

Immigration and Refugee Board of Canada

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Responses to Information Requests

Responses to Information Requests (RIR) respond to focused Requests for Information that are submitted to the Research Directorate in the course of the refugee protection determination process. The database contains a seven-year archive of English and French RIRs. Earlier RIRs may be found on the UNHCR's [Refworld](#) website. Please note that some RIRs have attachments which are not electronically accessible. To obtain a PDF copy of an RIR attachment, please email the [Knowledge and Information Management Unit](#).

21 July 2015

HRV105201.E

Croatia: Situation of sexual minorities, including treatment by society and authorities; legislation, including implementation; state protection and support services (2013-June 2015)
Research Directorate, Immigration and Refugee Board of Canada, Ottawa

1. Societal Attitudes and Treatment of Sexual Minorities

In correspondence with the Research Directorate, a representative of Zagreb Pride, an organization that monitors "criminal, misdemeanour, and civil proceedings related to LGBTIQ persons," and that provides legal advice, funds legal representation, and conducts advocacy on behalf of LGBTIQ persons and victims of hate crime (Zagreb Pride Nov. 2013, 10), stated that in Croatia, the "general population still has strong prejudices towards LGBT persons" (ibid. 26 June 2015). The source explained that attitudes are "still rather reserved, but acceptance is growing," however, she also gave the view that "the younger generation is showing the opposite trend" (ibid.). In its April 2015 concluding observations on Croatia's third periodic report on the International Covenant on Civil and Political Rights, the UN Human Rights Committee expressed concern "about the prevalence of stereotypes and prejudice" against LGBT people in the country (UN 30 Apr. 2015, para.10). Sources describe homophobia as "deeply" embedded in Croatian society (ANSAméd 18 May 2015; bEUCitizen 11 Feb. 2015) and culture (ibid.).

The EU Agency for Fundamental Rights (FRA) conducted a 2012 online survey on the situation of the rights of LGBT people in Europe, involving 93,079 respondents, of which 1,197 participants came from Croatia (EU 2014, 115). The survey found that 62 percent of the Croatian participants indicated that they were "never open to others" about being LGBT, while the European average was 38 percent; and 7 percent in Croatia answered that they were "always open" about it, compared to the European average of 22 percent (ibid., 81). According to the representative of Zagreb Pride, a

survey of public attitudes conducted by the group in 2014 found that support for LGBT parenting and adoption in Croatia is "very low" (Zagreb Pride 26 June 2015).

The US Department of State's *Country Reports on Human Rights Practices for 2013* notes that in Croatia, "workplace discrimination [against LGBT people] was reported in several cities during [that] year" (US 27 Feb. 2014, 24). Similarly, the 2012 survey by the FRA found that 24 percent of Croatian respondents said they felt discriminated against when at work because of being LGBT (EU 2013, 30). The following paragraph contains some of the FRA 2012 survey findings with respect to discrimination against LGBT individuals:

- Overall, respondents in Croatia, "generally experience a social environment that is less inclusive towards LGBT people and where they are more likely to be victims of violence, harassment and discrimination" (EU 2014, 99);
- 60 percent of Croatian respondents said they have felt personally discriminated against or harassed in the last 12 months on the grounds of sexual orientation (ibid., 26);
- Of those respondents who visited a café, restaurant, bar or nightclub, about three out of 10 respondents felt personally discriminated against because of being LGBT (ibid., 41); and
- 24 percent of Croatian respondents felt discriminated against by school or university personnel (ibid., 35).

1.1 Incidents of Violence

According to *Country Reports 2014*, "sporadic violence directed at LGBT people continued" and "[a]lthough the law prohibits discrimination based on sexual orientation or gender identity, there were reports of some violence against LGBT persons" (US 25 June 2015, 1, 22). In 2015, the UN Human Rights Committee expressed concern about "reports of acts of violence" against LGBT people in Croatia (UN 30 Apr. 2015, para. 10). Balkan Insight, "a news website that covers the Western Balkans region" (Balkan Insight n.d.), reports that cases of physical violence towards LGBT community in the city of Split are "far from rare," according to the LGBT association Rispet, the association that organized the fifth annual Split Pride parade (ibid. 5 June 2015).

Zagreb Pride conducted field-research on the situation of LGBT rights in Croatia in 2010-2013, interviewing 690 LGBT people from different regions (including Zagreb, Rijeka, Split, Osijek and Istria) as well as a few LGBT immigrants in Croatia (Zagreb Pride Nov. 2013, 7). The resulting research report found that 17 percent of respondents had been victims of physical violence due to their sexual orientation, gender identity or gender expression, and 38 percent had experienced sexual violence due to their orientation (Zagreb Pride Nov. 2013, 7).

Zagreb Pride documents the case of a lesbian couple, one of whom was beaten by a taxi driver in Dubrovnik in August 2013 (ibid., 22). *Country Reports 2013* corroborates the incident (27 Feb. 2014, 24). Zagreb Pride reported that in this incident, police initiated misdemeanour proceedings and "refused" to comply with rules of procedure for hate crimes (Zagreb Pride Nov. 2013, 22). The report states that criminal proceedings were initiated in November 2013, "only after Zagreb Pride sought suspension of the misdemeanor proceedings [from the police]" and filed criminal charges at the Municipal State Attorney's office in Dubrovnik (ibid.). The taxi driver was indicted on charges of causing bodily injury motivated by hate, and proceedings at the time of the 2013 report were ongoing (Nov. 2013, 22). Further information about the proceedings on this case could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

According to *Country Reports 2014*, in June 2014, two separate incidents of violence occurred in Split, when "five or six men physically attacked two LGBT activists" and a Brazilian LGBT tourist was "punched" by an unknown person when he displayed affection to his partner at a festival (US 25 June 2015, 22). Corroborating

information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

Zagreb Pride also documented hate crimes against two LGBT individuals in 2012, and two LGBT individuals in 2013, that were not reported to police (Zagreb Pride Nov. 2013, 52). According to Zagreb Pride, victims emphasized that they did not report the crimes to police "for fear of them reoccurring" or because of fear of "secondary victimization" by police, according to one victim (*ibid.*). According to the FRA survey on the situation of LGBT people in Europe, 7 percent of Croatian respondents who said they were a victim of discrimination reported it, compared to the EU average of 10 percent (EU 2014, 48). In 2014, the Ombudsman of Croatia stated that the "small number of discrimination complaints made to ombudspersons and courts show the citizens' distrust in the system, fear of victimisation, and/or lack of information about who to contact" (Croatia Sept. 2014, 4).

1.2 Freedom of Assembly

The International Lesbian, Gay, Bisexual, Trans, and Intersex Association (ILGA) of Europe (ILGA-Europe), an international non-governmental umbrella organization of 422 organizations across 45 countries in Europe that "advocates for human rights and equality for LGBTI people" in Europe (ILGA-Europe May 2015, i), reports that gay pride parades in Split and Zagreb were held without violence in 2013 (*ibid.* May 2014, 55-56). They were also held peacefully in both cities in 2014 (*ibid.* May 2015, 56). Sources mention that in 2014, a pride parade took place for the first time in the city of Osijek (US 25 June 2015, 22; ILGA-Europe May 2015, 57; Croatia Week 6 Sept. 2014). According to sources, there were between 300 (ILGA-Europe May 2015, 57; US 25 June 2015, 22) and 400 participants in Osijek's Pride (*ibid.*). ILGA-Europe reports that "the police had cooperated fully during preparations" for the Osijek's Pride (ILGA-Europe May 2015, 57). According to Croatia Week, an English-language Croatian news portal (Croatia Week n.d.), "[a]round 100 police officers, and more private security guards kept an eye on proceedings, with no major incident reported" (*ibid.* 6 Sept. 2014).

According to Dalje.com, a Croatian news website, the fifth pride parade held in Split [in June 2015] occurred "without incident" (7 June 2015).

2. State Protection

2.1 Legislation

A 2015 report issued by the Ombudsman of Croatia for submission to the UN Human Rights Committee indicates that the Anti-discrimination Act, in force since 2009, "with some amendments introduced in 2012," prohibits discrimination based on "18 grounds" and in a "wide number of areas" (Croatia Feb. 2015, 2). Article 1(1) of the Anti-discrimination Act states that

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 (Croatia 2009).

Amnesty International (AI) reports that the Criminal Code defines hate crimes as "crimes perpetrated on the basis of a personal characteristic," and explains that sexual orientation has been explicitly mentioned in the list of such characteristics since 2006, and gender identity since January 2013, when a new Criminal Code came into force (Sept. 2013, 10). For further information on the implementation of the Anti-discrimination Act and the Criminal Code, see Response to Information Request HRV104894.

AI reports that "[a] law on Life Partnership [1] was adopted in July [2014] that

granted equal rights to same-sex partnerships in all matters except adoption" (AI 25 Feb. 2015). According to Balkan Insight, this legislation defines the statutory rights of same-sex couples "in much the same way" as heterosexual couples in areas including inheritance, pension, tax and medical care, but not adoption (15 July 2014). AI points out that the Law on Life Partnership "introduced the institution of 'partner-guardianship' to allow parents in same-sex-partnerships to extend the full range of parental rights and obligations in relation to their children to their partners" (25 Feb. 2015). According to the representative of Zagreb Pride, this new law has been "implemented without any significant obstacles" (Zagreb Pride 26 June 2015). Sources indicate that the first civil union under this law was celebrated in September 2014 (AI 25 Feb. 2015; Gay Star News 7 Sept. 2014).

ILGA-Europe reports that in 2013, "a conservative group of Catholic inspiration, In the name of Family, ran a succesful campaign for a referendum over the constitutional definition of marriage" (May 2014, 55). Sources report that the group was able to gather a much higher number of signatures than required to trigger the 2013 referendum (ibid.; bEUcitizen 11 Feb. 2015), with over 749,000 signatures in favour of calling for a referendum aimed at entrenching the definition of marriage as "a union between a man and a woman" in the Constitution (ibid.). Sources indicate that the referendum on the constitutional definition of marriage was held and passed with an approximate 66 percent approval rate (ILGA-Europe May 2014, 55; US 27 Feb. 2014, 24), in December 2013 (ibid.). *Country Reports 2013* indicates that it was the "first-ever citizen-initiated referendum" in Croatia (ibid.). Information on whether the amendment has been enacted could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

Gay Star News, an international LGBT news, entertainment and travel site (Gay Star News 15 Jan. 2012), reports that the Catholic Church was accused by gay rights activists of "coercing" the public to sign the petition proposed by In the Name of the Family, as a prerequisite to proceed either with a marriage or a baptism (ibid. 13 June 2013). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

According to the representative of Zagreb Pride, an "increase of hate speech" followed the holding of that 2013 referendum, and she stated that since 2013, her organization has received "dozens of (online) threats," 12 of which have been reported to authorities, and that "LGBT community leaders have also been subjected to private law suits and unjustified criminal charges for speaking out publicly against the referendum" (Zagreb Pride 26 June 2015). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

2.2 Actions Taken by the Authorities

According to the representative of Zagreb Pride, the attitude of the Croatian authorities towards the LGBT community has improved between 2011 and 2015 and she provided as examples the participation of five government Ministers in the 2012 Split Pride march and the 2012 invitation to the LGBT community to be part of the drafting of same-sex partnership legislation (Zagreb Pride 26 June 2015). However, the same source also noted that "we must stress that with the change of political powers, the attitudes toward LGBT can switch" (ibid.).

Sources report that in 2013, Zagreb hosted the annual ILGA-Europe LGBT conference (Pink News 30 July 2013; *Washington Blade* 28 Oct. 2013), hosting nearly 300 LGBT advocates from across Europe, with opening ceremonies including a welcoming statement from the President of Croatia (ibid.). ILGA-Europe reports that in 2013, officials took part in Zagreb and Split Pride marches (May 2014, 55-56).

Human Rights Watch mentions Croatia among a group of states that co-sponsored a resolution adopted by the UN Human Rights Council in September 2014 to combat violence and discrimination based on sexual orientation (Human Rights Watch 26 Sept. 2014).

Sources report on the attendance in 2015 of the Croatian Minister of Public Administration at the 3rd IDAHO [International Day against Homophobia, Transphobia and Biphobia] forum in Montenegro on the prevention of hate crimes and violence (Montenegro 11 May 2015; Dalje.com 12 May 2015). Dalje.com reports that the Ministers who took part in the forum signed a joint statement on the prevention of hate crimes against LGBT people, "underlining the importance of promoting a common policy of equality, diversity and inclusion of such persons" (ibid.).

2.3 Police

According to the Organization for Security and Co-operation in Europe (OSCE)'s Office for Democratic Institutions and Human rights (ODIHR), the Croatian authorities report hate crime data on a regular basis to ODIHR; however, the ODIHR website also states that "ODIHR observes that Croatia has not made public reliable data and statistics on hate crimes" (OSCE n.d.). According to the same source, of the 35 hate crimes reported in 2013 by the Croatian police, 2 were cases of incitement to violence based on bias against LGBT people (ibid.). Citing data from the Ministry of the Interior and the Ministry of Justice, the Ombudsman reports that there were four hate crimes motivated by homophobia reported in 2012, and none were reported in 2013 (Croatia Sept. 2014, 5).

According to the representative of Zagreb Pride, the police "regularly" participate in LGBT sensitization training sessions; however she also noted that police generally lack other types of training, such as legal training since the adoption of anti-discrimination legislation (Zagreb Pride 26 June 2015). With respect to hate crimes, the same source described police protection in Zagreb as "satisfactory" whereas she noted that in other regions, particularly in Dalmatia, research by the organization has "found cases of secondary victimization and even hostility" by police towards LGBT people who report hate crimes (ibid.). Regarding discrimination complaints, the representative of Zagreb Pride stated that

[Zagreb Pride] have been witnessing a lack of efforts by the police to conduct all necessary measures in procedures with anti-discrimination complaints (mostly harassment) which led to some of our clients feeling that it is pointless to report the complaints directly to the police (ibid. 29 June 2015).

The UN Human Rights Committee expressed concern "about the lack of effective investigation and prosecution" of acts of violence against LGBT people (30 Apr. 2015, para. 10). The 2015 Ombudsman report quotes the country's Gender Equality Ombudsman as stating that

[t]o legally qualify offences against bodily integrity or safety of Croatian citizens or, in cases like Gay Pride, restrictions of their fundamental human rights caused by prejudice and/or hatred motivated by their sexual orientation as misdemeanours (of any kind) is irrational and inappropriate ... [as] such acts ... undoubtedly fall within the scope of criminal law and not misdemeanor protection. The [Gender Equality Ombudsman] understands that from the perspective of institutions of justice which are competent and obligated to initiate misdemeanor or criminal proceedings, it is more convenient to process this type of offence in misdemeanor proceedings as its rules are less complex and the police may initiate and manage misdemeanor proceedings without the state attorney's office ... however, this group of citizens is discriminated against in the legal order of Croatia, as they cannot rely on equal protection provided by the Croatian system of justice to other social groups. This claim is also confirmed by the fact that competent justice and judicial authorities not only view these specific offences as not being hate-motivated criminal offences, but also qualify them as mere misdemeanours against public order and peace (Croatia Feb. 2015, 5-6).

AI similarly explains that hate-motivated physical violence has "not always been classified consistently," explaining that in particular, police have classified some cases of physical violence as minor offences, and that "the hate motive may not be fully taken into account by authorities when processing minor offenses" (AI Sept. 2013, 10). *Country Reports 2014* states that NGOs report that police "were responsive to

reported violations against LGBT individuals but noted ambiguity in the penal code regarding penalties for violent behavior toward such individuals" (US 25 June 2015, 22).

2.4 The Judiciary

Country Reports 2014 states that NGOs report that there is "uneven awareness of LGBT discrimination within the judiciary" (US 25 June 2015, 22). The Ombudsman indicates that there is a lack of "systematic education on anti-discrimination legislation" for judges and civil servants (Croatia Sept. 2014, 5). The Ombudsman noted that "[t]he number of discrimination-related court proceedings has gradually increased from 2009 but is, in general still very low," with 36 civil proceedings filed in 2010 and 52 in 2013 (ibid. Feb. 2015, 4).

Country Reports 2014 indicates that "[t]he Zagreb municipal court rejected five joint suits filed for employment discrimination based on sexual orientation," but that the Supreme Court overruled three of those decisions (US 25 June 2015, 22).

Country Reports 2013 mentions that

[i]n July a judge at the Varazdin Municipal Court ruled that there had been workplace discrimination and harassment against an openly gay associate professor at the University of Zagreb's information technology department but dismissed the plaintiff's claim of victimization when he was disciplined for speaking against the university. The judge also found the plaintiff harmed the reputation and honor of those found guilty of harassment and fined him 30,000 kunas (\$5,400). The ombudsperson for gender equality and the plaintiff asked that the judge be removed for bias (ibid. 27 Feb. 2014, 24).

ILGA -Europe reports that in 2014 the "Supreme Court confirmed [the] 2012 judgment by the Varazdin Municipal Court" on this case (May 2015, 56).

3. Support Services

The representative of Zagreb Pride provided the following list of LGBT organizations that she described work on "promoting and protecting LGBT human rights":

- Lesbian Organization Rijeka (LORI) and Osijek Pride, in Rijeka;
- Rišpet, in Split (Zagreb Pride 29 June 2015).
- Lesbian Group Kontra (Zagreb) (Zagreb Pride 29 June 2015).

She also noted that " [o]ther LGBT organizations are working mostly on culture and social events activities and [that] they are all located in Zagreb" (ibid.).

The Zagreb Pride representative further indicated that "LGBT civil society organizations can propose project activities or programs to various public calls for funding to receive financial support" and that in 2014, 14 percent of Zagreb Pride's funding came from state funding sources (Zagreb Pride 3 July 2015).

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of sources consulted in researching this Information Request.

Note

[1] The law is also known as the Law on Life Partnerships for Persons of the Same Sex (ILGA Europe May 2015, 56), the Same-Sex Life-Partnership Act or the Life-Partnership Act (Zagreb Pride 18 July 2014).

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Additional Sources Consulted

Oral sources: The following were unable to provide information for this Response:

Croatia – Office of the Ombudsman; ILGA-Europe; International LGBTQ Youth and Student Organisation.

Attempts to contact the following were unsuccessful within the time constraints of this Response: Iskorak Center.

Internet sites, including: Council of Europe; Croatia – Croatian Parliament, Government of the Republic of Croatia, Ministry of Interior, Office for Human Rights and Rights of National Minorities; eoi.net; Equinet European Network of Equality Bodies; EU – European Parliament Intergroup on LGBT Rights; Factiva; Freedom House; GlobalGayz; International Gay and Lesbian Human Rights Commission; Lesbian Group Kontra; Radio Free Europe/Radio Liberty; Trans Aid; UN – Office of the High Commissioner for Human Rights, Refworld.

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