



2007 ANNUAL REPORT ON THE STATUS OF HUMAN RIGHTS OF SEXUAL AND GENDER MINORITIES IN CROATIA

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INTRODUCTION

Legal changes

The *Team for Legal Changes of Iskorak and Kontra* was founded in spring of 2002, which also marked the beginning of a more intense advocacy of the protection of rights of sex and gender minorities within the Croatian legal system.

While advocating the human rights of LGBT (lesbian, gay, bisexual, transgender) persons, we have often referred to international documents for the protection of human rights, especially those issued by the Council of Europe and European Parliament.

We have achieved significant cooperation with non-government organizations and male and female activists for the protection of human rights of LGBT persons in Slovenia, Serbia, Bosnia and Macedonia, as similar changes have also happened in other countries in the region.

The greatest improvement in the protection of sexual and gender minority rights in Croatian legislation occurred in 2003. After successful advocacy of the protection of rights of sexual and gender minorities in Croatian legislation, most of our bills were passed by Croatian Parliament in July 2003.

For the first time in Croatian legislation sexual orientation was explicitly identified in articles prohibiting discrimination based on certain differential criteria. Prohibitions of discrimination based on sexual orientation were introduced into the Gender Equality Act, Criminal Code, Labour Act, Scientific Work and Higher Education Act, and into schoolbook standards. Also the Same-sex Civil Unions Act was passed.

The changes in Croatian legislation were a result of public advocacy by the Team for Legal Changes, as well as the pressure arising from Croatia's application to join the EU.

Protection of sexual minorities in the Criminal Code was explicitly stated in 2003 in the context of the criminal offence of glorifying fascist, Nazi and other totalitarian states and ideologies or promoting racism and xenophobia (Art. 151a of the Criminal Code; OG 111/03). But, by a decision of the Constitutional Court of 27 November 2003, no. U-I/2566/2003, this act was entirely annulled. In 2004 the Team for Legal Changes continued with public advocacy of the rights of sexual and gender minorities, and the Act on Amendments to the Criminal Code was passed, which explicitly mentioned sexual orientation in Art 174 para 3 of the Criminal Code (criminal offence of racial or other discrimination). The Act on Amendments to the Criminal Code, including the above amendment, was passed by the Croatian Parliament on 13 July 2004. Also, the Parliamentary Committee on Human Rights accepted an amendment from the Team for Legal Changes to the Media Act that referred to inclusion of sexual orientation into the anti-discriminatory provisions of that Act. Unfortunately, the Committee did not accept the amendment from the Team for Legal Changes that referred to gender identity. The Media Act, including the amendment referring to sexual orientation, was passed by the Parliament on 10th May 2004. In 2005 and 2006 the Team for Legal Changes worked on the introduction of a definition of hate crime into the Criminal Code. The suggestion of the Team for Legal

Changes on this was accepted by the Croatian Parliament mainly due to international pressure (OSCE, applying for EU membership) and support by the national minorities in Parliament in 2006. There is still noticeable resistance to the elimination of discrimination of same-sex unions at the legal level. In 2006 the proposed Registered Partnership Bill was refused, the purpose of which was to secure for same-sex couples the same rights and obligations enjoyed by married couples, with the exception of adopting children.

The last four years have marked a great milestone for the LGBT community in Croatia at the legal level. But, although some of the rights of LGBT persons are now protected by Croatian law, implementation of these newly-passed laws is made difficult by discriminatory actions by state institutions in specific cases. Most of the time, victims do not even report discrimination or violence, since they have no confidence in the Croatian legal system, especially the police. The community is especially discouraged by homophobia within institutions, even within the Croatian Parliament which passed the above laws but whose members publicly use hate speech aimed against sexual and gender minorities, breaking these same laws and showing the public how little they value these same laws they raised their hands in favour of in the hope of endearing themselves to the international community.

Summary of the 2007 Report

Positive advances in the status of the human rights of sexual and gender minorities in Croatia in 2007 are visible, as in previous years, in the increase of reports of violence and discrimination to organizations for the protection of sexual and gender minorities. More and more people find the courage to report homophobic, biphobic and transphobic hate crimes. *Nevertheless, the great majority of people who experienced discrimination and violence never report such incidents because of their lack of confidence in the Croatian legal system, and fearing disclosure of their sexual orientation.*

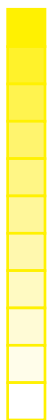
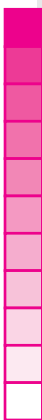
The most serious violation of human rights of sexual and gender minorities in 2007 came from the police during their actions in cases of violence against members of sexual and gender minorities during the Zagreb Pride 2007 event. In spite of the great number of evidenced cases of physical violence against members of sexual and gender minorities by employees of the Zagreb Police Department, not one criminal charge was submitted by the police against the perpetrators.

On 9 July 2007 *Jutarnji List* published an official statement by Mr Marijan Tomurad, chief of the Zagreb Police Department, in which he, amongst other things, claimed: "We have done a top job, and nobody can hold anything against us. We reacted appropriately to the situation and the moment, and in an extremely professional and responsible way, held the whole event under control", and that, "if someone thinks he or she should bring charges against the troublemaker, they can do it." Only two days earlier, Mr Tomurad had said that the police managed to prevent a tragedy because dozens of people could have been injured by the petrol bombs. Nevertheless, the police never brought criminal charges for the violent attacks on the participants in the event, including the attempted attack with Molotov cocktails.

During a report of violence, the police officials of the 1st Police Station insulted the injured parties,



treating them in a discriminatory way because of their sexual orientation and nationality (they were Slovenian citizens). The Ministry of Internal Affairs never punished this behaviour, even after the complaint of the injured parties, thereby sending a message that this kind of behaviour is in accordance with the attitude of the Ministry. The police silently and actually reject the possibility of investigating the attackers.



1. LEGISLATION

Asylum Act and Foreigners Act

In May 2007, the Croatian Government referred two legal proposals to parliamentary procedure, the Asylum Act and Foreigners Act. These proposals discriminated against same-sex couples and were also contrary to national legislation and international documents. Regulations that concerned the rights of the sexual minorities were those referring to the right of uniting families and the right to freedom of movement.

Accordingly, the Team for Legal Changes of Iskorak and Kontra sent the Croatian government proposals for amendments to the above regulations, and during the procedure of adopting the Act, also to the Parliamentary Committee for Human Rights and Rights of National Minorities, as well as to the Parliamentary Committee for Gender Equality. On 13 July 2007, representatives of the Team for Legal Changes took part in the sitting of the Parliamentary Committee for Human Rights and Rights of National Minorities, where the amendments were discussed.

It was there suggested to add an additional article, after Article 56, to the final proposal of the Foreigners Act, Article 56a which would, with the purpose of uniting families, enable the granting temporary residence to a foreigner whose same-sex partner has been recognized as a close member of a family. Article 56a would read:

“The provisions from Article 56 of this Act are implemented in an appropriate way to persons that live in a same-sex union in accordance to the Croatian legislation.”

Further on, a proposal was made to incorporate into Article 57, Paragraph 2, a category of “same-sex union” to enable the use of provisions concerning uniting families, relating to forming of the union of convenience, as a mechanism of protecting same-sex unions as well. This also referred to the Article 58, where one of the conditions for temporary residence for the purpose of uniting a family is proof that the marital or extramarital partners are not living in another marital or extramarital union, should also apply to the same-sex unions.

In relation to the final proposal of the Asylum Act, there was a similar intervention concerning the uniting of families. An amendment was proposed to Article 2 which would, after the definition of a family member add a definition of the same sex partner reading:

“The same-sex partner of the asylum seeker is a person living in a same-sex union with the asylum seeker in accordance with provisions of Croatian positive law. Provisions of this Act referring to family members of asylum seekers are implemented in an appropriate way to the same-sex partners of asylum seekers.”

The final proposal of the Asylum Act offered certain modifications concerning the direct mention of sexual orientation in the future. This means that asylum could be granted to a person persecuted in his/her country of origin because of, as the Act states, *“belonging to a social group sharing the same*

characteristics of sexual orientation". The Team for Legal Changes expressed an opinion that this formulation should be omitted because it only guarantees asylum based on belonging to a certain social group with special identity in the country of origin, thus linking the right of the individual to the factual existence of those social groups. Further on, this formulation states that a social group can also be a group based on shared sexual orientation. But, this definition should, according to the Team for Legal Changes be omitted, since sexual orientation is not part of the identity of a group of people, but part of the identity of the individual, independent of the factual existence of a group or the organization of individuals into civil groups of shared identity. The Team for Legal Changes emphasised the fact that in countries which persecute gays and lesbians, in the sense of criminal persecution, and even condemning to death, or inhumane treatment, there are no social groups to which these individuals belong, because they are systematically persecuted by the state government or by other individuals, or groups, and in such circumstances they cannot form a social group to which they might belong. Therefore, the Team for Legal Changes proposed the following amendment to the final proposal of the Foreigners Act:

"The definition of a particular social group is deleted from Article 2 and replaced by a new definition which reads: Other features understand various characteristics, and especially race, skin colour, sex, sexual orientation and gender expression, language, religion, political or other convictions, national and social background, possessions, birth, education, social position, age or health status."

After discussing the amendments, the proposals of the Team for Legal Changes were rejected by the majority. Even though the amendments were personally proposed by MP Furio Radin (President of the Committee), they were rejected by the Croatian Parliament.

The modification which would mention sexual orientation, in spite of the fact that here we are dealing with the necessary attachment to a certain social group, is a novelty in Croatian legislation concerning the right to asylum. But, we have to keep in mind that even the previous Asylum Act could be interpreted in a way that would grant asylum to a person persecuted because of sexual orientation, even though it was not explicitly stated. In practice to date in Croatia, nobody has been granted asylum on that basis.

Volunteers Act

On 18 May 2007, the Croatian Parliament passed the Volunteers Act. For the first time in Croatian legislation, discrimination on the basis of "gender and gender expression" was prohibited. But, it is not clear from the content of the Act what the legislator understood by the term "gender and gender expression". Provisions of the Volunteers Act (OG 58/07) read as follows:

"The principle of prohibition of discrimination of volunteers and the beneficiaries of volunteer work

Article 9

*(1) An organizer of voluntary work is obliged to treat volunteers in accordance to the principle of equal opportunities for everyone, regardless of their: age, race, skin colour, language, religion, sex, sexual orientation, **gender and gender expression**, political or other convictions, national or social*

origin, possessions, education, social position, marital status, family obligations, membership or non-membership of a political party, organization or union, physical or psychological difficulties or diseases and other personal characteristics if it does not otherwise arise from the nature of the volunteer's activity, the possibilities of the volunteer himself/herself, or if it is not otherwise regulated by this Act.

*(2) An organizer of voluntary work and the volunteer are obliged to treat physical persons who are beneficiaries of the volunteer work according to the principle of equal opportunities for all persons, regardless of their: age, race, skin colour, language, religion, sex, sexual orientation, **gender and gender expression**, political or other convictions, national or social origin, possessions, education, social position, marital status, family obligations, membership or non-membership of a political party, organization or union, physical or psychological difficulties or diseases and other personal characteristics*

When the Volunteers Act came into force on 13 June 2007, activists from the Team for Legal Changes of Iskarak and Kontra organized a public action in front of the Croatian Parliament building in order to praise the Parliament for passing the Volunteers Act. The activists were dressed for the occasion in a way that they changed their gender roles into the roles of the opposite sex, and handed out leaflets on the rights of transgender persons, and with the media present, asked MPs whether they knew what the terms gender and gender expression meant. Several MPs answered the question in front of the media, most of them not knowing the answer to the question of gender expression. Božica Šolić (HDZ) answered: *"I'm conservative. Stop bothering me. I think it's all sick."* MP Gordana Sobol (SDP, president of the Committee for Gender Equality) said that she was proud of the anti-discriminatory provision and that she knew what gender expression meant. The whole event was followed by the media.

Misdemeanour Act

On 3 October 2007 Croatian Parliament passed the new Misdemeanour Act (OG 107/07). For the first time in Croatian legislation a same-sex union was recognized in a legal document other than the Same-sex Union Act. A provision from Article 130 paragraph 3 of the Misdemeanour Act states that precautionary measures cannot restrict the right of a defendant to his/her own flat, or the right to unhindered relations with, amongst others, the same-sex partner whom he/she lives with in a union, or with an ex same-sex partner with whom he/she lived with in a same-sex union, except in cases of family violence. The mentioned provision reads as follows:

"Purpose, types and principles of applied precautionary measures

Article 130

(3) The right of the a defendant to his own flat cannot be limited by precautionary measures nor can the right to unhindered relations with household members, spouse, common-law or former spouse, the children of any of the above, parents, adopted child, adopted parent or person with whom he has children in common, with a partner of the same sex with whom he lives in a union, or with a same-

sex partner with whom he/she used to live in a union, unless the case is connected with domestic violence.

It should be emphasised that the existing Protection from Domestic Violence Act (OG 116/03) does not recognize a same-sex union as a family nor is it applied in a suitable manner to partners who live in a same-sex union nor to those who used to live in such a union. Therefore it is not clear how the courts could apply this provision in cases of violent behaviour within a same-sex union. From this it follows that the obvious intent of the legislator was to widen protection from domestic violence to same-sex unions only that it did not achieve such a legal formalisation through changes to the existing material regulations, although the misdemeanour proceedings legislation is adjusted for such a possibility.

Gender Equality Act

On 13 October 2007 some media reported that the Constitutional Court would repeal the Gender Equality Act. There also appeared in public some information that the Constitutional Court would also repeal the Same-sex Union Bill. The reasons for repealing these laws are to be found in the fact that they were adopted in 2003 without the required number of votes of members of Parliament (in total at least 76 votes), because in both cases it was a question of an organic law.

On 16 January 2008, the Constitutional Court of the Republic of Croatia issued a statement from its sitting held on that day and stated the following:

"In cases of evaluating the conformity of laws with the Constitution, the Constitutional court has:
- repealed the Gender Equality Act [Official Gazette 116/03] due to its formal deviation with the Constitution of the Republic of Croatia. The Constitutional Court has, judging the legal nature of this Act, concluded that it is an organic law because it elaborates constitutionally confirmed human rights and basic freedoms under Article 3 and Article 14 of paragraph 1 of the Constitution, and according to the provision of Article 81 paragraph 2 of the Constitution in order for its adoption the majority of votes was required of all members of the Croatian Parliament, that is to say at least 76 votes of members. As the Act in question was adopted with the votes of 75 members, the procedure of its adoption was not in accordance with the above provision of the Constitution and therefore the Constitutional Court has repealed it, not evaluating on this occasion the agreement of its content with the Constitution. In accordance with the importance of the Act and its application, the Constitutional Court on the basis of its authority under Article 55 of the Constitutional Act on the Constitutional Court of the Republic of Croatia has delayed the coming out of force of the Act until 15 July 2008 in order to allow the Croatian Parliament enough time for its harmonisation with the Constitution."

In the above announcement of the Constitutional Court there is no statement concerning the debate on the Same-sex Union Bill, about which no decision had been published at the time of the preparation of this report.

Public Gatherings Act

On 10 December 2007, in cooperation with civil society organisations, associations Iskorak and Kontra delivered a proposal for the evaluation of the constitutionality of the Public Gatherings Act. Citizens are forbidden by the provisions of this Act from holding public gatherings within 100 metres of the building of the Croatian Parliament, Constitutional Court or Government of the Republic of Croatia. Based on this provision misdemeanour proceedings have been started against activists of the Team for Legal Changes of Iskorak and Kontra because as part of the national campaign “We’re not homophobic, but...” they distributed leaflets to Members of Parliament in front of the building of the Croatian Parliament. The disputed provision of the Public Gatherings Act reads as follows:

“Article 11

(1) As an exception from the provision under Article 10 of this Act, peaceful gatherings and public protests may not be held:

... at least 100 metres from a building in which is seated or sit the Croatian Parliament, President of the Republic of Croatia, Government of the Republic of Croatia or Constitutional Court of the Republic of Croatia.

(2) In a case under paragraph 1 subparagraph 6 of this Article, the provision of Article 4 paragraph 1 of this Act is not applied in the part which determines the number of participants of a gathering.”

We draw attention to the fact that activists from the Team for Legal Changes of Iskorak and Kontra were reported for a misdemeanour by the 1st Police Station of the Zagreb Police Department, because on 29 April 2007 they distributed leaflets to Members of Parliament and journalists as part of the “We are not homophobic, but...” campaign, which clearly pointed out the homophobia in the Croatian Parliament and sent a political message to Members of Parliament with the aim of promoting the widening of the range of rights of same-sex couples. Such a political message was of a critical nature to the existing political structures. However, although they were in a rather greater number (a total of four persons), the activists of the Team for Legal Changes on 13 July 2007 gathered in front of the building of the Croatian Parliament in order to thank the Croatian Parliament for adopting the Volunteers Act which contains a ban on discrimination on the basis of gender and gender expression, the consequence was not police intervention nor later misdemeanour charges. Although a police official sought the identity documents of the participants in this gathering, the same man just said that everything was in order and that the activists could continue to distribute leaflets on condition that they were not aggressive and that they did not disturb public law and order. In order to test the efficiency of the system and application of the disputed provision of the Public Gatherings Act, the activists on 28 November 2007 organised a symbolic action of distributing leaflets of an invented hairdresser salon called Mira within a circle of 100 metres of the building of the Croatian Parliament, the Government of the Republic of Croatia and the Constitutional Court. The activists also distributed leaflets to police officials, who showed some interest in whether their wives could have some kind of holiday discount. From the above it follows that the application of the provisions of the Public Gatherings Act is discretionary and depends on the assessment of police officials as to what kind of gathering is in question, not entering into an appreciation as to whether such a gathering is a threat to public security, but only assessing whether in any particular case it is a question of demonstrating the political opinion of citizens, or whether it is an opinion in accordance with the standpoints of the ruling political structures.

Protection from Discrimination Act

At the end of 2007 the Office for Human Rights of the Government of the Republic of Croatia opened a public debate on the draft proposal of the Prevention of Discrimination Act. The opening of a public debate was preceded by an invitation from the Office for Human Rights to some representatives of civil society to draw up a draft proposal of the Prevention of Discrimination Act, which they refused to do because of the non-transparent way of forming the working group and because of the lack of capacity. The representatives of organizations concerned with protection of the rights of sexual and gender minorities were not included in the working group, despite the fact that their inclusion was explicitly regulated like the measure of the National Policy for Promoting Gender Equality from 2006 to 2010.

In the end, the Office for Human Rights of the Government of the Republic of Croatia alone prepared the initial version of the draft proposal of the Prevention of Discrimination Act which was supposed to serve the further work of the working group at the Ministry of Families, Veterans' Affairs and Intergenerational Solidarity.

The Team for Legal Changes of Iskorak and Kontra most importantly emphasised the fact that the Republic of Croatia already adopted a range of anti-discriminatory regulations which prohibits discrimination in various areas back in 2003 such as in the Gender Equality Act, Labour Act, Same-sex Union Bill, Civil Servants Act, Volunteers Act and others. In this it was confirmed, and not only in respect of the protection of the rights of sexual and gender minorities, that the existing legal regulations are not applied and that discrimination is a highly prevalent social problem for which a suitable solution has not been found. The implementation of existing laws for protection against discrimination is insufficient, the Government of the Republic of Croatia has still not adopted the National Strategy for the Prevention of all Types of Discrimination, and also not even the sanctioning of discrimination has yet to see daylight. The European Commission also attracted attention to this problem in its Croatia Progress Report for 2007, adding that in 2007 numerous homophobic incidents were recorded. Therefore we believe that in the context of implementation the adoption of this law will only be of a corrective nature.

The legal proposal itself encompasses several important social problems for which until now adequate solutions have not been found. Namely, the proposal prescribes that the tasks of the central body responsible for the prevention of discrimination should be carried out by the People's Ombudsman. Although it is foreseen by the proposal that the responsibilities are not mutually exclusive in practice, that can lead to problems because both Offices should in fact co-operate, which would also bring their independence into question. Furthermore, the responsibilities of the People's Ombudsman would also include the offering of legal help to parties, which includes legal advice connected with discrimination in accordance with legal regulations concerning eligibility for legal help. Such a system is necessarily dependent on the adoption of a separate legal regulation on the establishment of the right to legal help, which has not yet been done, and such a regulation does not belong in the Prevention of Discrimination Act anyway. As opposed to the provisions of The People's Ombudsman Act according to which he may choose the cases on which he will work, according to the provisions of the Protection from Discrimination Act he would be responsible to act without the possibility of a

selective approach.

The proposal also prescribes the possibility of the pronouncement of misdemeanour sanctions against perpetrators of discrimination. We consider that such a possibility is in opposition to the principle of the banning of double punishment (*ne bis in idem*), because discrimination is already made an offence in the Criminal Code and may be considered as either the offence of violation of the equality of citizens (Art 106 para 1 of the Criminal Code) or the offence of racial or other discrimination (Art 174 para 1 of the Criminal Code). Where it is a case of legal persons and their responsibility for discrimination, then the Act on the Responsibility of Legal Persons for Criminal Offences may be applied in an appropriate manner. Although Croatian penal legislation (by which we also refer to misdemeanour right) recognizes the possibility of the overlapping of criminal and misdemeanour offences, that should be considered in the light of the position of the European Court of Human Rights and it should be taken into account that it can in no way be a question of identical characteristics of individual offences. In questions of discrimination as a misdemeanour and as a crime, it is a question of identical characteristics of both offences.

Furthermore, when it is a question of a misdemeanour punishment, attention should be drawn to the fact that the greatest punishment foreseen by the draft proposal of the Prevention of Discrimination Act is a fine (starting from at least 20,000 kuna) or a prison sentence of a maximum of 90 days. On the other hand, when it is a question of criminal offences under Art 106 para 1 and Art 174 para 1 of the Criminal Code, then a fine is not considered at all, but exclusively prison sentences in a range from six months to five years for both crimes. Taking into account the general purpose of the pronouncing of criminal sanctions, it is obvious that the intention of the legislation was to sanction discrimination as a more serious crime and that it assumed that in order to achieve that purpose it would not be sufficient to apply a fine or a prison sentence shorter than six months. Therefore we consider that by introducing misdemeanour sanctions, an incorrect message will be sent to potential perpetrators of discrimination, and thus reduce the possibility of society's punishment of discrimination as a form of delinquent behaviour.

2. COOPERATION WITH STATE INSTITUTIONS AND BODIES

Croatian Government

Within the Programme of the Government of Republic of Croatia for the mandate of 2003-2007, the Croatian Government placed questions of gender equality within the chapter on family, and the question of women's rights within the context of protection of the family. In this way the Government of the Republic of Croatia promoted traditional gender roles in which the only role for a woman is to serve the family and to raise children. The same paragraph regulated that maternity leave should be extended to three years, which came into force with the new Labour Act and resulted in additional discrimination of women on the work market. The Programme did not contain activities for fighting against discrimination on the basis of sexual discrimination nor on any other basis other than nationality.

The Government of the Republic of Croatia in its four-year mandate has intentionally and regularly failed to respect and implement the Same-sex Union Act and its anti-discrimination provisions contained in Art 21 in the drawing up of new legal proposals.

The Office for Human Rights of the Government of the Republic of Croatia

On 2 November 2007, the Croatian Government adopted the National Programme for the Protection and Promotion of Human Rights from 2008 to 2011 in which it totally inadequately approaches the protection of sexual and gender minorities from discrimination. NGOs concerned with the protection of the rights of sexual and gender minorities were not included in drawing up the programme, despite the fact that their inclusion was explicitly prescribed by a measure of the National Policy for the Promotion of Gender Equality from 2006 to 2010. Activists of the Team for Legal Changes discovered through the web pages of the Centre for Human Rights that a presentation of the proposals for the programme would be held. After the proposed programme had been passed to them by the Women's Network of Croatia, the following objections were sent to the Office for Human Rights of the Government of the Republic of Croatia which was responsible for the preparation of the proposal, with the goal of establishing concrete and effective measures for the protection and promotion of the rights of sexual minorities:

Aim: To secure resources for the protection of the human rights of sexual and gender minorities through the non-government sector

Measures: The distribution of funds via competition to projects which have as their goal the protection of the rights of sexual and gender minorities

Implementing bodies: Office for Human Rights, Office for Gender Equality

Timeframe: 2008-2011

Aim: Harmonisation of legislation with the Gender Equality Act and international criteria

Measures: Analysis of the existing legislation and proposed amendments and additions to the law and harmonisation of new proposals of the law

Implementing bodies: Ministry of Justice, Office for Human Rights, Office for Gender Equality, Office

for Legislation

Timeframe: 2008-2011

Aim: To secure better legal protection for persons living in same-sex unions

Measures: Drawing up a proposal for a Same-sex Union (Revisions and Amendments) Act along with the widening of the range of rights which same-sex couples enjoy

Implementing bodies: Office for Human Rights, Ministry of Justice, Office for Legislation

Timeframe: 2008-2009

Aim: Improvement of the institutional framework for implementing proposals from the Gender Equality Act

Measures: Strengthening the capacity of the Office of the Ombudswoman for Gender Equality so that it employs a person responsible for work on cases concerning discrimination on the basis of sexual orientation.

Implementing bodies: Ministry of Finance, Office of the Ombudswoman for Gender Equality

Timeframe: 2008

Unfortunately not one of the proposed measures was adopted. In contrast to these measures which would secure real progress in the protection of the rights of sexual and gender minorities by amendments to legislation, incentive measures for the non-government sector, and increasing the capacity of institutional mechanisms, the following measures were adopted:

98. Aim: To increase tolerance towards sexual and gender minorities

98.1. Measure: Organisation of public debates and seminars

Implementing bodies: Office for Gender Equality of the Government of the Republic of Croatia, Office for Human Rights of the Government of the Republic of Croatia

Timeframe: 2008-2011

98.2. Measure: Encouraging activities for the purpose of raising public awareness of the unacceptability of discrimination on the basis of sexual orientation

Implementing body: Office for Gender Equality of the Government of the Republic of Croatia

Timeframe: 2008-2011

99. Aim: To improve legislation in the area of protection of members of sexual and gender minorities

99.1. Measure: Preparation of an analysis of legislation for the purpose of achieving the rights of members of same-sex orientation

Implementing body: Office for Gender Equality of the Government of the Republic of Croatia

Timeframe: 2009

In the above measures the only possible concrete effect has been to establish the existing situation (analysis of legislation, but without any advancement). According to experience so far in the work of the Government's offices we estimate that the measures whose aim is to "increase tolerance towards sexual and gender minorities" will result in the organisation of a few public events which will be lightly

covered by the media and politically safe, and which will focus on maintaining the existing situation in legislation, and will not fulfill the given aim. Of the three existing measures, it can be seen that the Office for Human Rights took on the role as implementing body of activities only for the measure of organising public debates and seminars (and that after criticism by the Team for Legal Changes), although, taking into consideration the responsibilities of the Office, it would be logical for it to take on the role of one of the implementing bodies for the other two measures as well.

The national programme in the chapter "Suppression of Racial and Other Discrimination" also defines the following aims: "to ensure effective legal protection against discrimination", for whose accomplishment was foreseen a measure of passing an anti-discrimination act and founding a single body for the suppression of discrimination and to "ensure the implementation of legal provisions forbidding discrimination", for whose accomplishment was foreseen a measure of analysis of positive legislation and defining modifications.

From the above it is obvious that the aims and measures of the Programme are not in harmony in this area either. The Government is, despite warnings from the European Commission on the inadequate application of existing anti-discrimination legislation, moving in the direction of adopting one more anti-discrimination law. The aim of ensuring the application of legal provisions forbidding discrimination, has as a measure only confirming the existing situation, without concrete amendments or educational measures for implementing institutions, while effective legal protection is intended to be ensured by the adoption of one more in a series of anti-discrimination laws, whose real implementation is delayed until after 2011, due to the lack of necessary measures.

As one of the aims, the following was stated: "to ensure a system of monitoring and documenting discrimination". As one of the measures for accomplishing the aim, the maintainance of statistical indications of criminal offences of discrimination and criminal offences connected with hate crime was foreseen. As the National Policy for the Promotion of Gender Equality has already prescribed measures of investigation for the analysis of court practice and police behaviour in cases of criminal offences motivated by the sexual orientation of the injured party, with a timeframe in 2007 and the same implementing bodies (Ministry of Justice, Ministry of Internal Affairs), which were not carried out, there exists serious doubt as to the possibility of the above measures being carried out. Also, for the second measure, which states "to promote co-operation with international organisations and civil society organisations", implementation is more than questionable if we take into consideration the exclusion of members of non-government organisations which are involved in the protection of the rights of sexual minorities from the preparation of all anti-discrimination proposals for laws and programmes in the previous year, despite the fact that their inclusion was prescribed by another Government policy.

One of the main objections to Croatia in the previous year was the failure to adopt a national strategic and action plan for the prevention of discrimination. The European Commission in its report on Croatia reports homophobic incidents and the country's lack of decisiveness in fighting the problem of discrimination.

Office for Gender Equality of the Government of the Republic of Croatia

Concerning sexual and gender minorities, it was noted that the head of the Office for Gender Equality in the previous year had been present at several public events relating to this topic (Zagreb Pride 2007 and the round table organized by the Drugi Korak organisation and the Office on the occasion of the International Day Against Homophobia).

The head of the Office joined the Advisory Board of the organisation Drugi Korak, about which an announcement was published on the Office's official web pages on 5 April 2007. This is an advisory body which observes the work of the Management Board of the organization and contributes advice, instructions and suggestions to its work.

After a public competition was published for the distribution of funds from the state budget to organisations in the budget line of the Office for Gender Equality for 2006, the Lesbian Group Kontra applied with the project of the Team for Legal Changes of Iskorak and Kontra for "promoting knowledge and awareness of the rights of sexual and gender minorities" and sought funds totalling 100,000 kunas. After considering the proposed project and making its decision, the Office for Gender Equality informed the Lesbian Group Kontra via an official letter that a total amount of 6600 kunas had been approved for it for the printing of promotional material.

The Office informed the Lesbian Group Kontra via e-mail of the date of the signing of the contract for financial support and asked the group to bring with it an amended budget adapted to the result of the competition. The representative of the Lesbian Group Kontra delivered an amended budget to the Office in which she had adapted the budget point to the result of the competition in such a way that it foresaw a budget point in the amount of 6600 kunas for the fees of the project's associates. After the thus amended budget had been delivered to an official of the Office, the contract for financial support was signed.

At the end of the project the Lesbian Group Kontra delivered its Final Report on the implementation of the project, and with it submitted the financial report in accordance with the budget which it had given the Office when signing the contract for financial support, such that under the above budget point a fee was paid out to one of the project's associates. On 19 July 2007, the Office informed the Lesbian Group Kontra that it did not accept the financial report because the funds had not been spent in accordance with the approved budget, that is for covering the printing costs of promotional material. However, in the same warning was also submitted an amended budget which the representative of Kontra had submitted to the Office at its request when signing the contract for financial support. The latter budget did not contain delivery receipt. Regardless of the fact that their own oversight was pointed out to the Office, it nevertheless asked for the above funds to be returned, with the threat of using legal mechanisms for return of that money.

It is not clear why the Office sought the budget change from the Lesbian Group Kontra when the contract for financial support was signed, except that after delivery of the final narrative and financial report it was shown that the legal behaviour towards the organization as recipient of financial means was absent because of the negligence of an official of the Office and ignorance of general principles

of work in state bodies. In ordinary circumstances such behaviour would demand the replacement of the responsible persons and an apology to the injured party.

It is worth emphasising that the Office for Gender Equality of the Government of the Republic of Croatia has never seriously supported the projects of lesbian organizations and the amount of 6600 kunas was awarded for the implementation of a project of legal protection, which by the range of its activities was much greater than the distribution of promotional material.

Copies of the documents were sought from the Office on the basis of Art 10 para 4 of the Right of Access to Information Act, connected to the work of the Office in the distribution of funds to NGOs via the above competition, and copies of the guidelines on the internal work of the Office. The copies of the documents that were sought have never been delivered.

The question which is unavoidable in these circumstances is whether this mistake was made solely because the Lesbian Group Kontra through its political action publicly criticised the work of the Office, as well as the content of the National Policy for Gender Equality.

On the basis of the invitation competition for applications of projects of organizations in the Republic of Croatia for financial support in the framework of available funds of the State Budget for 2007 in the amount of 600,000 kunas, the Office for Gender Equality did not award funds to a single organisation for the protection of the human rights of sexual and gender minorities.

National Policy for the Promotion of Gender Equality 2006-2010

The Croatian Parliament at its sitting of 13 October 2006 adopted a National Policy for the Promotion of Gender Equality 2006-2010 (OG 114/06), prepared by the Office for Gender Equality of the Government of the Republic of Croatia.

We must regretfully confirm that the Republic of Croatia, due to the unprofessional work of the Office, did not have a national policy in the above area for a full 10 months.

Of the numerous proposed measures of the Women's Network of Croatia and the Team for Legal Changes of Iskorak and Kontra which had as their aim the protection of the rights of sexual and gender minorities, the following two were implemented in the policy:

1.5 To advance the methods of prevention and elimination of discrimination based on sexual orientation

1.5.1. An investigation will be carried out in order to analyse court practice and police behaviour concerning criminal offences motivated by the sexual orientation of the injured party.
Implementing bodies: Ministry of Justice, Ministry of Internal Affairs
Timetable of implementation: 2007

1.5.2. Representatives of organisations for the equality of sexual and gender minorities will be

included in the working bodies for the adoption of laws, programmes and strategies connected with the rights of sexual minorities.

Implementing bodies: Competent bodies of state administration, Government of the Republic of Croatia

Timetable of implementation: 2007 - 2010

Unfortunately, the Policy, or measures relating to the prevention of discrimination based on sexual orientation, did not enjoy implementation in the previous year. Nothing connected to measure 1.5.1 was known to the public, although the period for implementation was 2007. That measure 1.5.2 would not enjoy implementation became clear at the very first opportunity in the preparation of the proposed National Programme for the Protection and Promotion of Human Rights and thereafter also in the preparation of the proposed Anti-discrimination Act, when representatives of organisations for the equality of sexual and gender minorities were not included in the working groups as had been prescribed in the above measure.

Our conclusion is that the work of the Office was directed to the preparation of a declarative document whose implementation never happened. The Office until now has not supported a single one of the proposed legal initiatives for the advancement of the status of sexual and gender minorities (an amendment to the Sports Act, which would include sexual orientation in the anti-discrimination provisions of that Act, and the Registered Partnership Bill from 2006), nor for the introduction of effective measures in the national policy, and it withheld funds from organizations which publicly criticised the work of the Office.

Parliament of the Republic of Croatia

Although there existed individual cooperation with members of parliament who support the rights of sexual and gender minorities, and occasional corporation with committees, the Croatian parliament is at heart homophobic. That was shown by, among other things, lively debates on laws which concerned the rights of same-sex couples during the last few years. The majority of members are not even familiar with the terms “expression” and “gender identity” and so neither with the problem of the protection of the rights of transgender persons. That became evident in public after the coming into force of the Volunteers Act, the first law in the Republic of Croatia which explicitly states gender expression in its anti-discrimination article. After our lobbying of experts from the working groups of the Ministry which put together the proposed law, the provision on gender declaration was inserted into the above article. In the Government and Parliament there were no objections to that article and the Act was adopted. When the Act came into force, the Team for Legal Changes of Iskorak and Kontra organised a small action in front of the Croatian Parliament. We congratulated the members on the adoption of the Act and distributed to them informational leaflets on the rights of transgender persons. Unfortunately, it showed that the majority of members when asked in front of journalists, did not know how to answer the question of what gender expression is.

Committee for Gender Equality of the Croatian Parliament

The Team for Legal Changes of Iskorak and Kontra established good cooperation with the Committee

for Gender Equality of the Croatian Parliament.

The Committee for Gender Equality, at the suggestion of the Team for Legal Changes of Iskorak and Kontra, organised a thematic sitting at which the analysis of cases of the Team for Legal Changes connected to the rights of same-sex couples was presented. At this meeting, apart from members of the Committee, the Ombudswoman for Gender Equality was also present, as well as members of non-government organisations and a representative of the Office for Gender Equality of the Government of the Republic of Croatia.

Unfortunately, the minutes from this meeting have never been published.

Parliamentary Committee for Human Rights and Rights of National Minorities

On 13 July 2007, at the sitting of the Committee for Human Rights and Rights of National Minorities, the Team for Legal Changes of Iskorak and Kontra presented its proposal for amendments to the Asylum Act and Foreigners Bill, which referred to the availability of rights which would be acquired by extramarital and marital partners for same-sex partners.

The Committee did not adopt the amendments. Furthermore, it did not even vote on them, considering that it was very clear that majority support for the amendments did not exist. However, Member of Parliament Furio Radin (President of the Committee) personally proposed them at a sitting of the Parliament. Parliament did not adopt the amendments.

The refusal of the amendments which related to the protection of the rights of same-sex couples can be explained by the composition of the Committee, the majority of whose members come from the HDZ, the ruling party whose members continuously express homophobic opinions in public.

Ombudswoman for Gender Equality

The Team for Legal Changes of Iskorak and Kontra co-operated with the Office of the Ombudswoman for Gender Equality in several cases last year.

In most cases very good co-operation was established. One of the cases in which extremely good cooperation was established was the introduction of health education in schools, where the Ombudswoman gave her assessment of the Ministry of Science, Education and Sports' experimental health education programmes and actively participated in the public debate on the above topic.

When it is a case of engagement in respect of the introduction of health education, it is worth emphasising that the Ombudswoman consistently expressed her critical opinion towards parts of the programme which were in opposition to the principles of gender equality and protection from discrimination.

At the time of and after the holding of this year's Zagreb Pride event, numerous violations of the human rights of sexual and gender minorities took place. The Office at the request of the Team for Legal Changes of Iskorak and Kontra engaged itself in monitoring the work of the police in cases of the violation of human rights connected to the Zagreb Pride event, and delivered an appropriate

statement about that. Good cooperation was established with the Office after it took on the case.

In a written answer to international organisations ILGA Europe (International Lesbian and Gay Association) and IGLHRC (International Gay and Lesbian Human Rights Commission) the Office of the Ombudswoman condemned the violence at this year's Zagreb Pride.

The Ombudswoman for Gender Equality attended the majority of public events and debates connected to the rights of same-sex couples. The Ombudswoman for Gender Equality participated at the round table organised by the Team for Legal Changes of Iskorak and Kontra with political parties during the election campaign. One of the main questions posed to the parties was connected with the improvement of the legal status of same-sex couples. The Ombudswoman commented on the question saying that it is at the moment necessary to maintain the existing situation.

Unfortunately, we must warn of the extreme slowness in the work on the majority of cases by the Office, which is a possible result of the Office's small capacity (because of which the Team for Legal Changes proposed the implementation of the measure of increasing the capacity in the National Programme of Protection and Promotion of Human Rights from 2008 to 2011).

Seeing as the protection of rights of sexual minorities falls under the responsibility of the Office according to the Gender Equality Act, our opinion is that it is necessary to secure additional funds and staff for the work of the Office in this area. The survival of the Office and the removal of shortcomings in its work are important for the protection of the rights of sexual minorities.

Ombudswoman for Children

After the resignation of Mrs Ljubica Matijević Vrsaljko and the appointment of Mrs Mila Jelavić to the position of the Ombudswoman for Children, Mrs Jelavić gave a homophobic statement for the newspapers just one week after she was appointed to that position in 2006.

The Office of the Ombudswoman for Children continued with its work on the case of the introduction of health education in schools after the appointment of the new Ombudswoman after pressure by non-government organisations via the media. On 26 January 2007, after considering the decision of the Ministry and the programme of the GROZD Association, the Ombudswoman for Children gave a recommendation to the Ministry of Science, Education and Sports connected with programmes of health education.

The Team for Legal Changes of Iskorak and Kontra established cooperation with the Office in just one individual case, which was connected with the award of rights of guardianship (described below).

3. ELECTIONS

In the previous election year it happened for the first time that one of the organizations concerned with the protection of the rights of sexual minorities, publicly expressed full support to the candidate of a political party. Namely, Vinko Kalinić, until then vice president of the Drugi Korak organization and bearer of the list of Hrvatski Zbor in the 3rd Electoral Unit, received such support in public [H-alter, 5.11 2007, *Večernji List*, 6.11 2007] from the above organization. Vinko Kalinić was the first openly gay candidate at parliamentary elections in Croatia. The party Hrvatski Zbor is a right orientated party, which did not pass the election threshold, and Mr Kalinić is known to the public from earlier statements of his, such as those published in *Vjesnik* on 28 December 2004, in which it is alleged that Mr Kalinić described the removal of the memorial to war criminals Mile Budak and Jure Francetić as a “terroristic act of the Government”.

On 12 November 2007, Lesbian Group Kontra and Iskorak - Centre for the Rights of Sexual and Gender Minorities - held a round table in the Journalists Club intended for political parties who were represented in Parliament during the last parliament.

The purpose of the round table was to create a public debate on the different proposed measures and legal protection of the rights of sexual and gender minorities in the context of the forthcoming elections. The conclusions from the round table were made available to the public, especially to members of sexual and gender minorities, with the aim of serving as a certain guide to the election campaign, as to which political option to choose. The round table was widely covered by the media, despite the negligence of HINA, which incorrectly published the time of the meeting because of which a large number of journalists arrived too late to attend the debate.

All parliamentary parties were invited to the round table. The invitation was accepted by Croatian People's Party - Liberal Democrats (HNS), Istrian Democratic Assembly (IDS), Democratic Centre (DC), Social Democratic Party (SDP) and Croatian Social Liberal Party (HSL). Although the Independent Democratic Serbian Party accepted the invitation, its representative however did not come to the round table.

Invitations were addressed to the presidents of the parties, and only the HNS, in whose name Ms Vesna Pusić attended, expressed interest in that capacity for this topic. The other parties sent representatives to the round table, Mr Šime Lučin (SDP), Ms Dorote Pešić Bukovac (IDS), Mr Daniel Birčić (DC) and Ms Slavica Jakobović Fribec (HSL). Other than the above parties only the Croatian Peasant Party (HSS) stated that it could not accept the invitation during preparation for the round table, because of the numerous engagements which they had during the election campaign, while representatives of other parties gave a statement how they had not yet decided, and that they would inform us in time, which did not happen.

The first question directed to the representatives of the parties was whether the parties present supported some of the following rights: the rights of same-sex partners to marriage, the right to found a registered partnership, and the possibility of adopting children by same-sex couples. Only the HNS stated that it supports the right to marriage of same-sex couples. All the other parties which were

present at the round table supported the right of persons of the same sex to a registered partnership with the range of rights available to heterosexual couples through marriage and extramarital union. The HNS also considers that work needs to be done on establishing minimal standards in the context of family rights at a European level. In respect of the adoption of children, all the parties stated that they did not support that option, especially because of the inappropriate social climate. When asked what had influenced the change of opinion within the DC and HSLs concerning the right to registered partnership considering that those parties did not support the proposed Registered Partnership Bill in the Croatian Parliament, the DC representative replied that his party had debated that topic only two months previously, and that they had then adopted a positive opinion towards registered partnership. The HSLs representative stated that their policy on this topic had always been the same - one of support, and that she "did not know why Čehok had abstained".

The parties were asked whether they would support the recognition of same-sex unions in the Constitution of the Republic of Croatia, which was not answered by Ms Vesna Pusić because the HNS supports the right to marriage of same-sex couples anyway, and marriage is already recognized in the Constitution of the Republic of Croatia. The representatives of the other parties who had spoken out positively for registered partnerships stated that they would support the recognition of same-sex unions in the Constitution of the Republic of Croatia, except for the representative of the HSLs who stated that she could not answer that question at the moment.

The third question referred to whether the programmes of individual parties contained the rights of sexual and gender minorities, and whether members of those minorities were represented on their candidates lists. Not one party except the SDP contained the rights of sexual and gender minorities in its programme. Only the DC representative stated that there were several members of sexual minorities on their lists, but that they have not publicly declared themselves as such, while the representatives of the other parties stated that their lists were open to all candidates and that the primary criterion of selection was the expertise of the candidate.

In answer to the fourth question, about the protection of rights of transgender persons, only the SDP stated that, although the party had not yet debated the matter, it would certainly support an initiative which would bring about the better protection of the human rights of transgender persons, while the representatives of the other parties stated that their parties had not yet debated the matter and that they all supported the protection of human rights.

Jadranka Kosor, president of the Zagreb branch of the Croatian Democratic Union (HDZ) (after the election for the second time deputy prime minister and Minister of Family Affairs, War Veterans and Intergenerational Solidarity), when asked by the media on the occasion of the round table stated the following: "The HDZ is opposed to the legalisation of same-sex marriages because that is against nature", and announced: "Every child needs both a father and a mother because that is in accordance with nature and God's laws".

On 17 November 2007, the LGBTIQ coordination body sent the parties a questionnaire which comprised of three questions. Unfortunately, not all the parties managed to answer the questionnaire on time, considering that the questionnaire was sent to the parties on a date which was too close to

the election day, and that they were given too short a period. Although the majority of questions had already been covered by the round table, there was one surprise in the answers. That is, the HSLs, whose representative at the round table did not know how to explain the party's change of opinion in regard to registered partnership, and stated that the party was against marriage, in her answer wrote that she supported the right to marriage of same-sex couples. The daily newspaper *Slobodna Dalmacija* published the results of the questionnaire in a small article, on the expiry of the period given to the parties (23 November 2007). Among other things, the HNS by that time had not completed the questionnaire, which was stated in the above article. The party completed the questionnaire the following day; however, the correction which the coordination body sent the media was not published.

At the Parliamentary elections which were held on 25 November 2007 the HDZ, a right-oriented party whose representatives continuously use hate speech towards sexual and gender minorities in public, won a majority. The newly established government is a coalition government in which along with the HDZ, the HSLs and HSS parties also participate.

4. MEDIA

2007 saw more and more correct reports in the media, although some media continued to follow the topics of gender and sexual minorities in a sensationalist manner.

On 8 April 2007, *Hrvatski List* published a reaction by journalist Josip Jović to the public reprimand which was pronounced on him in November 2006 by the Croatian Journalists' Council of Honour for comments in which he stated his homophobic opinions. In his reaction he stood by his earlier opinions, emphasising how he considers that "homosexuality is a disease" and that as a journalist he has the right not to maintain a professional distance towards current affairs and therefore to publicly state the assertion that the organisers of public demonstrations for the rights of sexual and gender minorities and similar organisations are "organised satanic sects, gay warriors or gay missionaries, who aggressively impose their outlook on the world." It is not surprising that *Hrvatski List* publishes such articles, which contain absolutely no quality of journalism and professional expression, as that newspaper has shown itself to be the promoter of the worst pieces of Croatian journalism.

On 11 August 2007, *Večernji List* published an article with the title "Gay drug worse than cocaine has arrived". In the article, the appearance of methamphetamines on the market of psychoactive substances was discussed, which, according to the article's assertions, is most commonly used in the world in American gay clubs. That assertion was based on the statement of Professor Dr Slavko Sakoman, an expert in the area of psychoactive substances, and the author of the text reported it as such. Regardless of the fact that the text had been correctly and professionally written, the editor of *Večernji List* entitled the text "Gay drug worse than cocaine has arrived" and illustrated it with parts of the bodies of two embracing men. Considering that he had thus violated the provisions of the Croatian Journalists' Codex of Honour, the Team for Legal Changes submitted a proposal on 23 August 2007 for commencement of proceedings before the Croatian Journalists' Council of Honour of the Croatian Journalists Society against the editor of *Večernji List*, Mr Goran Orgulić.

On 29 September 2007 an episode of the Big Brother programme was broadcast in which the first publicly declared homosexual, Mr Hrvoje Šoštarić, participated in that programme. As part of the programme, the nominations of the house's inhabitants was shown, during which the housemates could propose other housemates for exclusion from further participation in the programme and for which they had to submit reasons. If the editorial board of Big Brother do not consider the given reason good enough, they do not have to accept the nomination of a particular housemate. After housemate Krešimir... nominated housemate Hrvoje Šoštarić, he gave as his reasons that although he has nothing against homosexuals he does not wish them to be near him. Considering that the editors of Big Brother did not have to accept such a nomination because it is based on discrimination, the Team for Legal Changes sought an explanation on 02 October 2007 from the editor of the programme, Mr Matija Kovač. Also, the Team for Legal Changes gave the editorship of the programme a recommendation that in future it should not consider reasons for nomination of Big Brother housemates as good enough, if they are based on discrimination towards individuals because of their sexual orientation, as well as belonging to a certain social group (national or ethnic identity), of their religion, social background, sex, age, race, physical characteristics, state of health, etc. At the time of writing of this report, the Team for Legal Changes had not received an explanation from the editorship

of the programme.

Looking at the work of individual columnists, it should be added that Don Živko Kustić remained faithful to his standard of writing at the expense of sexual and gender minorities. Quite a bit of attention has been dedicated to homosexuality in a negative context in newspapers such as *Hrvatsko Slovo*, *Hrvatski List* and *Fokus*, most commonly in the form of extensive comments by their columnists. However, outstanding pieces by some other columnists from various printed media throw a shadow on poor journalistic work.

Generally, the media show great interest in following homophobic violence and hate crimes, which appear more frequently as a daily political topic, and more rarely in the crime columns. Reporting without sensationalist tendencies is noted in this part of the papers. However, much media attention has been dedicated to banal topics as well, such as for example, to rumours that some world famous actors or actresses are gays or lesbians.

On 4 March 2007, in cooperation with the Women's Network of Croatia, the organizations Iskorak and Kontra awarded Mrs Irena Frlan, a journalist of *Novi List*, the Maja Milas Prize for correct reporting on LGBT topics. Throughout 2006, journalist Irena Frlan reported events connected to the rights of sexual minorities in daily newspapers *Novi List*, *Glas Istre* and *Glas Slavonije*, covering a wide range of themes from this area. Through her correct reporting along with the gathered statements by known supporters of the rights of sexual minorities, she increased the areas of understanding and helped establish conditions for increasing social awareness of the rights and needs of gender minorities. The objective and documentary information of Irena Frlan is a strong means towards the achievement of full respect and realisation of the rights of sexual minorities. We especially value the significance of the fact that this information has been also published in the local media *Glas Slavonije* and *Glas Istre*.

5. EDUCATION

In our opinion, the educational system in Croatia does not satisfy the basic standards for education on human rights. School textbooks continue to be full of gender stereotypes and are not sensitized towards the rights of sexual or any other minorities.

In the National Policy for the Promotion of Gender Equality from 2006 to 2010 (OG 114/06), in the chapter about gender sensitive education for 2006, it was asserted that a textbook standard would be issued which followed the demands of the Gender Equality Act. Unfortunately, that did not happen and throughout 2006 the textbook standard from 2003 was in force.

A new textbook standard was adopted on 17 January 2007. Under point 2.4, Ethical Demands, it was stated that a textbook should reflect the wealth of differences of Croatian society, enable the acquisition of knowledge on the equality of individuals and social groups, and promote the right to be different. Demands related to national, ethnic and religious minorities, and gender equality were particularly emphasised, while sexual and gender minorities are not explicitly mentioned, nor are any demands connected to them specified.

Although the National Policy for Promotion of Gender Equality elaborates the question of gender sensitive education in some segments, that does not also apply to sexual and gender minorities. Furthermore, the above national policy mentions the need for widening health education in primary and secondary schools to themes about sexuality, but with emphasis on sexually transmitted diseases. Sex education is in any case broader than sexually transmitted diseases, but that breadth is not achieved by this National Policy.

On 15 September 2006, the Ministry of Science, Education and Sports adopted a Decision on the Teaching Plan and Programme for Primary Schools, by which the content of the optional subject of Catholic religious education is determined (OG 102/06). This programme does not contain direct discrimination of sexual minorities as the programme of Catholic religious education for primary schools of 2003 did. However, the programme which is currently in force emphasises human heterosexuality, which brings into doubt the implementation of that programme, which can still continue to be discriminatory.

On 29 December 2006, the Ministry of Science, Education and Sports published on its web pages the decision connected to the implementation of the programme of health education in schools. They published how the Commission had judged the best programme for primary schools to be of the GROZD association, and for the four- and three-year secondary school programmes those of the GROZD Association and the Forum for Freedom in Education. Each of the offered programmes for the school year 2007/2008 will be implemented on an experimental basis for 12 hours annually in about 10 schools with the **mandatory prior agreement of parents**. The programmes will be evaluated during this experimental implementation, and on the basis of the results of the evaluation the regular programmes will be drawn up. The programmes were sent for evaluation to the Ministry of Health and Social Welfare. The programme of the GROZD association contained negative opinions of people who do not live in a heterosexual marriage and of homosexuality and masturbation, and is based

on abstinence from sex. The programme of the Forum for Freedom in Education association was heteronormative and did not contain themes about homosexuality. In this context the most could probably be said about tolerance, respecting others' sexuality and consciousness of stereotypes and prejudices connected to sexuality. As opposed to the GROZD programme, the programme of the Forum for Freedom in Education does not openly condemn homosexuality. Because of this, and because it favours the use of means for protection from sexually transmitted diseases, it has been labelled as "liberal" by the media. The programme did not openly condemn homosexuality and favoured the use of means for protection from sexually transmitted diseases, and was therefore labelled as "liberal" by the media.

The Team for Legal Changes of Iskorak and Kontra and the Women's Network of Croatia publicly reacted to the decision of the Ministry. Representatives of the Ministry of Science, Education and Sports, including the Minister, Mr Dragan Primorac, at a meeting with representatives of the Women's Network of Croatia and the Team for Legal Changes of Iskorak and Kontra on 11 July 2006 (and later also in the media), personally announced that, the Ministry would buy the programme of health education which was judged the best and take responsibility for its harmonisation with international documents, national legislation, standards of human rights, gender equality and the prevention of homophobia, as for the implementation of the above programme. The decision of the Ministry is a clear avoidance of precisely that responsibility and one more delay in offering a quality education connected to topics which make up health education.

Seeing as the GROZD programme, according to writings in the media, contained discriminatory elements towards sexual minorities and women and inaccurate information about masturbation and means of contraception, such a decision by the Ministry conflicts with the right of the child to accurate information, protected by the Convention on the Rights of the Child. For this reason the Team for Legal Changes and Women's Network publicly condemned the Office of the Ombudswoman for Children, because she had not by then commented on this gross infringement of children's rights, reminding that the previous Ombudswoman regularly followed the case and negatively judged the programme of the Teen STAR Association, whose vice president composed the programme of the GROZD Association.

Also, the fact that it is left to parents to choose whether their child will attend health education programme or not, leads us to the conclusion that some children will not attend a programme of health education at all, which will continue to remain in the domain of facultative subjects. Such a decision by the Ministry is also against the human rights of children according to international documents. This is best shown by a case from 1976. In the case of Kjelsen and others against Denmark before the European Court of Human Rights (in which parents sought for their children to be exempted from sex education in state schools because it was against their Christian principles), the Court clearly stated that such removal of sex education would result in unjust discrimination against Article 14 of the European Convention on Human Rights. Namely, the children of such parents would be placed in an unequal position compared to the children who have parents whose beliefs did not collide with the provisions of Danish legislation.

A total of 12 hours (of which 2-3 hours for the module of human sexuality) which should be implemented during lessons of class teaching is not sufficient for the education of children on the above topics. Also, there do not exist educated staff in schools for implementation of the programme.

On the 11th of January 2007, as a reaction to the Ministry's decision on the implementation of the GROZD programme, several non-government organisations, including Iskorak and Kontra, founded the citizens coalition "Stop Risky Sex Education". The aim of the coalition was withdrawal of that decision.

The Team for Legal Changes participated in the coalition as a strategic partner through communication with the Office of the Ombudswoman for Gender Equality and the Ombudswoman for Children.

On 26 January 2007, after considering the Ministry's decision and the GROZD programme, the Ombudswoman for Children gave a recommendation to the Ministry of Science, Education and Sports concerning the programmes of health education. In the recommendation it was stated that the Office of the Ombudswoman for Children considered that it was necessary that every programme through which children are educated about health, and especially about sexuality, should be in accordance with standards of respecting the protection of human rights, gender equality and prevention of all types of discrimination and homophobia. The stated opinion of the Office is that:

1. The method of introduction of the programme of health education in schools and its implementation does not meet general criteria of the rights and interests of children;
2. The offered programmes are not clear in their explanation and planning of staff conditions and evaluation;
3. The programme of health education for primary schools which the Commission recommended, and the Ministry of Science, Education and Sports accepted, and which was sent to you for approval, does not meet the above standards.

The Office of the Ombudswoman for Gender Equality delivered its evaluation of the experimental programmes of health education to the Minister of Science, Education and Sports in a letter on 12 February 2007.

In her letter to the Ministry of Science, Education and Sports, the Ombudswoman states:

"Equality of the sexes and extramarital unions are guaranteed by the Constitution. According to the Gender Equality Act, not only is discrimination on the basis of sex prohibited, but also discrimination on the basis of marital or family status and sexual orientation is explicitly prohibited (Art. 6)."

Children are born not only within marriage but also outside marriage and outside extramarital unions (which can create, and often does create, one of the forms of one-parent families). Divorce is legally permitted. According to the Family Act the regulation of family relationships is based on the principle of gender equality; equality of marital partners is one of the basic rights and responsibilities of marital partners even when there are no children in the marriage; marriage is legal even when there are no children in it, as is an extramarital union with no children in it; and the law also points out the equality of parents.

In such constitutional and legal frameworks and in such a reality it is unacceptable to, in the field of health education, "develop awareness" that sexual relations only gain their real meaning in marriage

(page 49), to develop awareness that sexual relationships are a physical sign of surrender of one person to another and that it only gains its real meaning in a wholesome relationship based on love between a man and a woman in a permanent faithful union (marriage), just as it is unacceptable that the programme does not mention gender equality at all (the Programme of the GROZD association).

Such criteria, just as the possible practice (if the GROZD programme is implemented in schools), are intolerant and discriminatory towards persons who do not live and do not wish to live within marriage, and also towards children born outside marriage, towards divorced persons, and leads to the social exclusion of those people (including children), contrary to the above constitutional and legal norms.

Furthermore, a same-sex union, in the sense of the Same-sex Unions Act which recognizes the legal effects of the existence of those unions, is a lifelong union of two persons of the same sex (hereinafter: partner). The Same-sex Unions Act bans "all discrimination, direct and indirect, on the basis of same-sex union, as well as on the fact of homosexual orientation." (Art 21 para 1) and states that indirect discrimination "exists when ... the criterion or practice places or would place a person who is a member of a same-sex union on the basis of that fact in an unfavourable position in relation to other people." (Art 21 para 4)

Starting, therefore, from the fact that the Croatian Parliament has adopted a law which recognizes same-sex unions, the thesis from the GROZD programme that it will "raise awareness that the homosexual act is against the very nature of the sexual act" (page 46) is discriminatory and contrary to national legislation. To the contrary, in the sense of the national legislation we are bound to raise awareness in schools of the need for tolerance of another and different sexual identity in accordance with the raising of awareness on human rights.

I am pointing out that the provision of Article 14 of the Gender Equality Act stipulates that systematic education and raising awareness of gender equality is compulsory for all state bodies, as well as other legal persons who participate in the implementation of the promotion and establishment of equality of the sexes (para 3), and that the responsible state body for education and institutions in the area of education will conduct special measures, especially in relation to, amongst other things, the preparation, adoption and implementation of educational programs (para 4).

The programme does not differentiate sexual from the gender roles of women and men, which makes the elimination of gender and sexual stereotypes difficult.

According to the Gender Equality Act there should be promoted a new non-discriminatory knowledge about women and men, elimination of sexual/gender inequalities and gender stereotypes in education at all levels and respect of gender aspects in all educational areas (Art 14).

The programme is not in accordance with the National Policy for the Promotion of Gender Equality 2006-2010 which states: "Seeing as that a national priority in the area of education is detected in the need for introduction of gender sensitive education in teaching plans and programmes, along with the elimination of sexual stereotypes and education of the raisers of children and teaching staff on gender equality, it is necessary to speed up the introduction of corrective measures in order to

achieve the above aims.”

Following the above, and based on article 22 paragraph 1 of the Act, I give warning: that the experimental programme of health education for secondary schools (final proposal), formulated by the GROZD -Voice of Parents for Children - association, and in the part which relates to human sexuality and sex education, breaks the provision on the principle of Gender Equality and banning of discrimination on the basis of sex, banning of discrimination on the basis of marital or family status and sexual orientation.

In an analysis of the Programme of the Forum for Freedom in Education no discriminatory content has been found in relation to national legislation, and it also refers to Gender Equality.”

On 24 April 2007, the Committee of the Working Group of the European Parliament for Reproductive Health, HIV/AIDS and Development sent Stjepan Mesić, Ivo Sanader and Dragan Primorac a letter in which it expresses concern about the possible implementation of the module on human sexuality, which is proposed in accordance with the programme of health education of the GROZD association. Amongst other things, in the Committee’s letter it states that the programme contains both sexual/gender prejudices and negative attitudes towards homosexuality, which is contrary to positive Croatian legislation.

On 27 April 2007, the media reported that the Ministry of Health and Social Welfare had sought from the Ministry of Science, Education and Sports that it remove from the GROZD programme the parts which state that masturbation harms health, that condoms will not protect the young from pregnancy and sexual diseases, and that homosexuality is a deviance. The recommendation of the Ministry of Health never became available to the public.

Therefore, nothing changed: there will exist optional programmes in schools with an extremely small number of hours which were created and which will be implemented by the same people as up to now. The Ministry of Science, Education and Sports has shown extreme inefficiency and a lack of will to introduce positive changes into the Croatian educational system, and, at the end of the day, a lack of respect towards domestic and foreign legislation and institutions. At the end of the whole story only the children will suffer, learning in schools that masturbation is a sin, and will not know how to protect themselves from unwanted pregnancy and sexually transmitted diseases.

Despite all the warnings of NGOs for the protection of human rights, the Office of the Ombudswoman for Gender Equality and the Office of the Ombudswoman For Children, on 2 November 2007 the Ministry of Science, Education and Sports signed a contract with the GROZD association for the purchase of the proposed experimental programmes of health education and announced that it will commence the implementation of the programme in the current school year. After negotiations with the Ministry, the Forum for Freedom in Education association also signed a contract on 26 November 2007.

Despite the announcement of the Ministry, the programmes will begin to be implemented in the school year 2008/09 in its unchanged shape.

5. Homophobic statements by public personalities

Most homophobic statements in 2007 were made by people with a marginal position in public and political life and those whose public exposure consists of making fun of and mocking people.

On 23 January 2007, *Zadarski List* published the viewpoint of the Zadar branch of the Croatian Party of Rights concerning sex education. The representative of that party, Mr Zdravko Roško, emphasised how his party was “against the indoctrination of children by the sex education lobby, which takes away the right of parents to bring their children up in a Christian spirit.” Furthermore, “according to the last census, majority in Croatia was made up of such people, alongside which is a vocal minority gathered together in associations such as... *Iskorak, Kontra and others.*” The Zadar branch of the HSP severely criticised part of the programme of the Forum for Freedom in Education which relates to sexuality and supports the programme of the GROZD association which is based on dogmatic assumptions.

In 2007 the selection of judges for the Constitutional Court of the Republic of Croatia was also interesting. That is, the Parliamentary Constitutional Committee was interested in numerous questions to which the candidates for selection to be a judge of the Constitutional Court of Republic of Croatia had to give an answer. Among these questions some representatives selected the rights of same-sex couples to enter into marriage. The candidates to be judges of the Constitutional Court, Boris Koketi, Davor Krapac and others, although they had different opinions on other questions, when it came to the question of recognizing the human right of same-sex partners to marriage, they all took a united attitude in opposition.

On 17 February 2007, an article was published in *Večernji List Podravina Bilogora* with statements by the president of the Koprivnica branch of the HDZ, Mr Damir Polančec who at the very beginning of the year expressed opinions in the name of the HDZ how he was confident in electoral victory. As every election campaign consists of competition with political opponents, so Mr Polančec chose to send a message to the Croatian Peasants Party that that party would be better off practising a new slogan: “Belief in God and peasant unity, obviously!”, and added that that would “be better for them than speaking in favour of same-sex unions!” The HSP of Bjelovar-Bilogora County expressed their opinions about the HSS in the same way, which can be seen from the article in the newspaper *Bjelovarac* which was published on 1 March 2007. It is important to add that neither of the above parties offered the voters any kind of programme for economic development, which they had set as a priority ahead of protection of human rights, from which it could be concluded that they did not at that time have any kind of political programme to offer the voters, as opposed to the HSS which had considered the question of same-sex unions.

That homophobia does not choose its carriers is also shown by the sad fact that the president of the Croatian Society of Victimology, Professor Dr Zvonimir Šeparović, on 16 June 2007 speaking to *Večernji List* evaluated “the announced gathering of homosexuals in Zagreb” as a shameful event by which “youth would be corrupted and their own environment shamed”. The corruption of youth was a frequent accusation by the leaders of the Inquisition in the Middle Ages against those who were some way different and who brought new civilizational values - from scientists to the promoters

of the freedom of human thought. Studying and following the appearance and causes of people's suffering, securing legal protection of victims and offering help to victims of crimes are the very aims of the Croatian Society of Victimology, and aside from the fact that the man question is an influential and respected legal scientist, these are circumstances which should be considered as aggravating for Professor Šeparović himself and his appearance both in the academic community as well as in the wider public. For it is precisely this type of event, which he judged shameful and damaging to youth, that belongs to the same category as the organisation which he presides over - the protection of the human rights.

On 7 July 2007 the daily newspaper *24 Sata* published an interesting event. The former Member of Parliament Anto Kovačević, when he bumped into two same-sex partners in a corridor of the Croatian Parliament, two days earlier, decided to state his opinions publicly and also unveil some of his own observations about the Croatian Parliament. Thus using particularly vulgar language of only certain Members of Parliament he informed the Croatian public of the important fact that he "*always preferred the vagina to the anus*". It is particularly interesting, if he prefers the vagina, one could conclude that he had also tried out the "anus" and so from this experimentation discovered which one he preferred. After declaring these important facts he added that the same-sex couple whom he had met in the Croatian Parliament would get "*great support*" from Parliament because there were also some "*latent queens*" among them. As well as everything he said earlier, it would be interesting to know how he discovered that.

On 12 November 2007, a report was shown on Croatian Television news about a roundtable of Iskorak and Kontra concerning the attitudes of political parties about the rights of same-sex couples. In the report Jadranka Kosor (HDZ) and Anto Đapić (HSP) explained the viewpoint of their parties. Jadranka Kosor emphasised that the HDZ considers that the current Same-sex Union Act is sufficient and that her party absolutely opposed legalising same-sex marriages and the adoption of children by same-sex partners which she explained saying: "That is the viewpoint which I think is completely, completely in accordance most of all with nature, but also with God's laws." Similar viewpoints were expressed by the president of her party, Dr Ivo Sanader, at a meeting of the group of socialists in the European Parliament on 7 March 2007. Namely, after MEP Michael Cashman asked him what Croatia had done on the question of protection from discrimination against sexual minorities, Dr Sanader replied that the Government of the Republic of Croatia supported the prevention of all types of discrimination, but that he did not agree with MEP Cashman on all matters. He then added that he came from the Croatian Democratic Union and that he should understand his position in an election year when he had to fight for votes.

Anto Đapić, president of the HSP said that the HSP was opposed to the registration of same-sex marriages but that it did not oppose same-sex couples living together. When asked whether there were any homosexuals on the HSP's electoral lists, Mr Đapić answered: "No, that is I do not believe that anyone from the homosexual population would appear on the list of the Croatian Party of Rights. As far as we know, there are no such cases, but you can never be 100% certain about that."

The Croatian public space was deprived of the public performance of Josip Radeljak, who became infamous for his public arrest for domestic violence and refusal to participate in the TV programme

Latinica because, as he himself said, he did not feel comfortable in the company of homosexuals (*24 Sata*, 17 July 2007).

That justice is rather slow, but does eventually arrive, is shown by the fact that the former Croatian football manager Oto Barić was fined 3000 Swiss francs by the Disciplinary Committee of UEFA, as reported by daily newspaper *24 Sata* on 31 July 2007. The positive fact is that the homophobic statement of Oto Barić that he “could never bear to have homosexuals in his changing room” has a high price.

6. VIOLENCE AND DISCRIMINATION

Violence and discrimination against sexual minorities continues to be a frequent occurrence in Croatian society. The forms of violence are different, from psychological, verbal to physical violence. The burning problem continues to be the fear of victims who do not report the violence they experience because of possible stigmatisation by society. Members of sexual minorities in a great number of cases are not aware of their rights, nor of the mechanisms of protection of those rights. They have no confidence in state institutions, especially the police, whose officials constantly act in a discriminatory way when treating cases of discrimination and violence against members of sexual minorities. Precisely for this reason the real number of violent events is almost impossible to estimate, and until recently cases which led to legal proceedings were exclusively cases of violence against activists.

However, it is precisely in this area that certain improvements have been noted over the past years. Victims of violence more and more frequently come to the Team for Legal Changes for help, and we have also had cases in which victims have openly spoken in public about the violence which they have experienced. All this demonstrates the fact that LGBT people are more and more interested in their rights and decide to use them. In order to help them in this, the Team for Legal Changes of Iskorak and Kontra opened a telephone line for legal help, regularly gives out a handbook for using the anti-discriminatory provisions and laws of the Republic of Croatia and continuously offers direct legal help to users.

The structure of cases of the Team for Legal Changes

Online advice

In 2007 the Team for Legal Changes answered 19 questions via the online advice centre of the national web portal www.gay.hr which is supported by Iskorak. The majority of questions related to relations and rights concerning life in a same-sex union. Other questions related to criminal offences committed against persons because of their sexual orientation, while a certain number of questions were not connected to the rights of the LGBT population. The noticeable fall in the number of questions in relation to 2006 can be attributed to the fact that the above national portal was shut down from October 2006 because of a hacker attack.

Individual cases

In 2007 the Team for Legal Changes worked on a total of 32 individual cases of which 5 cases were carried over from previous years. Of these, punishable acts committed against several people on the basis of their sexual orientation were noted in 22 cases, of which 4 cases were carried over from previous years.

In this part we report examples of some cases which we have received. We do not mention all cases in order to protect the anonymity of the victims.

Violent behaviour in the Santos club

On 4 March 2006 between 03.40 and 04.00 in the Santos club, Svetice b.b. in Zagreb, suspects P.V., K.S. and I.S. physically attacked guests of that club in which a party organized by Iskorak was held. The suspects came uninvited to the club and physically attacked guests, injuring them with fists, kicks and glass bottles and at the same time shouting at the injured parties: "Faggot, come outside! Come here, faggot! I saw two faggots fucking and that's disgusting to me! Faggot, I'll kill you! Sick, sick I'll kill you all." Several persons were injured and five of them were transferred to a hospital where a medical examination was conducted, after which they were released.

The investigation of this case was undertaken by the Maksimir police station within the Zagreb Police Department, determining that a misdemeanour against public law and order, fighting in public, prohibited under Art 13 of the Offences against Public Law and Order Act had been committed. After public condemnation of this procedure, a proper criminal investigation was conducted.

On 8 March 2006, the Team for Legal Changes brought charges against the suspects to the Municipal State Attorney's Office in Zagreb for the qualified criminal offence of violent behaviour [Art 331 para 2 of the Criminal Code] and the criminal offence of racial or other discrimination [Art 174 para 1 of the Criminal Code].

On 10 March 2006, the 4th Zagreb Police Station brought charges against the suspects to the Municipal State Attorney's Office in Zagreb for the criminal offence of violent behaviour [Art 331 of the Criminal Code] stating: "On 4 March 2006 at 04.00 in the Santos night club in Zagreb, Svetice b.b., [the offenders] verbally conflicted with L.S., P.I., Z.D., M.J., T.M., M.L. and F.N. after which the verbal conflict escalated into physical violence in which T.M., Z.D. and M.L. were physically injured." Moreover, the police stated that "on the same day, in the Santos night club a party of homosexuals was held where the suspects P.V., K.S. and I.S. came at about 04.00"

By a resolution of the Municipal State Attorney's Office in Zagreb the criminal charge lodged by the police was rejected since on the basis of such petition it was not possible to determine that there had been committed the criminal offence of violent behaviour in this case but rather of participation in a fight.

On 30 May 2006, the injured parties Z.D., M.J., I.P. and T.M. brought a criminal lawsuit against the suspects before the Municipal Court in Zagreb for the criminal offence of violent behaviour linked to the criminal offence of racial or other discrimination.

On 18 December 2007, the lawyer engaged to represent the injured parties in the proceedings before the Municipal Court in Zabok informed the Team for Legal Changes that the proceedings in the above criminal case had been halted. The main reason for halting the proceedings was a lack of evidence. Namely, the identification of the suspects had not been conducted in accordance with the provisions of the Criminal Procedures Act. The injured parties were brought into a room where the suspects were and were then asked which of them had participated in the attack. Although the victims recognized the suspects, this evidence was unusable in court because the identification had not been carried out in accordance with the law.

Threats and slander directed at the owner of a gay catering establishment

On 10 January 2007 a user came to the Team for Legal Changes for help, alleging that he was a victim of blackmail and threats. He stated that from July to September 2006 in his catering facility in Zagreb, of which he is the owner, he employed a member of staff who did not satisfy the necessary criteria and further corporation with him was discontinued. The member of staff was employed as a part-time worker.

After this, the person in question began to threaten the user saying that he would report him to the sanitary inspector because his facility was a breeding ground for contagious diseases stating that during his time there he too had been affected by sexually transmitted diseases. Furthermore, he spread such information under a pseudonym by means of a webpage which he later disabled and the information was deleted. He also passed this information to other people.

In relation to the threats, the user stated that he was receiving threats from his former employee via SMS messages. When asked about the content of the SMS messages, the user answered that on one occasion a message had been sent by that person saying "I love you". Some more explicit threats, saying that the sanitary inspector would be sent to the user or that his business premises would be closed down, were sent by the perpetrator to the user by means of a webpage.

The user was informed that in a case of the criminal offence of blackmail he could commence a lawsuit through a private prosecution. With regards to the criminal offence of making threats there was no material evidence that that offence had been committed. Concerning the messages sent by web page, they could not be examined because their content was not in the jurisdiction of the Croatian authorities.

Question connected to the right of custody of children

On 7 February 2007 we received a question on the telephone line of the Team for Legal Changes connected to the right of custody of children. The user stated that she had already been living in a same-sex union for several years. Her partner had conceived a child with her best friend. The user was interested in what their legal position was in respect to the child considering that they were in a same-sex union and would the father have any rights.

The user had approached the advice line of the webpage www.gay.hr a year previously with a question of what the legal consequences would be if her partner became pregnant with a man.

The user was informed that the father could demand via the courts to be awarded custody of the child and that he had parental rights and responsibilities which have no connection to the fact that the user and her partner live in a same-sex union. The user was advised to come to the Team for Legal Changes for further help in the event that in any future legal proceedings the fact that the mother of the child was in a same-sex union was used as a relevant matter.

Question connected to arbitrary medication and the functioning of the system of social welfare

On 15 February 2007 a user's question was forwarded to us by means of a message on the web pages of www.gay.hr.

The user said in the letter that he was 16 years old and lived with his parents but his situation at home was "rocky" since his parents had found out about his sexual orientation and that he wished to leave home. He wrote that there had been no physical violence. The user's mother had gone to a neurophysiologist who "had been successfully treating such cases for years". The user refused to go for treatment.

He wished to know whether he could by legal means be allowed to leave home or should he wait until he came of age.

The user was told that there was no adequate solution for his situation in the system of social welfare, especially as it was not a case which involved physical violence. The user did not describe how his parents mistreated him except for saying that the situation at home was "rocky".

Considering the psychiatric proceedings, the user was warned that his parents have the right to decide on his behalf whether he should undergo some treatment but that in this case the treatment was not medically justified. Therefore he could lay criminal charges against the psychiatrist for the suspected criminal offence of arbitrary medication (Art 241 para 1 of the Criminal Code). The user was informed that the office of the ombudswoman could be informed of this.

The user was also warned of the fact that interventions into families which put the child and parent onto opposing sides could have harmful consequences for the child himself if there was no basis for the child to be separated from his own family.

Threats to non governmental organisations for the protection of human rights

On the morning of 19 February 2007, activists of the Team for Legal Changes of Iskorak and Kontra noticed a sticker on the entryphone of the offices of Lesbian Group Kontra (a joint office of Kontra and the Autonomous Women's House). On the sticker had been handwritten in red ink "Serb swine today to the slaughterhouse". Neva Tolle, coordinator of the Autonomous Women's House informed the police by telephone; however the police officials did not wish to carry out an examination of the scene. Mrs Tolle engaged a lawyer who requested that an examination of the scene be carried out. The 5th Zagreb Police Station of the Zagreb Police Department then came to the scene. An investigation was carried out by taking witness statements and photographic evidence of the sticker with its incriminating content. The investigation did not include the taking of fingerprints.

On 26 February 2007, activists of the Forum for Freedom in Education noticed on the association's entryphone a sticker with the slogan "Death to faggots, Soroš" and the Ustaša "U" symbol at the entrance to the building and slogans on the walls of the building's hallway saying "Death to faggots" and "NDH". The Forum for Freedom in Education is located at 12 Kralja Držišlava Street in Zagreb. The

5th Zagreb Police Station of the Zagreb Police Department also came out to this scene. Activists of the Team for Legal Changes of Iskorak and Kontra also visited the scene of this incident during the police intervention and noticed that the sticker with the slogan had been placed in the same way as had been done on 19 February 2007 on the entryphone of the Centre for Women, of which the police officials present were informed. An investigation was conducted taking witness statements and photographic evidence, while fingerprints were not taken.

During the period of 24 and 25 March 2007, a third attack also took place, this time on the Centre for Peace Studies association in whose premises the Domino association also operates which is known to the public as the organisation which has been organising the Queer Zagreb Festival for the last few years. On this occasion too, in the same way as in the previous attacks, an unknown perpetrator had crossed out the title of the organisations on the letterbox and had written "Death to faggots" and had written on the walls of the building's hallway next to the steps "Death to the faggot!", "Death to Serbs!" and "Black Legion". He also left a package in the postbox containing a biography of Jure Francetić, a map of "Greater Croatia" and the song *Jure i Boban*

On 23 April 2007, the attack on the Lesbian Group Kontra was repeated. Activists on arrival at the office discovered slogans stuck to the postbox with the following content: "Death to faggots! Death to Soros! Death to faggots!" The incident was immediately reported to the police who intervened and examined the scene.

After the repeat attack of 23 April, a group of activists from organisations for protection of human rights met and through joint discussion it was confirmed that several other organisations (B.a.b.e., Centre for Human Rights, Centre for Women's Studies) had received similar threats. The majority of activists could not agree on a joint public approach, mainly out of fear of revenge by the perpetrator. Statements for the media about the incidents were given by representatives of the Team for Legal Changes of Iskorak and Kontra and the Forum for Freedom in Education.

On 23 April 2007, the Team for Legal Changes of Iskorak and Kontra brought a criminal complaint against unknown perpetrators for the criminal offence of racial or other discrimination; persecution of organisations for the promotion of equality of people under Art 172 para 2 of the Criminal Code and the criminal offence of making threats under Art 129 para 2 of the Criminal Code, everything linked to Art 82 para 36 (qualification of hate crimes) of the Criminal Code.

The perpetrators were not found in 2007

Violent behaviour in front of a gay club

On 1 May 2007, users (two gay men aged approximately 20) came to the Team for Legal Changes for help asserting that they had been attacked on the night of 29/30 April when exiting the Global club.

Three attackers had struck the users with fists and feet and insulted them on the basis of their sexual orientation. One of the attackers sprayed one of the users in the face with teargas. The users however successfully ran away and the attackers ran after them. They succeeded in escaping to the 1st Police

Station when they reported the attack.

The users allege that at the time of the attack they noticed one male person on the other side of the street who had come out of the Global club and who they thought they recognized from previously and they shouted to him to call the police but the person only laughed and ignored their request for help.

The users remembered the physical appearance of the attackers and the exact time of the attack. The users suffered slight bodily injury in the form of bruises and swellings on their head. They did not seek medical help. At the time of the attack the users were under the influence of alcohol.

The users allege that they were separated when their statements were taken by the police. One of the users was questioned by a female police official while the other user was questioned by a male police official in plain clothes.

The users state that on both occasions they gave the same statements to the police. The users state that they heard from the police that the attackers had been found but they had not been confronted with them in order to identify them.

The police charged the users with the misdemeanour of disturbing public law and order.

A lawyer was appointed to the case to represent the users. To date, one preliminary hearing has been held at the Magistrate's Court in Zagreb.

Criminal charges have not been made against the attackers due to lack of evidence.

Violent behaviour in front of a cafe

A case of violent behaviour on 13 June 2007 was reported to the Team for Legal Changes via the users' questionnaire which the injured parties filled in with the help of a friend who is a gay activist.

The user and his partner were physically attacked when leaving a cafe in the centre of Zagreb. The user received several punches to his head and the partner was hit with a bottle.

Because the victims did not wish it, no further action was taken.

Question connected to the age of consent for sexual intercourse

On 30 October 2007, a user contacted the Team for Legal Changes after being directed by the adviser of the Iskorak SOS telephone line. He stated that he was 21 years old and that he had met a minor who

was 16 years old and wished to have sexual intercourse with him but was not sure whether he could be charged with an offence for that.

The user was informed of the provisions of the Criminal Code so that it was made clear to him that sexual intercourse with a minor under the age of 14 was punishable as a criminal offence of sexual intercourse with a child, while any person older than 14 but younger than 18 was considered to be a minor and that person could give consent to sexual intercourse with a person who was of age. The meaning of the criminal offence of forming an extramarital life with a person under age was also explained to the user and that it could not be applied in the case in question because the minor whom he mentioned was over 16 years old.

Homophobic attack and theft near Ban Josip Jelačić Square

On 2 October 2007 the Team for Legal Changes sent the Municipal State Attorney's Office in Zagreb a proposal for conducting an investigation related to a case of violence motivated by sexual orientation about which the daily newspaper *Večernji List* had reported. Also a statement for the public was sent to all media connected with this case, with emphasis on the behaviour of the police.

Namely, an article was published entitled "Homophobia - they quietly watched while I was beaten up" (author Hassan Haidar Diab) in which the public was informed that on Saturday 29 September 2007 in Ilica near Ban Josip Jelačić Square at around 23.00, a group of twenty unknown youths physically attacked passer-by W.H. (details known to the editorship) while he was looking at a shop window at the stated location.

The injured party W.H. gave a statement to *Večernji List*:

"They shouted at me that I was a stinking homosexual, they started to push me around and hit me. They threw me onto the ground, kicked me, stole my mobile phone and set off towards the Square. Everything happened right before a huge number of people who looked on calmly as they beat me up."

The victim reported the event to the police that same evening and said the following to journalists about the police procedures:

"I begged them [the police] to take me home. They replied that they could escort me only as far as the tram. They explained to me that it was the weekend and that I should wait until Monday and not report the theft and brutal attack until then."

The Team for Legal Changes in its proposal drew the attention of the State Attorney's Office to the fact that on the critical day a football match was being held in Zagreb between NK Dinamo and NK Rijeka at Maksimir Stadium. Therefore it is likely that the attackers were members of the Bad Blue Boys supporters group, especially because the victim stated that he was attacked by a group in which there were twenty youths. From his statement given to the newspapers it emerges that he immediately went to the police officials, who were on Ban Josip Jelačić Square probably for security

reasons and from which it follows that it is possible that the police officials told the victim that they could escort him only as far as the tram.

However, the assertion of the police officials that the victim could not report the criminal offences which were the basis of this report because it was Saturday does not hold water because police stations are also open on Saturdays, Sundays and holidays and because police officials are also able to take reports outside the organised units of the Ministry of Internal Affairs. The police officials, considering the number of suspects, could also perhaps have noticed the group of violent attackers committing the criminal offence. Such behaviour by the police officials is unfortunately just one in a series of shortcomings and incorrect work of the police connected with sanctioning violence against sexual and gender minorities.

Considering the above circumstances the proposers considered that the police officials at the scene of the event could even have been witnesses to the criminal offences committed and so they recommended to the State Attorney's Office on the basis of the provisions under Art 174 para 2 of the Criminal Procedures Act to seek from the Zagreb Police Department a report on their observations and actions taken in this particular case.

Considering that the perpetrators in a group of around 20 people physically attacked the victim, that they kicked him while he was on the ground, brought him into a humiliating position by insulting him (that he was a "stinking homosexual"), and stole his mobile phone and fled, and all this in the presence of citizens who watched it in a public place, the Team for Legal Changes submitted a proposal for the conduct of an investigation into the criminal offences of violent behaviour under Art 331 para 2 of the Criminal Code and the criminal offence of serious theft under Art 217 para 1 point 2 of the Criminal Code in combination with the criminal offences of racial or other discrimination under Art 174 para 1 of the Criminal Code, and everything linked to Art 89 para 36 of the Criminal Code.

The victim contacted the Team for Legal Changes by telephone and, amongst other things, stated that at the time of the attack a witness was present who went with the victim to a police official near the place where the incident took place. The police official did not take her statement or her data and therefore it is no longer possible to contact her.

On receiving the crime report of the Team for Legal Changes, the Municipal State Attorney's office in Zagreb asked the Criminal Investigation Department of the Zagreb Police Department to carry out a criminal investigation into this case. Members of the Criminal Investigation Department conducted an interview with representatives of Iskorak and Kontra. Seeing as the victim is now out of the country and does not wish to co-operate, and the identity of the female witness is not known because of the mistake of the police official at the scene of the incident, this case will probably remain dead on paper.

Violent behaviour in a Zagreb club

On 4 October 2007 clients S.Z. and Z.V. sought advice from the Team for Legal Changes. They stated that on the Saturday they were at the bar in a nightclub in Zagreb and had briefly kissed. Near them

were two more men, of whom one was wearing a black T-shirt such as worn by members of the club security staff. Immediately after they kissed S.Z. turned around and one of the above two men (the one who was not wearing a black T-shirt) punched him in the face and S.Z. fell to the floor. The attacker dragged S.Z. by the neck into a storage room near the bar. Inside were more people, probably employees of the club. The attacker hit S.Z. several more times. He shouted "You're a faggot!" while he hit him. The man in the black T-shirt was present during the attack. A female friend of S.Z. came into the storage room and told the attacker to stop hitting him. The attacker replied: "Bitch, you are mixing with faggots!" and hit her in the face. He stopped hitting S.Z. and dragged him towards the exit.

The clients called the police from a car and went to the police station at Trešnjevac to report the attack.

The following morning at 10.00, S.Z. called the owner who said that he hadn't seen anything. He said that the police had spoken to him. He added that he suspected he knew who the perpetrator was but that he could not say anything because there was no-one by the name of Kristijan among the bouncers (the victim had heard the attacker's name because his friend had called him Kristijan).

A lawyer was engaged to represent the clients in the misdemeanour proceedings against them. They stated that they did not wish to start criminal proceedings against the attackers because they were afraid, especially because they had heard that one of them was connected with the Mafia.

Child-abuse and the awarding of custody rights

On 10 July 2007, the newspaper *Večernji List* published an article with the title "Mother wanted to slay her four-year-old daughter", in which it was stated that a 30-year-old woman from Karlovac gave her four-year-old daughter a 12 to 14 cm long wound with a knife which was the result of her psychological instability for which she was committed to a psychiatric hospital.

On 11 July 2007, the newspaper *Jutarnji List* published an article with the title "Alcoholic mother suitable for child-raising" in which were described details from the above case. Thus it emerged that the mother of minor L.J., Mrs Tatjana J., was a registered alcoholic, but while she had custody of her daughter was being medicated and sticking to her medical treatment. According to the quoted statement of the director of the Karlovac Centre for Social Welfare, Mrs Mirjana Požgačić, it was stated that it is correct that the Centre gave an opinion that it would be better for the child to continue her life with her mother, this on the basis of a combined analyses by a social worker, psychologist and lawyer. In the article the course of court proceedings was described by which the child was awarded to the mother on the basis of the opinion of the Centre for Social Welfare after the initial court decision had been to entrust the child into the care and upbringing of her father.

In the above article of 11 July 2007 it was also stated that a specific feature of the whole case was that the father of the child, Dalibor J., was husband of Mrs Romana Brajković, whom he had married during the court proceedings and who is known to the wider public as an intersexual person (a person who has the features of both sexes). The statement of Mrs Romana Brajković was also quoted in the article who said that the child had suffered a lot of trauma, that it had been visiting a defectologist and

a logopaedist and that the child's mother before she had attacked her daughter with a knife had been crying for two days and saying that she did not know what to do with the child. Although the director of the Karlovac Centre for Social Welfare denied that the opinion of the Centre was based on the fact that the wife of the child's father was an intersexual person, that remained suspicious because the child had been awarded to the mother who was known to suffer from a psychological illness, addiction to alcohol, at the time when the Centre gave its opinion and the court made its decision as to custody over the child. Thus, it remained to determine the reasons on the basis of which the Centre gave its opinion that it was better for the child to be looked after by her mother, although it knew that she was being medicated for alcohol addiction, which means that they must have existed such circumstances on the father's side that it seemed that it was in the interest of the child after all to be entrusted to the care and upbringing of her mother who suffers from alcohol addiction.

The Team for Legal Changes of Iskorak and Kontra sent proposals for action to the Office for the Ombudswoman for Children and the Office of the Ombudswoman for Gender Equality so that the responsible offices could investigate whether the child's rights had been infringed or there had been discrimination on the basis of sex (the intersexual characteristics of the stepmother) and to make a report as to the actions undertaken.

The Office of the Ombudswoman for Gender Equality acting on our request sought a report from the Karlovac Centre for Social Welfare (a written explanation on the allegations from the report) and the complete documentation which related to the case in question, especially their opinions and proposals as to with which parent the child should live and about parental custody and which they had submitted to the responsible municipal court, about which it informed us on 25 July 2007.

On 7 August 2007, the Office of the Ombudswoman for Gender Equality gave us a report about the proceedings in which they informed us that it had obtained the report and documentation from the Karlovac Centre for Social Welfare. In the report, in essence, it stated that during the psychosocial processing of the parents carried out by the Centre the child's father was not opposed to the child living with her mother, nor did he appeal the decision of the Municipal Court in Karlovac by which it had been decided that the minor should live with her mother. The Ombudswoman concluded that the Centre did not commit discrimination by its actions in this case.

The Office of the Ombudswoman for Children replied to our proposal for action on 22 October 2007. In its letter it is stated that the Office had monitored the case via the media and that it had on its own initiative been in telephone contact with the Karlovac Centre for Social Welfare and that it had eventually sought written information about all relevant facts related to the case. Upon receiving our proposal the Office additionally sought an explanation from the Centre for the allegations contained in the proposal.

From the reply of the Centre for Social Welfare it was concluded that the procedures for deciding on the award of custody of the child for the upbringing and care had been legally concluded by the court's decision and that the child was accommodated in a children's home. It was alleged that the father had expressed a desire for care of the child but he did not state how the child would be looked after while he was at work. He does not have the support of his parents and his wife informs the Centre that from

1 September 2007 she had business engagements in Rijeka and that she could not help look after the child. It does not emerge from a single statement by the Centre that its opinion was based on the knowledge of the fact that the father's wife was an intersexual person.

Rights of same-sex couples - visiting foreigners

On 7 December 2007 a user contacted the Team for Legal Changes with a question about the rights of same-sex couples. The user stated that she lives in Croatia in a same-sex union but that her partner is a citizen of the Republic of Serbia. She and her partner wish to take a job in Spain for which they need relevant visas. For her partner to be able to use the services of the embassy of the Kingdom of Spain in the Republic of Croatia (instead of returning to the Republic of Serbia in order to seek a visa there), the user was informed by an official of the Embassy that her partner needed to have residence in Croatia which she could achieve if she lived in a marital or extramarital union. The user wanted to know if her partner could establish those rights on the basis of living in a same-sex union.

On 10 December 2007 activists of the Team for Legal Changes held a meeting with the users and a lawyer who offered legal advice. In this particular case it was established that there were no elements on the basis of which they had the right to register residence on the basis of living in a same-sex union between the users because they were not able to offer any kind of evidence of life together.

Zagreb Pride 2007 - violations and undertaken actions

The Team for Legal Changes of Iskorak and Kontra on 11 July 2007 and the examined police report of 8 July 2007 about the events connected with Zagreb Pride 2007.

All the cases were stated as follows and with them notes on further proceedings in chronological order.

On 7 July 2007 from 11.30 to 16.00 in the very centre of Zagreb, a gathering was held under the name of Zagreb Pride 2007 at which approximately 100 participants were present.

During the gathering 14 persons (of whom 9 were minors) who were not participants in the parade were brought to the official premises of the 1st Zagreb Police Station for processing for an offence.

Chronological description of the events and undertaken actions

Homophobic incident before Pride

According to a statement by the organising committee of Zagreb Pride, an unknown perpetrator attempted to set fire to the rainbow flag on Ban Josip Jelačić Square a few days before the Pride event. Because no police report about the event exists, the police's behaviour remains unknown.

Racial and other discrimination (hate speech)

At 11.35 on Ban Josip Jelačić Square, a Croatian citizen (born 1978) was spotted attaching leaflets of inappropriate content onto lamp posts. Misdemeanour proceedings were taken against him for offences under the Offences Against Public Law and Order Act and the Personal Identification Documents Act after which he was taken before a Magistrate's Court.

Behaviour of the police

According to the report of the Zagreb Police Department of 8 July 2007, the police identified the perpetrator and charged him with the misdemeanour of breaking the provisions of the Offences Against Public Law and Order Act and the Personal Identification Documents Act.

Interventions by the Team for Legal Changes

- On 17 July 2007, the Ombudswoman for Gender Equality was asked to monitor the procedures at the Magistrate's Court in Zagreb. The Ombudswoman informed us of data obtained from the Police Directorate.

- On 31 July 2007, a proposal was submitted for commencing an investigation to the Municipal State Attorney's Office in Zagreb to confirm whether there existed elements of the criminal offence of racial or other discrimination in the form of hate speech.

Court proceedings

On 7 July 2007, the Magistrate's Court in Zagreb pronounced the perpetrator guilty. He was sentenced to 30 days in prison or a fine.

Infringement of the right to public gathering

At 12.25 on Ban Josip Jelačić Square, a minor (born 1989) was found masked with a black T-shirt around his face running into the procession and means of restraint were used on him. A misdemeanour charge will be brought against him under the Offences Against Public Law and Order Act.

Interventions by the Team for Legal Changes

- The Ombudswoman for Gender Equality was asked to monitor the procedures before the Magistrate's Court in Zagreb. The Ombudswoman informed us of the data obtained from the Police Directorate

- On 22 August 2007, a criminal charge was brought against the minor perpetrator for the criminal offence of infringing the rights to gathering and public protest under Art 108 para 2 of the Criminal Code and the criminal offence of racial or other discrimination under Art 174 para 1 of the Criminal Code and everything in connection with Art 89 para 32 of the Criminal Code.

Court proceedings

According to the data obtained from the Ombudswoman for Gender Equality on 26 October 2007, the

case is still in progress.

Possession of weapons

At 12.30 on the premises of Splavnica two minors (born 1989 and 1990) were found who were found in possession of a glass ashtray and metal bat. In the presence of their parents an interview was held with them and the items confiscated. A misdemeanour charge against them followed under the Offences Against Public Law and Order Act in the normal way.

Behaviour of the police

According to the investigation from the Zagreb Police Department of 8 July 2007 the police identified underage perpetrator and questioned them in the presence of their parents. A glass ashtray and metal bat were confiscated from the perpetrators. The police laid misdemeanour charges against the underage perpetrators at the Magistrate's Court in Zagreb under the Offences Against Public Law and Order Act.

Interventions by the Team for Legal Changes

- On 17 July 2007 the Ombudswoman for Gender Equality was asked to monitor the proceedings before the Magistrate's Court in Zagreb. The Ombudswoman informed us about the data obtained from the Police Directorate.

Court proceedings

According to the data obtained from the Ombudswoman for Gender Equality on 26 October 2007 the proceedings are still in progress.

Attempted endangering of the lives of participants of the gathering motivated by hate

At 12.45 in the Harmica passage, Croatian citizens (born 1988 and 1986) and an underage youth (born 1990) were first spotted without personal identification and in front of them were several bottles with inflammable liquid, a bag with eggs and tomatoes which were most probably intended to be used for attack on the participants of the procession. Misdemeanour charges will be brought against them under the Public Gatherings Act in the normal way.

On 9 July an unknown perpetrator from the same group told *Jutarnji List*: "I am not ashamed of beating up faggots."

Behaviour of the police

Three perpetrators who attempted to attack the participants of the event with eggs and were close to the perpetrator with the Molotov cocktails were arrested on the same day. The police brought misdemeanour charges in the Magistrate's Court in Zagreb according to the provisions of the Offences

Against Public Law and Order Act. Regardless of this, the perpetrator who attempted to carry out an attack with a Molotov cocktail was only arrested after the Investigating Court issued a warrant for his arrest.

On 9 July 2007 the Municipal State Attorney's Office in Zagreb sought a criminal investigation on the suspicion that an attempted criminal offence of endangering the lives through generally dangerous act or means under Art 263 of the Criminal Code (information from media articles, source *Jutarnji List*).

On 10 July 2007 late in the afternoon Josip Š. was arrested on suspicion of committing a criminal offence under Art 263 of the Criminal Code (information from media articles, source *Jutarnji List*).

On 11 July 2007 the arrested Josip Š. told the police that he had constructed the dangerous devices alone and brought them into the centre of the city and that he then joined a group of mostly minors who had bags with eggs and tomatoes and planned to throw them at the participants of the procession. He then, saying "I have something better", showed them the Molotov cocktails. He took out one or two and lit them when he was spotted by the police and then ran away from the scene of the incident (information from media articles, source *Jutarnji List*).

On 12 July 2007 the Zagreb Police Department published a special report as follows:

"Police officials of the 1st Zagreb Police Station in cooperation with officials from the Organised Crime Department completed a criminal investigation into a Croatian citizen (born 1982) on the basis of suspicion that he attempted to commit the criminal offence of endangering lives and property by a generally dangerous act or means motivated by hatred against the participants of a public gathering. There is reason to believe that the suspect on 5 July, after finding out about the holding of a public gathering, prepared at his home a total of 6 inflammable devices, so-called "Molotov cocktails", in other words he placed small pieces of soap into 1-litre glass bottles and then filled the bottles up with petrol. He placed specially prepared cloth ribbons into the necks of all the bottles. On the morning of 7 July he placed the thus prepared devices into a rucksack and travelled to the central Zagreb Square where he waited until 12.30. Then he went to the Harmica passageway, took the inflammable devices out of his rucksack and placed them next to the wall and lit the cloth ribbons of two of them. At the moment that the procession approached, the suspect, masked by a balaclava, moved towards the participants holding in his hand one lit device which he intended to throw at the participants of the procession. In this way motivated by hatred towards the participants of the possession he attempted to cause serious injury through fire to several persons and to cause severe damage. He desisted from his intention when he noticed that a police official was approaching him. He left the inflammable devices in the passageway and moved away towards the marketplace. After the criminal investigation was completed, he was brought to the Investigating Centre of the County Court in Zagreb.

Interventions by the Team for Legal Changes

- A lawyer was engaged to represent the victims - participants in the demonstration Dalibor Stanić, Mitja Blažić, Viki Kern i Andrej Habjan and the organisation for the protection of human rights of

sexual and gender minorities (the Lesbian Group Kontra according to the official police data was the organiser of the demonstration) in the criminal proceedings. The lawyers were given all the gathered data connected to the case, including the reports of the Zagreb Police Department and newspaper cuttings.

- A criminal charge was brought against unknown perpetrators for the criminal offence of infringing the rights to gathering and public protest under Art 108 para 2 of the Criminal Code, the criminal offences of racial or other discrimination - infringement of basic human rights based on sexual orientation of the victims under Art 174 para 1 of the Criminal Code, the criminal offences of racial or other discrimination - persecution of organisations which advocate the equality of people - Art 172 para 2 of the Criminal Code, the criminal offence of endangering the lives and property by generally dangerous act or means under Art 263 of the Criminal Code and the criminal offence of unauthorised possession of weapons and explosive materials.

- A criminal charge was brought against an unknown person for the criminal offence of racial or other discrimination - hate speech under Art 177 para 3 of the Criminal Code.

Violent behaviour no. 1

At 13.15 at Margaretska Street 3, a minor (born 1991) was observed punching an unknown young man in the face.

Behaviour of the police

The police identified the perpetrator and used means of restraint against him. A misdemeanour charge was brought against him in the normal way under the Offences Against Public Law and Order Act.

Interventions by the Team for Legal Changes

- On 17 July 2007 the Ombudswoman for Gender Equality was asked to monitor the proceedings before the Magistrate's Court in Zagreb. The Ombudswoman informed us of the data obtained from the Police Directorate.

Court proceedings

According to the data obtained from the Ombudswoman for Gender Equality on 26 October 2007 the case is still in progress.

At 13.20 at the crossroads of Preradovićevea and Bogovićevea Streets a Croatian citizen (born 1985) was observed attempting to physically fight with the above-mentioned minor while police officials were taking the minor away.

Behaviour of the police

The police identified the perpetrator and used means of restraint against him. In the police report of 8 July 2007 it was stated that a misdemeanour charge would be brought against him under the Personal Identification Documents Act and the Offences Against Public Law and Order Act and for that reason after identification he was brought to the Holding Unit and held until the regular working time of the Magistrate's Court in Zagreb.

It was not specified under exactly which laws charges would be brought. Some media reported that the perpetrator had spat at the policeman and that he was accused of assault on an official person. The perpetrator stated that his intention was not to spit at the policeman but at the attacker from the previous case who was also arrested.

According to media reports, the perpetrator was taken away in the same vehicle as his attacker. Then, although the perpetrator was the victim of a homophobic attack, he was placed in the same cell with perpetrators of homophobic attacks who had been arrested on the same day. He was then abused and required medical help in a psychiatric hospital before his hearing at the Magistrate's Court in Zagreb.

Intervention by the Team for Legal Changes

- On 17 July 2007 the Ombudswoman for Gender Equality was asked for information connected with the court proceedings.

Court proceedings

By a decision of the Magistrate's Court in Zagreb on 8 July 2007 the perpetrator was found guilty and was given a warning and a suspended prison sentence of 20 days.

Possession of a smoke bomb

At 15.05 on King Tomislav Square, a minor (born 1989) was found in possession of a smoke bomb.

Behaviour of the police

The police charged the perpetrator with a misdemeanour under the Public Gatherings Act in the normal way.

Interventions by the Team for Legal Changes

- On 17 July 2007 the Ombudswoman for Gender Equality was asked to monitor the proceedings before the Magistrate's Court in Zagreb. The Ombudswoman informed us of the data received from the Police Directorate.

Court proceedings

According to the data received from the Ombudswoman for Gender Equality of 26 October 2007 the case is still in progress.

Possible attempted attack on participants of the gathering

At 15.30 on King Tomislav Square, minors (born 1989, 1990, 1989) were found without personal identification documents whose behaviour raised the suspicion that they were going to attempt to attack the participants in the gathering.

Behaviour of the police

The police took the youths to the police station where they were held until 16.30 on the same day.

Violent behaviour no. 2 and incorrect behaviour of the police towards citizens of the Republic of Slovenia

At 16.25 in Tkalčičeva Street at number 16 several unknown perpetrators verbally and physically attacked Slovenian citizen Mitja Blažič (born 1974), who was a participant in the gathering. At the time of the attack he was walking down Tkalčičeva Street with his partner and several other participants in the gathering.

He was offered medical assistance, which he refused.

Direct description of the event by the injured party:

The injured party Mitja Blažič gave the following description:

On Saturday 7 July 2007, a group of Slovenian activists, co-organisers of the parade in Ljubljana (Mitja Blažič - president of DIH, Society for the Integration of Homosexuality, his registered partner Viki Kern - member of the management board of DIH, and Andrej Hajban - secretary of DIH) were participants in Zagreb Pride 2007. Namely, the Ljubljana Parade of Pride and Zagreb Pride were twinned this year and therefore a group of Croatian activists participated on Saturday 30 June in the Parade of Pride in Ljubljana and a group of Slovenian activists made a return visit and support on Saturday 7 July.

“At the end of Zagreb Pride the Croatian organisers wished to take about ten of us to lunch. Keeping in a group, as we had been advised for security reasons due to homophobic attacks, we went through the centre of the city to a bar. In Tkalčičeva Street we were surprised to notice that a group of unknown young men were observing us from the outside terrace of a garden, some 10 of them. When they realised that we were gays and members of the parade they suddenly got up and moved towards us with the clear intention of a homophobic physical attack. The group, shouting ‘Faggots, get them!’ and similar phrases, ran after us. As soon as we noticed that this was a question of one more in a series of attempts at homophobic attacks, we began to run away. Seeing as I was among the last, the group of unknown violent youths quickly caught up with me. Several of them approached me with the

clear intent of a physical homophobic attack, and one of them began to punch me. I defended myself from the blows with my elbow and then defended myself from the attacker and others who wanted to attack me with my umbrella while shouting 'Stop! Enough! I'll call the police!' This shout, my defence with my umbrella and, in my opinion, Slovenian language confused the attackers for a moment and so they stopped the attack. Then while spitting and calling me a faggot, they moved away and after an unsuccessful attempt to call other violent groups to help them, a few moments after that they dispersed.

"Immediately after this incident I informed the Slovenian embassy in Zagreb of everything that had happened and asked them for help. The staff called the police, who after several minutes arrived at the scene of the incident. They wrote down the events and escorted the attacked parties to the 1st Zagreb Police Station at Strossmayer Square 3.

"There, instead of the police protecting us and carrying out correct procedures, we were subjected to incorrect behaviour, insults, mocking and discrimination.

"First the police sat us in the waiting room together with three more youths who clearly expressed intolerance and hatred towards us so that, as well as being under the stress to which we had been subjected during the attack, we were confronted with homophobic individuals.

"The policemen took statements from all the victims of the attack one after the other. At my request the policeman who took my statement, probably Josip Paveliček (that is, he did not introduce himself but I assume it was him from the signature on the report), prepared a confirmation for the purpose of reporting the attack to the embassy. In the confirmation should have been written what I alleged in my report.

"There is literally written: 'The complainant in his allegation stated: that on 7 July 2007 at around 16.25, after the "Gay Pride" had been held in Zagreb at P Preradović Square, together with an organiser from Zagreb, while they were walking down Tkalčićeva Street, he was verbally attacked by several unknown men, and in one moment was hit by a punch by one unknown man on the forearm, that in defending himself from the attack, with the umbrella which he had with him he struck the unknown man several times and then his glasses fell onto the ground and both lenses were broken as a result.'

"I told the policeman that I had not said that in my statement and that the written record did not reflect what I have told him nor what I had actually experienced. I told them that I was not verbally attacked by around 10 unknown men, that there was no verbal attack but that it was a case of a clear attempt at a homophobic physical attack from which I defended myself. I asked the policeman to correct the record but he refused all my requests. Visibly anxious, he wished to convince me in any way that the record reflected what had happened. He put pressure on me by questions such as how many people had really hit me, where I had injuries... I told them that I had defended myself with my umbrella and that therefore only one succeeded in hitting me but that there had been several attackers, around 10, and that it was not a question of a verbal attack but an attempt at a physical homophobic attack.

“Considering that the policeman did not wish to listen to any of my arguments, nor wished to correct the record so that it recorded what I had in fact told him instead of interpreting the events at his own discretion, I stuck to my arguments and there therefore arose a loud discussion which attracted other policeman into the waiting room. The other victims of the attack also got involved in the discussion. One of the policemen in plain clothes (he did not introduce himself) was particularly active in asserting that everything was in order with the record. He said that we could not teach him police business and that we were putting pressure on the police. The third policeman who got involved told us that ‘there would not have been an attack had we not come to the pride’, which in my opinion represents extremely insulting and unprofessional behaviour towards the victims of an attack.

“Considering that the discussion did not get us any further, I put the record away and said that I did not agree with it and that I did not write any such thing and would not sign it and that I would inform the Slovenian embassy about everything.”

“During the reporting of the homophobic attack several other unpleasant things happened. Among other things, one was the discrimination against those present by Davor Jurjevič, a plain clothes policeman.”

Viki Kern, who witnessed the incident says: “At one moment a plain clothes policeman came into the waiting room and angrily said that those who were waiting there had to pick up their rubbish from the table. We told them that we would. After that he repeated the request even more angrily and asked whether any of those present was the partner of the victim (Mitja Blažević, who was at that time being interviewed). I answered that I was and asked him why he wanted to know. Visibly anxious, the policeman answered that he was just asking and why shouldn’t he ask. I asked him once more why he wanted to know. He did not wish to say why and instead of that he replied: ‘Just so you don’t touch each other, hug, kiss or do similar things here!’ I asked him why not, and the plain clothes policeman replied that this was a public place and that it was a police station and then he left.”

“I should add to that that for a while there was also with us in the waiting room a group of three (mentioned above), obviously homophobic individuals who were waiting to defend themselves. Two of them were a couple and while they were waiting they hugged and kissed several times but despite this plain clothes policeman Davor Jurjevič did not direct any kind of warning at them.

“After everything, it was clear to everybody present - to the victims of the homophobic attack - that the behaviour of the police was not correct. We were forced to wait together with a group of homophobes which, for us who had just experienced a homophobic attack, was extremely stressful. The policeman behaved inappropriately and disrespectfully, and several times mocked and insulted us. Several times it was more than obvious that they have numerous prejudices against people of same-sex orientation, two of them were intolerant and one of them directly committed an act of discrimination.

“The policeman, probably Josip Paveliček, who took my statement, did not wish to write down the facts about the attack and interpreted the events at his own discretion and recorded in the record a statement which I never spoke.

“At the end, after we asked them to escort us to our car because of the danger of a renewed attack, the police drove us there in a police van, shut behind bars, as though we were criminals.”

Behaviour of the police

At 16.30 in Vlaška Street a Croatian citizen (born 1986) was observed and on the suspicion that he was one of the perpetrators of the attack on participants in the demonstration he was handcuffed and taken to official premises. He was released at 18.00.

The injured party, Mitja Blažič, reported the incorrect behaviour of the police officials of the 1st Zagreb Police Station. In the premises where the injured parties were taken and held, persons who were there because, according to police allegations from the explanation of the Ministry of Internal Affairs, they had “committed offences against participants in the demonstration”, which is against all the rules of behaviour in such a situation, even more so as those same people openly expressed hostility towards the injured parties.

The police officials spoke to the injured parties in a very irritated tone of voice. The words which one of the policeman used to the injured parties saying that they would not have been attacked had they not participated in the Zagreb Pride represents not just a worrying ignorance of the rights of people who are attempting to establish the right to express their opinions but also a professional error and infringement of the rights of the injured parties.

The discriminatory behaviour of the police station officials was also demonstrated in the way that one of the officials extremely rudely ordered the injured parties to move their rubbish from the table and without any provocation or reason warned them not even to consider touching each other, hugging or kissing.

Homosexual couples have the right to touch each other in public places under the same conditions under which heterosexual couples can do the same and such rude warnings were totally unnecessary because there was no touching between the injured parties. Such behaviour, alongside the fact that at the same time in the same room two persons of different sex who were the “subject of investigation for offences against participants in the demonstration” were hugging and kissing and they were not warned that that was not allowed, clearly indicate discrimination.

It has not up to now been a practice known to the public that every second citizen who enters a police station should be warned that kissing, hugging and touching each other was banned in the station.

Furthermore, Mr Blažič asked the official of the police station to make corrections in the written record of the attack which was refused. Mr Andrej Habjan, who along with Mr Blažič was in the police station, said that a police official approached him and asked why they were asking for corrections in the written record. When Mr Habjan replied that he was not familiar with police terminology, and that it should have been noted that it was a case of attempted violent behaviour, the policeman replied that that was not possible and that “they should ask their Slovenian policeman if they act like that”.

Mr Mitja Blažič sent a complaint to the Ministry of Internal Affairs because of the unprofessional behaviour of the police officials of the 1st Police Station. On 10 August 2007, Mr Dražen Krtenjak, a police chief, informed Mr Blažič of the results of the internal investigation. In that report it was stated that the police officials were not able to gather all the relevant information of the event, because at the very beginning the injured parties were not cooperative, which made the procedure of finding and identifying the perpetrators more difficult.

In connection with the complaint about putting the perpetrators in the same room as the injured parties, it was stated that the perpetrators were immediately moved to a different room and exclusively for security reasons in order to avoid a potential conflict on official premises.

Concerning the written record the following was stated: "After holding interviews with all participants in the event, at your request, you were issued with a confirmation about the event itself in which were stated only the facts which had been unambiguously confirmed on the basis of the interviews held with the participants and witnesses of the event itself, and not a description of the event as you as the complainant stated in your report. We are of the opinion that in this situation a mistake was made, which, however, could not in any way have affected the realization of your rights or on the correct establishment of facts. The responsible police officials have been warned because of this mistake, and the case has been used for educational purposes."

In connection with the complaint of discriminatory behaviour by police officials (relationship towards the injured parties, inappropriate warning about touching, kissing etc) the following was stated: "During our investigation it was established that you and your friends were kindly warned of inappropriate behaviour in the premises of the 1st Zagreb Police Station just as every other citizen would be warned in such a situation."

The injured party, Mitja Blažič, replied to the letter from the Ministry of Internal Affairs, stating amongst other things the following: "We have received your letter of the above reference of 10 August 2007 and wish to state that we are not satisfied with the actions taken after our complaint, stating that they do not represent an adequate protection because of several infringement of our rights which happened on 7 July 2007, and which we described in detail in our complaint. As you are probably aware, the purpose of our complaint was not just that it should be 'used for educational purposes', but that we should be offered protection in accordance with the legal regulations of the Republic of Croatia", and "Therefore we continue to insist on efficient protection for the infringement of our rights described in detail in our complaint, as well as in this letter, and we request that you inform us of everything that is done. Failing that, we will be forced to commence appropriate court proceedings, including an action for compensation for the infringement of the right of personality. We also invite you to inform us whether you have identified the perpetrators of the criminal and misdemeanour offences against us."

Members of the Criminal Investigation Department of Zagreb Police Department held an interview with representatives of the Team for Legal Changes in connection with the above. The activists were asked only about their personal details while in connection with the case they were only informed that the injured parties in the case would be most probably questioned by the police of the Republic

of Slovenia, and that the police officials had sought the written testimonies of the injured parties. The written testimonies of Mr Mitja Blažić and Andrej Habjan were delivered to officials of the Criminal Investigation Department of the Zagreb Police Department.

Interventions by the Team for Legal Changes

- A lawyer and was engaged to represent the injured parties in the criminal proceedings and proceedings before the internal control of the Ministry of Internal Affairs;
- A complaint was sent to the internal control of the Ministry of Internal Affairs relating to the unprofessional behaviour of officials of the 1st Police Station during the reporting of the attack and also an answer to the reaction of the Ministry of Internal Affairs to the alleged complaint in which it was also requested that the injured parties should be informed whether the perpetrators of the criminal offences against them had been identified;
- Criminal charges were brought to the Municipal State Attorney's Office in Zagreb for the criminal offence of racial or other discrimination - infringement of basic human rights based on the sexual orientation of the injured parties under Art 172 para 1 of the Criminal Code and for the criminal offence of violent behaviour under Art 331 para 1 of the Criminal Code.

Violent behaviour no. 3

At 15.30 in Paromlinska Street, several unidentified perpetrators physically attacked participants of the gathering (born 1989, 1972, 1986, 1980). The first two were given medical assistance in the Sestara Milosrdnica clinical hospital and the second two in the Trauma Clinic. All were lightly injured.

A direct description of the event by the injured parties

Injured party D.S. described the event as follows:

"On 7 July 2007 at 15.30 in front of the Pan shop at the exit from the subway of the Importantne Centre on the way to the bus station in front of the City Government building, a group of youths attacked us. I estimate that there were five of them and that they were between 20 and 30 years of age as far as I was able to see briefly from behind. By their clothes, shoes and general appearance they did not belong to any particular group (for example football supporters). There were four of us - me, H. F., R. H. and D. S. We were attacked from behind with shouts of: 'Faggots!', 'Get them!'. I received blows to the head from behind and along with the others began to run away in order to get to the City Government building. After we had successfully fled them, they ran after us shouting: 'Grab them!' The other three after receiving several blows succeeded in escaping but two of them grabbed my arms while one of them punched me in the face. I tried to break away and escape but I was not able to. The others who had previously been chasing joined in and hit me first with their fists but then one of them shouted: 'Let's knock him down!' They succeeded in knocking me down and several times kicked me in various parts of the body and after that they all ran away. Some girls who had been waiting for a bus helped me to get up and said that they had called the police and after that got into a bus and left. The police arrived very quickly and offered to call an ambulance for us. They made notes of the event and after that Robert and I were taken to hospital in Vinogradska Street because we had been hit around the

head, and Hrvoje and Darko were taken to the trauma centre for an examination.”

Injured party H.F. briefly described the event as follows:

“I succeeded in protecting myself from direct blows but I was struck in several places on the body and head. I freed myself from my attackers and ran in the direction of the Zagreb City Government building, hoping that there would be a police patrol in the area which would come to our aid.”

Behaviour of the police

After being called by the witnesses the police swiftly arrived at the scene of the incident. After the injured parties had reported that they needed medical assistance further police officials arrived. According to the statement of the injured parties, the police officials noted down all the important information connected with the case and behaved professionally. After the ambulance had taken D.S. i R.H. to the Sestara Milosrdnica clinical hospital, the other two injured parties were taken by police car for security reasons to the Trauma Clinic. A few days later, injured party D.S. went to the police station where he was informed by a police official that the case was being treated as a “hate crime”.

According to the statement from the report on the proceedings of the Ombudswoman for Gender Equality the following is can be seen from the report of the Zagreb Police Department:

- In connection with the mentioned event police officials of the 8th Zagreb Police Station were called to intervene at around 15.45 in front of the City Government building where they found D.S. and three other persons. In conversation with the above the police officials were informed that they had been physically attacked by 5-6 people because of their sexual orientation, that the attack lasted a short time, after which the attackers ran off in an unknown direction.

- With the aim of identifying the perpetrators of the attack the police prepared an Action Plan and contacted the injured parties with the aim of identifying the perpetrators in the crime albums at which time the injured parties reported that they would not be able to identify the perpetrators by photographs nor even in person.

- The 8th Zagreb Police Station informed the Municipal State Attorney in Zagreb about the above event on 12 July 2007.

- In connection with the same event the 8th Zagreb Police Station on 12 September 2007 received from the Municipal State Attorney's Office in Zagreb a criminal charge by Mr Stanić against an unknown perpetrator for committing a criminal offence under Art 331 para 2 and Art 174 para 1 of the Criminal Code and the 8th Zagreb Police Station then delivered all written reports about the measures and actions undertaken.

- The perpetrators of the physical attack on Mr D.S. have still not been identified by the undertaken police investigation but measures and actions will continue to be taken by the police with the aim of finding the perpetrators.

Interventions by the Team for Legal Changes

- A lawyer was engaged to represent Mr D.S. in the criminal proceedings. The other injured parties refrained from the proceedings.
- Seeing as in the report of the Zagreb Police Department nothing was stated about this case, on 5 November 2007 we sought special monitoring of the case by the Ombudswoman for Gender Equality. The Ombudswoman at our request sought a special report about the case from the Police Directorate and informed us of the information she received.

Violent behaviour no. 4

On the web pages www.gay.hr on 7 July 2007 it was reported that around 15.00 V.Z., M.J. and Z.M. were attacked at the main railway station.

Injured party V.Z. was directed to seek confirmation that the incident had been reported from the 1st Zagreb Police Station and to go to a doctor for his injuries. The doctor referred him for an EEG scan.

Injured party Z.M. briefly described the attack stating that the attackers followed him and the other injured parties to the main railway station in Zagreb where they attacked them. The police official said that the main railway station had video surveillance pictures which would be examined.

In the report of the Zagreb Police Department the report of this incident is not mentioned.

11 July 2007.

Giving his report for the webpages, injured party M.J. stated:

“Zoran, Viktor and I went were going towards the main railway station. In one moment around Strossmayer Square I noticed two young men to our left on the other side of the street who were acting suspiciously. Up to the moment when we arrived at the platform it was obvious that it was a case of an organised group of whom five, perhaps six youths who followed us and gathered near us at the station. Then I was still thinking that they were only trying to frighten us and that it wouldn't come to a confrontation in a public place, amongst people. But when Zoran stepped on the train's steps, two of them also climbed after him onto the train, but through a different door and came to him through the carriage. The situation was quite uncomfortable and Zoran finally got off the train and joined us on the platform. After a minute the train moved off, and the group of youths continued to 'hover' around us. Victor then called the police,” Marin Ježić told us, for whom this was his first gay bashing although he has been out since he was 16. The violent youths then surrounded them and according to Marin the following happened: “They swore at me using the word 'faggot'. Then I shouted to Viktor and Zoran to run. I turned away from the attacker although I knew that there was at least one attacker on the other side. He first kicked me in the chest and ribs and then again kicked me in the back on the left side. Somehow I pushed him away from me and scratched my left arm and then hurt my fist. I jumped onto the tracks and ran three steps and then turned to see what was

happening with Viktor who was struggling with three or four of them and also knocked one down. The people on the platform began to shout to stop fighting and the attackers disappeared. It was all very quick in a hit and run manner.”

Interventions by the Team for Legal Changes

- Injured party V.Z. contacted the Team for Legal Changes immediately after the attack and was advised to seek medical help and also a report from the 1st Police Station. The injured party did not express the desire for further action and a criminal charge was not brought.

Violent behaviour no. 5

At 17.55 in a number 12 tram, three unknown perpetrators verbally attacked three citizens of Bosnia and Herzegovina (born 1987, 1989, 1986). They then hit one of them in the back of the neck (1987) and on leaving the tram at Maksimirska Street they pushed the Bosnian citizen (1986). The perpetrators followed the injured parties out of the tram and physically attacked them but the injured parties succeeded in escaping. They refused medical help.

At 20.00 in Maksimirska Street a group of unknown youths physically attacked the above citizen of Bosnia (1989) and a Swedish citizen (born 1981). The injured parties succeeded in escaping. When police officials arrived the perpetrators were not found and the injured parties refused medical help.

Giving his statement about the critical event the injured party said for the web

Pages:

“Has anyone except other than me?!” 17-year-old Miloš asked at the end of the conversation, only then showing the stress from what had happened to him. He generally quietly explained the circumstances of the second attack: “After coming back from the police, where we reported the first attack, my acquaintance from Sweden, Jonathan, and I went into a shop. I had over my shoulder a bag on which was a rainbow sticker which five youths saw from a tram which was going in the direction of the centre. As there was a stop there, they immediately got off and we moved to escape across the road. We had the misfortune that at that moment a tram for Dubrava was coming from the other direction and so we found ourselves in the middle of the street surrounded by them. Three of them went after me and two after Jonathan. They hit me in the head and I also have bruises on my arms because I tried to defend myself. Jonathan broke away from his attackers and ran towards the building’s entrance where the flat in which we were is situated and then I succeeded in the same. As there was some building work going on there, they picked up some stones from the street and began to throw them at us and I saw them hit a woman who was passing by. They broke Jonathan’s nose which started bleeding on and off for three hours and in the end we had to go to Rebro to sort that out.”

Behaviour of the police

After the first attack the injured party went to the police station to report the event. The police officials

offered them medical assistance which they refused. There is no information about the behaviour of the police in the above cases.

Hate speech

The Ombudswoman for Gender Equality stated on 8 July 2007 for *Večernji List* the following: "At around 22.00 I was waiting for a tram in Draškovićeve Street. A group of about 20 young men approached on the direction of Medveščak. They were shouting: 'Kill the faggots'. I reported the incident to the police in Bauerova Street. The policeman told me that they had already received reports from citizens concerning that group."

Incident several days after the event

On 11 July 2007 unknown perpetrators attacked Mr V.Z. while he was walking through the centre of Zagreb. He said that they ran towards him to hit him. They were shouting: "There is your Pride!", "Get out of here, faggot!" In one moment one of the attackers split off and began to call someone on the telephone. The injured party ran away to Savska Street from where he called the police.

Behaviour of the police

The injured party informed the Team for Legal Changes that the police came immediately after he called. The police officials took the injured party in their car and drove around the area attempting to identify the perpetrators.

Behaviour of institutional mechanisms

Ombudswoman for Gender Equality

Upon the request of the Team for Legal Changes of Iskorak and Kontra, the Office applied itself to monitoring the work of the police in the cases of infringement of human rights relating to the Zagreb Pride event and delivered all the appropriate reports concerning this. The majority of the information received for this report, except the witness statements of the injured parties and the police report, came from information delivered by the Police Directorate at the request of the Ombudswoman for Gender Equality. The cooperation established with the Ombudswoman on the case was generally very good.

People's Ombudsman

The injured party Mitja Blažić contacted the People's Ombudsman because of the incorrect behaviour of the police officials during his reporting of a homophobic attack. On 12 July 2007, the People's Ombudsman requested a report from the Ministry of Internal Affairs connected to the behaviour of the police officials. After receiving the report in which it was stated that there was no incorrect behaviour, the Ombudsman informed the injured party of the information received and did not take any further action.

Ministry of Internal Affairs

Mr Mitja Blažić sent a complaint to the Ministry of Internal Affairs because of the unprofessional behaviour of the police officials of the 1st Police Station. On 10 August 2007, Mr Dražen Krtenjak, a police chief, informed Mr Blažić of the results of the internal investigation. In that report it was stated that the police officials were not able to gather all the relevant information of the event, because at the very beginning the injured parties were not cooperative which made the procedure of finding and identifying the perpetrators more difficult.

In connection with a complaint about putting the perpetrators in the same room as the injured parties, it was stated that the perpetrators were immediately moved to a different room and exclusively for security reasons in order to avoid a potential conflict on official premises.

Concerning the written record the following was stated: "After holding interviews with all participants in the event, at your request, you were issued with a confirmation about the event itself in which were stated only the facts which had been unambiguously confirmed on the basis of the interviews held with the participants and witnesses of the event itself, and not a description of the event as you as the complainant stated in your report. We are of the opinion that in this situation a mistake was made, which, however, could not in any way have affected the realization of your rights or on the correct establishment of facts. The responsible police officials have been warned because of this mistake, and the case has been used for educational purposes."

The injured party, Mitja Blažić, replied to the letter from the Ministry of Internal Affairs, stating amongst other things the following: "We have received your letter of the above reference of 10 August 2007 and wish to state that we are not satisfied with the actions taken after our complaint, stating that they do not represent an adequate protection because of several infringement of our rights which happened on 7 July 2007, and which we described in detail in our complaint. As you are probably aware, the purpose of our complaint was not just that it should be 'used for educational purposes', but that we should be offered protection in accordance with the legal regulations of the Republic of Croatia", and "Therefore we continue to insist on efficient protection for the infringement of our rights described in detail in our complaint, as well as in this letter, and we request that you inform us of everything that is done. Failing that, we will be forced to commence appropriate court proceedings, including an action for compensation for the infringement of the right of personality. We also invite you to inform us whether you have identified the perpetrators of the criminal and misdemeanour offences against us."

In a written reply to the international organisations IGLA (International Lesbian and Gay Association) and IGLHRC (International Gay and Lesbian Human Rights Commission) the Office for Human Rights of the Government of the Republic of Croatia in connection with the violence at the Zagreb Pride stated a whole series of inaccurate information.

Office for Human Rights of the Government of the Republic of Croatia

The Office stated in a letter that the government had "undertaken numerous activities of which

we emphasise the implementation of 'hate crime' into the Croatian criminal legislation", which is inaccurate. At the end of 2005 the Team for Legal Changes of Iskorak and Kontra, with the support of the Women's Network of Croatia and the Serb Democratic Forum, initiated a public debate about the need for the introduction of a definition of hate crime into the Criminal Code, and invited representatives of the Office for Human Rights of the Government of the Republic of Croatia to, amongst other things, participate in the debate at a round table. The representative of the Government's office then clearly stated that the Government did not support such an initiative. Furthermore, in the process of modifications and amendments to the Criminal Code in 2006, there was no initiative by the government for the introduction of a definition of "hate crime" into the Criminal Code. The Team for Legal Changes prepared some amendments to the Modifications and Amendments of the Criminal Code Bill, with the purpose of introducing the definition of a hate crime into the Croatian legal system. The amendments were adopted by the Committee for Human Rights and Rights of National Minorities, thanks to the support of representatives of the national minorities, and were then also adopted by the Croatian Parliament. From the above, it clearly follows that the Government had nothing to do with this initiative.

Contrary to the announcement that the "Government had undertaken numerous activities" is also the report of the European Commission for 2007 which emphasised that advances in the area of anti-discrimination policies have been limited. It is emphasised that a national strategy and action plan for the prevention of all forms of discrimination was not passed, and that the level of protection against discrimination is not in accordance with European standards. In connection with hate crimes it is emphasised in the report that only four cases have been processed according to the provisions of the Criminal Code which concern hate crime and that support to victims of discrimination is marginal.

That the Government does not intend to become seriously concerned with the prevention of discrimination based on sexual orientation and gender identity is also visible from the absence of effective measures for the prevention of such discrimination in the National Programme for the Protection of Human Rights.

Also, although the statement by the Government Office states that criminal and misdemeanour charges have been filed against the perpetrators of attacks on participants in the event by the police, the fact is that only misdemeanour charges have been filed, which was also confirmed in the statement of the chief of the Zagreb Police Department, Mr Marijan Tomurad, for Jutarnji List, and also in all reports received from the Ombudswoman for Gender Equality, and in the data received from the injured parties.

Apart from the above letter the Office has not been involved in the above case.

Interventions of NGOs

International NGOs IGLHRC and ILGA Europe were involved in cases requesting condemnations of violence from state institutions. The organisations for the protection of the human rights of sexual and gender minorities and the Women's Network of Croatia sent written reports for the media

concerning the behaviour of the police and violence at Zagreb Pride. The Team for Legal Changes is actively working on providing direct legal help in processing violence and incorrect police behaviour.

Preventing hate crimes

On 1 October 2006, the Criminal Code Amendments and Modifications Act came into force [OG 71/06], which introduced the definition of hate crime [introduced at the proposal of the Team for Legal Changes with the support of the Women's Network of Croatia and the Serb Democratic Forum].

On 5 November 2007 the Team for Legal Changes of Iskorak and Kontra sent a request to the Ministry of Internal Affairs and the State Attorney's Office of the Republic of Croatia, for delivery of data on the criminal offences committed in the period from 1 October 2006 to 1 October 2007, on the basis of Art 89 para 36 (hate crimes) of the Criminal Code.

In connection with the above request the following data was sent to us by the Ministry of Internal Affairs on the 20 December 2007:

"In the mentioned period a total of 32 criminal offences were recorded which were suspected, or confirmed by criminal investigation, to be motivated by hatred towards a certain individual or group on the basis of Art 89 para 36 of the Criminal Code.

Of the above 32 criminal offences 24 criminal offences have been solved, for which a total of 30 people have been charged. In all the criminal offences the investigations have been conducted according to the Criminal Procedures Act, while certain investigative operations have been conducted in 14 criminal offences.

For 9 of the above 32 criminal offences criminal charges or a special report to the relevant state attorney's office have been brought, which explicitly state that they were committed in connection with Art 89 para 36 of the Criminal Code, while in the other 23 criminal offences it was not explicitly stated that they were committed in connection with Art 89 para 36 of the Criminal Code, but all circumstances of the committed crime point to the fact that it was motivated by hatred towards a particular group or individual.

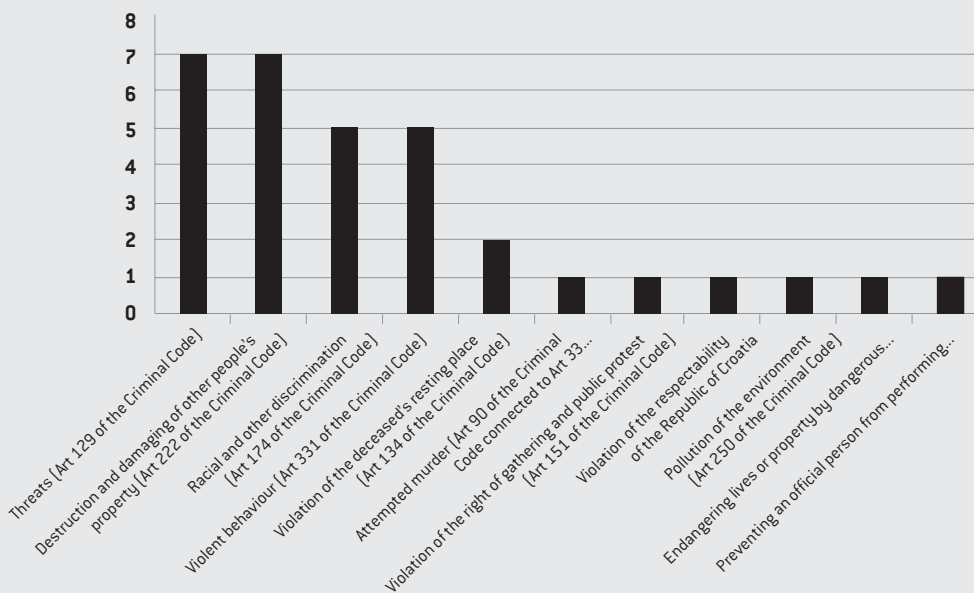
The above 32 criminal offences also include 5 criminal offences under Art 174 (Racial or Other Discrimination), while no criminal offences have been recorded under Art 106 (Infringement of Equality of Citizens) which would be motivated by hatred under Art 89 para 36 of the Criminal Code.

According to motives, 27 offences were ethnically motivated, 2 criminal offences were connected to sexual orientation, 2 to religious identity, and 1 was motivated by political belief."

The letter does not state which criminal offences are in question. Also it is not specified for which reason, in as many as 23 of the 32 criminal offences committed in connection with Art 89 para 36, it was not explicitly stated that the criminal charge, or special report to the State Attorney's Office, were brought in connection with Art 89 para 32 of the Criminal Code, although all the circumstances of the

offence suggest that it was motivated by hatred towards a particular group or individual. Nor is it clear why just 5 criminal acts were connected with the criminal offences of racial or other discrimination under Art 174 para 1 of the Criminal Code. The statistics do not include all reported criminal offences on the basis of sexual orientation under Art 89 para 36 of the Criminal Code connected to the holding of the Zagreb Pride event, which falls within the above period.”

On 25 January 2008 the Police Directorate delivered a supplement to its report on the data for 2007, from which the following data can be graphically shown:



Certain matters are not clear in relation to the data from the report of the Police Directorate. Thus it is stated that in 2007, 1 serious criminal offence against general security in connection with endangering life and property by generally dangerous actions or means under Art 271 of the Criminal Code in connection with Art 263 of the Criminal Code was committed. That, however, cannot relate to the criminal offence of attempting to throw a Molotov cocktail at the participants in the Zagreb Pride 2007 procession of which Josip Šitum is accused. Namely, in the case of the suspect Šitum, it is a question of an attempted criminal offence under Art 263 of the Criminal Code [therefore, in connection with Art 33 of the Criminal Code], while in the statement from the Police Directorate it is a matter of a criminal offence committed under Art 263 of the Criminal Code, causing serious bodily injury of a person or material damage of greater proportions. Furthermore, the Municipal State Attorney's Office in Zagreb reported on 7 October 2007 that it had brought charges against Josip Šitum for a criminal act against general security of people and property and security and traffic - attempted endangering of life and property by generally dangerous actions or means. First, it is obvious that the Police Directorate in their statistics do not even treat the attempted attack by Molotov cocktails on Zagreb

Pride 2007 as a hate crime, but as a completely different criminal offence unconnected to this case.

We were unable to make a complete comparison with the statistics of the State Attorney's Office of the Republic of Croatia, because the State Attorney's Office will deliver those data after it has prepared them. However, for the needs of the preparation of this report the statement of all state attorney's offices in 2007 were examined which related to the committing of hate crimes. Thus on 23 July 2007 the County State Attorney's Office in Požega announced that it had commenced an investigation against a 37-year-old for incitement to attempted murder, and against two Croatian citizens for attempted murder motivated by hatred (Art 91 point 6 of the Criminal Code in connection with Art 33 of the Criminal Code). However, the Police Directorate in its report does not mention at all that the police had reported this event but only states that one attempted murder motivated by hatred was reported (Art 90 of the Criminal Code in connection with Art 33 of the Criminal Code). Considering the above differences in maintaining data, both concerning the question of recording hate crime, as well as the question of defining legal qualifications of criminal offences, it is obvious that police officials still do not really understand the meaning of hate crime.

Concerning the question of the legal qualification of criminal offences motivated by hatred, we find interesting the fact that the Police Directorate includes in its records of hate crimes the criminal offences of polluting the environment, when Art 89 para 36 of the Criminal Code states that hate crime is only a criminal offence committed "against a person". In a criminal offence of polluting the environment from Art 250 of the Criminal Code the object of protection are not people but goods such as air, water, soil, natural wealth etc. In any case, the development of court practice will decide on the legal qualification in such cases. However, it is worrying that on the one hand there is the very progressive police practice when it is a question of protection of the environment, and that at the same time hate crimes motivated by the sexual orientation of persons are conducted only as minor misdemeanours (attempted attack by Molotov cocktails on the participants in the Zagreb Pride 2007 procession).

In the meantime, the Team for Legal Changes has also received information from the non-government organisation Serb Democratic Forum about criminal offences motivated by hatred towards members of the Serbian national minority. This association alone noted 26 ethnically motivated incidents in 2007. If attention is given to the fact that except members of the Serbian minority, victims of such criminal offences are often also members of the Roma minority and other minorities, it becomes clear that a great number of such criminal offences are not noted by the Police Directorate. To this should also be added the information that the Team for Legal Changes in 2007 noted 18 criminal offences committed against persons on the basis of their sexual orientation.

It is obvious that there is a great discrepancy between the data of NGOs concerned with offering direct legal help to members of minorities, and the official data of the Ministry of Foreign Affairs connected with the criminal offences committed on the basis from Art 89 para 36, whose reasons lie in the inadequate implementation by the police. Practice in such cases, according to the date which we received remain unclear and there exists the suspicion that the majority of cases (as many as 23 of 32) have not been dealt with in an adequate manner.

8. PSYCHOSOCIAL HELP FOR SEXUAL AND GENDER MINORITIES

In the past year two counselling centres have been opened for members of the sexual and gender minorities.

The Lesbian Group Kontra opened a counselling centre for lesbians and bisexual women on 8 of January 2007. The counselling centre includes an SOS telephone line, e-mail counselling and individual therapy. The SOS line (01/4573 372) is open on Mondays, Tuesdays and Thursdays from 18.00 to 20.00 hours, the e-mail advice (savjetovaliste@kontra.hr) works every day, while individual therapy is agreed individually with every client. Female volunteers, who have undergone training, work for the telephone line and e-mail counselling, while the individual therapy is conducted by a female psychologist.

The aim of the Counselling Centre is to offer adequate psychosocial protection to lesbians and bisexual women which is not sufficient in the Croatian health system. Namely, psychologists and psychiatrists are often themselves homophobic, and are not at all sensitive to the specific needs of lesbians and bisexual women. Also, an aim is to secure adequate treatment of psychological consequences of violence and discrimination.

Within the framework of the programme of psychosocial support for members of sexual and gender minorities, the LORI association has started a Psychological Counselling Centre. The Psychological Counselling Centre is intended for lesbians, gay men, bisexual, transgender and transsexual persons of all age groups, and offers the possibility of individual psychotherapy/counselling, partner psychotherapy/counselling, the family counselling and group psychotherapy/counselling.

The aim of the Counselling Centre is to offer LGBT persons a secure place where they can receive counselling and support on the question of their gender/sexual identity, sexual orientation and other specific questions connected with the life of LGBT persons, such as for example coming out, [internalised] homo-/bi-/transphobia, acceptance in society, enduring discrimination, violence etc. In the Counselling Centre LGBT persons can seek help for anxiety, depressive moods, low self-confidence, problems in intimate relations and communication with their partner, inadequate communication within the family, etc.

If you wish to use the services of the psychological counselling line, feel free to contact them via e-mail: lori.savjetovaliste@yahoo.com or on Mondays from 13.00 to 17.00 on mobile phone number 091/5934 133.

9. PUBLIC EVENTS

1. National campaign "We're not homophobic but..."

On 26 April 2007 the Team for Legal Changes publicly presented the beginning of the campaign "We're not homophobic, but...", whose aim was to raise the awareness of citizens about the rights of sexual and gender minorities and to promote the rights of same-sex partners.

The centre of attention of the campaign was taken by homophobia in the Croatian Parliament, Catholic Church and Croatian society generally. The goal of the campaign was to put pressure on Members of Parliament inviting them at their responsibility to the protection of the rights of same-sex partners. Jumbo billboards and leaflets contained a test on homophobia by which citizens could question their own opinions according to the opinions which were expressed by Members of Parliament during the debate on the Registered Partnership Bill. In the public advocacy the Team for Legal Changes used arguments of relevant European documents, resolutions, directives, etc. and the practice of the European Court of Human Rights, as well as other international regulations and positive examples from countries of the European Union. A press conference which announced the beginning of the campaign was well covered by the media. Activities as part of a campaign were held as follows.

Distribution of leaflets in front of the building of the Croatian Parliament on St Mark's Square

On 27 April 2007 representatives of the Team for Legal Changes distributed leaflets as part of the campaign to members of the Croatian Parliament. After MP Božica Šolić (HDZ) received the leaflet she said: "90% of citizens consider themselves Catholics and a minority may not rape the majority." MP Andrija Hebrang (HDZ) took the leaflet and simply shook hands with activist Sanja Juras. MP Pejo Trgovčević (HSP) said that he would consider the questions since he was a member of the Parliamentary Committee which dealt with "those things". After he was asked which things he was talking about, he answered: "human rights". MP Zlatko Kramarić (HSL) said that he supported the rights of sexual minorities. The opinion of MP Željka Pavlica (MDC) was also supporting. This activity was well covered by the media.

Distribution of leaflets on Ban Josip Jelačić Square in Zagreb

Activists of the Team for Legal Changes distributed leaflets to citizens of Zagreb on the main city square on 3 May 2007. This activity was conducted between 10.00 and 12.00. The reactions of the majority of citizens were neutral. One young man asked activist Kristijan Grdan: "Are you a faggot?" But there were no further incidents.

Distribution of leaflets in Rijeka

On 10 May 2007 activists of the Team for Legal Changes distributed leaflets in Rijeka, on the Korzo, waterfront and nearby streets. This activity was organised and conducted in cooperation with the Lesbian Group Rijeka - LORI. The reactions of the majority of citizens were similar to those in Zagreb and no incidents were recorded.

Distribution of leaflets in Split

On 14 May 2007 activists of the Team for Legal Changes distributed leaflets in Split, on the waterfront, Marmontova Street and nearby streets. However, the reactions of citizens were very similar to the reactions of citizens in Zagreb and in Rijeka and no incidents were recorded.

Celebrating of the International Day Against Homophobia

As part of the campaign the International Day Against Homophobia was also marked. On 17 May 2007 activists of the Team for Legal Changes, in cooperation with activists of the Women's Network of Croatia gathered in order to attract attention to the Catholic Church as the hotbed of homophobia and hate speech. Other than the leaflets "We're not homophobic, but...", leaflets about homophobia in the church were also distributed to citizens, and the whole activity was conducted between 11.00 and 12.00 in front of Zagreb Cathedral on Kaptol.

While the activists were in front of the cathedral and giving statements to journalists, one man came out of the cathedral and started to shout at the activists: "Get out of here!" and "You're ruining my home!" After the activists refused to leave, the man grabbed activist Kristijan Grđan by the arm and began to push him. Then he grabbed the coordinator of the Women's Network of Croatia, Mrs Bojana Genov, but he stopped the attack when she asked him: "Are going to hit me here as well? Shame on you!" He also attacked a reporter who was photographing the event. When asked about his identity he did not wish to introduce himself. He just told one reporter that he was a teacher of history and connected with a project in the Catholic Church. After he returned to the cathedral the activists peacefully continued with their action. A few moments later a student from the Catholic Theological Faculty approached the activists and asked them to leave the area in front of the cathedral or else he would be forced to call the dean. The activists refused to leave the space in front of the cathedral and the dean of the Catholic Theological Faculty never appeared.

The activity was continued by distributing leaflets on the main city square and surrounding streets, and it was well covered by the media..

Distribution of leaflets in Osijek

This activity was carried out by activists of the Team for Legal Changes in cooperation with the organisation Duga and volunteers from Osijek. The activists were split into two groups and the first one delivered leaflets in the Fortress, while the second group delivered leaflets on the main promenade. The group which was distributing leaflets on the main promenade was comprised of only women and they recorded several incidents, such as passers-by shouting at them "Dikes!". The second group recorded incidents when passers-by shouted "Faggots, go fuck yourselves!" and one young man threw a leaflet back at one activist. However, during the action we also received three calls to the Team for Legal Changes' telephone line from citizens who wanted to express their support to us.

The national campaign was concluded with this activity.

2. Queer Zagreb

During 2007, Queer Zagreb held many interesting cultural events and continued with the tradition of strengthening alternative forms of culture in the Croatian public space. In connection with the holding of these events no incidents were recorded.

3. Zagreb Pride 2007

The Zagreb Pride 2007 event was held in Zagreb on 7 July 2007 on the theme of visibility of the LGBT population, and was organised by an independent citizens' initiative. The event did not have a clear political message, while the theme of visibility itself indicates one of the ways of advocacy, which in itself in Croatia is not significant in a political context. The procession started at the Croatian National Theatre, through Masarykova, Teslina and Praška Streets to Ban Josip Jelačić Square, and then down Ilica to the Flower Square, where the entertainment programme began. Of the representatives of the authorities present in the procession, there was, now traditionally, the Ombudswoman for Gender Equality, Mrs Gordana Lukač-Koritnik. During the event numerous incidents were recorded and the organisers, apart from the regular measures did not conduct other measures for the protection of participants in the procession (in the form of recommendations about movement, information etc). Despite the fact that they must have been aware that throughout the afternoon and during the evening of 7 July 2007 major incidents were happening throughout Zagreb, the organisers insisted on holding the entertainment which was planned for the evening. The party was later cancelled, but not because of the fact that it was a question of an event of high risk for the participants, but because they had some unresolved issues with the owner of the space in which the entertainment was to be held. Also, the possibility of offering legal help to the victims of violence at the very scene of the incident (for example legal assistance in giving statements to police officials) was not foreseen. The Team for Legal Changes was able to offer legal help to victims of violence only after they had been contacted, and in other cases in their official duty, on which there is more information in the chapter relating to discrimination and violence.

On incidents recorded during the event see the chapter referring to discrimination and violence.

10. HEALTH

1. Cessation of discrimination of blood donors

On 30 May 2007, the Team for Legal Changes proposed a change to the Blood and Blood Products Act to the Ministry of Health and Social Welfare and the same was also delivered for information to the Office of the Ombudswoman for Gender Equality..

We considered that the provision under Art 16 of the Blood and Blood Products Act (OG 14/99; hereinafter: BBPA) is discriminatory on the basis of sexual orientation and suggested its change for reasons of harmonisation with positive Croatian legislation. Namely, the provision under Art 16 of the BBPA prescribed that “persons with homosexual behaviour” should be permanently excluded as blood donors. In accordance with Art 6 para 2 of the Gender Equality Act (OG 116/03) discrimination on the basis of sexual orientation is forbidden. Considering the fact that according to the provisions of the Blood and Blood Products Act (OG 79/06) all blood must be compulsorily tested for contagious diseases which are spread through sexual contact, and that by the regulation under Art 16 of the BBPA did not also include other people who are prone to risky behaviour, we recommended a change in the provision such that instead of “persons with homosexual behaviour” was stated “all persons with risky sexual behaviour”.

The Team for Legal Changes has also made the above recommendation before, as has been confirmed by the Office of the Ombudswoman for Gender Equality, but in that period no changes to the disputed regulations have been made.

Finally, on 31 July 2007, the new Regulations on Special Technical Demands for Blood and Blood Products (OG 80/07) came into force. According to Art 5 of these Regulations it is possible to permanently refuse a donor whose sexual behaviour brings a high risk of catching an infectious disease, which can be transferred by blood. Furthermore, attached to the Regulations was a questionnaire which was given to donors before taking samples of their blood, which stated the persons with increased risk of catching infectious diseases transferred by blood, and then particularly persons whose sexual behaviour brings them into a high risk of catching contagious diseases which can be transferred by blood. Therefore, if a person, regardless of their sexual orientation, does not consider that their sexual behaviour brings her/him into a high risk of catching infectious diseases which can be transferred by blood, then he/she can be a blood donor.

2. Statement by Prof. Dr. Dubravka Kocijan-Hercigonja

In the Report on the Status of Human Rights of Sexual and Gender Minorities in 2006 we reported that we submitted a proposal for the commencement of a disciplinary procedure before the Court of Honour of the Croatian Medical Chamber against Prof. Dr. Dubravka Kocijan-Hercigonja for an infringement of the Codex of Medical Ethics and Deontology. To recap, Prof. Dr. Dubravka Kocijan-Hercigonja, doctor of medicine, stated in an interview for *Glas Koncila* that, in accordance with the existing classifications of psychological diseases of the American Psychiatric Association and the World Health Organisation homosexuality is considered a dysfunction of sexual identity.



On 3 September 2007, the Croatian Medical Chamber informed us by letter that after considering the complaint of the Team for Legal Changes of Iskorak and Kontra and the received explanation of Prof. Dr. Dubravka Kocijan-Hercigonja, it had brought a negative opinion as follows:

“The Commission for Medical Deontology was of the opinion that the request for commencing proceedings before the Chamber’s Court of Honour is not justified, because it did not find evidence that Dubravka Kocijan-Hercigonja, doctor of medicine, by giving an interview for the magazine *Glas Koncila*, and in connection with questions of defects of sexual identity according to DSM-IV and MKB-10 classifications, acted contrary to the provisions of the Codex of Medical Ethics and Deontology.”

The Team for Legal Changes has decided to continue its case before the Chamber’s Court of Honour.

11. FUTURE ACTIVITIES OF THE TEAM FOR LEGAL CHANGES OF ISKORAK AND KONTRA

- Offering direct legal help to LGBT persons who have experienced discrimination or violence on the basis of their sexual orientation, gender identity or gender expression;
- Cooperation with the police, state attorneys and courts in connection with preventing hate crimes;
- Advocating the introduction of anti-discrimination provisions on the basis of sexual orientation, gender identity and gender expression into the Constitution and all relevant legal regulations;
- Advocating equality of same-sex couples with different-sex couples in respect to the rights relating to marriage and extramarital union.

12. RECOMMENDATIONS OF THE TEAM FOR LEGAL CHANGES

In order to protect the human rights of sexual and gender minorities in the Republic of Croatia on a greater scale, we call upon:

- the Croatian Parliament and Government of the Republic of Croatia to as soon as possible confirm the ban of discrimination on the basis of sexual orientation in the Constitution of the Republic of Croatia and all other relevant laws. Thus the way to true equality of all citizens of the Republic of Croatia would be opened;
- State institutions to consistently implement anti-discriminatory laws and policies;
- competent bodies to stop discrimination of same-sex partners by securing them the rights and responsibilities available to different-sex partners through the institutions of marriage and extramarital union;
- competent organs to strengthen institutional protection of the rights of sexual minorities;
- the Ministry of Science, Education and Sports to introduce sex education in primary and secondary schools in which sexuality and sexual and gender minorities can be objectively spoken about, and to take responsibility for its implementation;
- Croatian Television and all independent television stations to actively implement our recommendations for the translation of foreign films, and in that way to remove discriminatory and demeaning phrases from that aspect of their programmes. We also seek that they introduce programmes and films into their programme schemes which deal with LGBT identities. We expect such programmes to be transmitted at times when the majority of citizens can watch them. We request all media not to give more public space to the spreading of hatred and incitement to violence against sexual minorities;
- members of sexual minorities to use the legal instruments of the Republic of Croatia as much as possible in order to obtain their rights and protect and defend their identity;
- competent institutions to recognize the rights and needs of transgender persons and alongside sexual orientation, also to include the banning of discrimination on the basis of gender expression and gender identity into the Constitution of the Republic of Croatia and relevant laws.