGOs and independent media voices was a cause of concern for activists in Croatia. Government funding for the 2017 Zagreb Pride was cut, the first time this has happened. Community media outlets, including LGBTI websites, also lost institutional support. LGBTI activists continued to provide support throughout 2016, including legal guidance for people who had been subjected to violence because of their sexual orientation or gender identity, as well as training for lawyers, victim support staff and the judiciary. Discrimination faced by LGBTI people was raised by NGOs in a letter to the Prime Minister in January; although political progress was slow during the rest of the year, due to the fact that a number of LGBTI-supportive politicians were not returned following the elections. Once again, activists highlighted the inadequacies of the legal gender recognition process. The bodies responsible for its implementation seemed to be ignoring prescribed timelines, leaving trans people in limbo as they wait for a response. In spite of the existence of well-developed equality and hate crime/speech legislation, public attitudes to same-sex couples do not seem to have evolved in a similar manner. With a majority of those surveyed saying that same-sex couples shouldn't demonstrate affection in public, it poses a question over whether enough leadership is being shown by government to embed the laws in practice.

For more information on developments in 2016, visit www.rainbow-europe.org where you can read the full country chapter.

Legal and policy situation in **Croatia** as of 31 December 2016



In order to improve the legal and policy situation of LGBTI people, ILGA-Europe recommend:

- ➡ **Actively implementing existing equality action plans, and amending the action plan to explicitly include all SOGISC (sexual orientation, gender identity, sex characteristics) grounds.**
- ➡ **Replacing the existing legal framework for legal gender recognition with new legislation that ensures the process is based on self-determination, and is free from abusive requirements (such as GID/medical diagnosis, or surgical/medical intervention).**
- ➡ **Prohibiting medical intervention on intersex minors when the intervention has no medical necessity and can be avoided or postponed until the person can provide informed consent.**

Bias-motivated speech

- NGO Lesbian Group Kontra wrote an open letter to then Prime Minister Tihomir Orešković (independent) to alert his office to the situation for gay and lesbian people in Croatia under his government. The letter cited daily experiences of discrimination and hate crime, as well as attacks on civil society groups. Attention was drawn to a recent statement made by the vice-president of the Parliamentary Committee for Family, Youth and Sport, who referred to civil society groups working with minorities as 'sick'. The letter was released on 30 January and published in the widely-read *Večernji list* and *Jutarnji list* newspapers and by several online news portals. (See also **Freedom of association**.)

Bias-motivated violence

- During 2016, NGO Zagreb Pride provided legal support in 25 cases of violence motivated by the victim's sexual orientation or gender identity. Five of these received a final judgment by the end of the year.
- On 4 June, during Pride Week, two people attempted set fire to the Zagreb Pride flag on display in Ban Jelačić Square, the city's main square. Two rainbow flags were also stolen from Trg Kralja Tomislava Square. The incidents were reported by mainstream and independent media outlets and NGO Zagreb Pride filed criminal charges, but the offenders were not found.

Education

- Thousands of people gathered in Ban Jelačić Square on 1 June in support of reforming the school curriculum. Attempts to update the curriculum had been initiated in 2015 by the former centre-left government; however sexual orientation and gender identity were not substantively mentioned. Protestors feared that the entire process would be halted under the government elected in January and joined the event on 1 June, organised by the 'Croatia can do better' coalition of NGOs and trade unions. It was one of the largest protests in recent years; no advances had been made on the proposed curricular reform before the vote of no confidence in the government in June.

Family

- On 23 February, the European Court of Human Rights held that there had been a violation of the European Convention on Human Rights in the case of *Pajić v Croatia*. It was the first ruling by the Court on family reunification of same-sex couples. Ms Pajić, a national of Bosnia&Herzegovina, had applied for a Croatian residence permit in 2011. Her attempts to be reunited with her Croatian partner were initially refused by the local police department and subsequent appeals to the interior ministry, Zagreb Administrative Court and the Constitutional Court were all unsuccessful. The unanimous ECtHR Chamber judgment found that the domestic Aliens Act excluded all same-sex couples from the possibility of obtaining family reunification. The Croatian authorities had not justified this exclusion or provided any convincing reason why same-sex couples were treated differently to different-sex couples. As a result, the ECtHR found that Croatia had violated Article 14 (non-discrimination) in conjunction with Article 8 (private and family life). The Court also reiterated the point that a cohabiting same-sex couple in a stable partnership falls within the notion of 'family life'.

Freedom of assembly

- 'Pride for all of us', a video produced by NGO Zagreb Pride, was shared on social media to mark Coming Out Day on 11 October. It also had five public screenings in different towns. This was the first video made by Zagreb Pride and the first lengthy documentary to focus on the history of the Pride March in Zagreb.
- On 23 December, NGO Zagreb Pride announced that Ministry of Culture was not going to provide financial support for the capital's Pride March in 2017. Traditionally, the ministry's funding makes up approximately one third of the event's budget; the remainder was supplied by individual donations and the City of Zagreb. This was the first time that Zagreb Pride's request for funds had been turned down. The NGO stated that none of the LGBTI programmes who had applied received funding and released a statement saying that this "...reveals the attempt by the (former)

culture minister to remove us, LGBTIQ persons, from public life and make us invisible...".

Freedom of association

- The open letter published by NGO Lesbian Group Kontra in January also highlighted the decision by newly appointed culture minister Zlatko Hasanbegović (Croatian Democratic Union, HDZ; conservative) to cut NGO funding, including one (unnamed) queer organisation.

Freedom of expression

- In February, the right-wing coalition government (formed in mid-January) cut institutional support for non-profit community media, including LGBTI and feminist online media sources, such as Crol.hr, Voxfeminae and Libela. The outlets are still operational but their work was greatly affected. The government also proposed cuts and restructuring institutional support for civil society, including for organisations that offer social services, and those working in the field of art and culture. By 26 May, it was reported that over 435 NGO representatives had appealed to the government, asking for their lottery funding to be reinstated.

Legal gender recognition

- 22 people had their gender legally recognised by the National Health Council in 2016. There were 10 applications still pending at the end of the year, some of whom had been waiting over six months for a response, according to NGO Zagreb Pride.

Police and law enforcement

- NGO Zagreb Pride conducted trainings on a range of issues, including LGBTIQ terminology, human rights, hate crime and support for victims. 142 police officers, 29 state attorneys, criminal and magistrate judges, and 15 victim/witness support staff were trained throughout the year.

Public opinion

- NGO Zagreb Pride commissioned an Ipsos public opinion survey about Zagreb Pride as an event and LGBTIQ persons generally. 969 people were interviewed

between 1 – 20 March. 43.8% of those surveyed said they do not support Zagreb Pride at all. 30.7% completely agreed with the statement "LGBTIQ persons should not be allowed to appear in public because they have a bad influence on young people"; 20.8% mostly agreed. The survey results also showed that 51% did not approve of same-sex partnerships and 69% thought that same-sex couples should not publicly display affection.

Sexual and reproductive rights

- On 21 May, a 'Walk for Life' march took place in Zagreb city centre. The pro-life event's stated aim was to highlight the "dignity and value of every human life from conception to natural death". Pro-choice counter-protestors also gathered in the capital at the same time to advocate for reproductive rights. One of the groups to take part in the 'Walk for Life' was 'In the Name of the Family', the same organisation that initiated the 2013 referendum to restrict the constitutional definition of marriage as a union between a man and a woman. In late 2015, the Constitutional Court had announced they would review the existing law on medical measures, which legislates for abortions up to the 10th week of pregnancy.