



EUROPEAN POLICY BRIEF



promoting youth involvement and
social engagement

PROMISE POLICY BRIEF: CROATIA, 2 OF 2

ZAGREB PRIDE LGBTIQ NGO

October 2018

INTRODUCTION

Zagreb Pride is a queer-feminist and anti-fascist organisation founded in 2008. The organisation works towards achieving a society based on values of equality, self-determination, solidarity, secularity and antimilitarism. Other than organising the annual Zagreb Pride Marches, the organisation works in education, research and publishing advocating equality for LGBTIQ people, with as well as actively working with the LGBTIQ community.

The Rights of LGBTIQ people in the Republic of Croatia are mostly regulated with general anti-discrimination laws, while the rights of intersex people are not recognised and/or regulated by any law or act. There are two acts that include specific legal documents referring to rights of LGBTIQ persons: the 'Same-Sex Life Partnership Act' and 'Regulation about obtaining medical documentation and determining requirements and preconditions for gender affirming surgery and/or life in different gender identity'.

The **Same-Sex Life Partnership Act**, from 2014, defines the terms 'life partnership' and 'informal life partnership', as well as setting out requirements for the conclusion of a life partnership, relations connected to children and parental responsibilities of life partners and property relations. This Act regulates inheritance, tax status, the status of life partnership regarding pension insurance and also the rights and obligations of life partners in the system of compulsory health insurance and healthcare. It also regulates rights and obligations in relation to employment, access to public and market-related services, and the public law status of life partnership. Covering all these topics, Same-Sex Life Partnership Act regulated much more rights than the **Same-Sex Union Act** from 2003 that it replaced.

In 2014 the Ministry of Health of the Republic of Croatia passed the **Regulation about obtaining medical documentation and determining requirements and preconditions for gender affirming surgery and/or life in different gender identity**, which regulates a way of obtaining medical documentation for gender affirming surgery or life in different gender identity. This regulation is also important because it determines that people do not actually have to change their sex, or undergo a sex change operation in order to change

their formally documented gender. What could be seen in this act is that gender recorded in official documents guarantees the gender identity of a person.

In addition to that mentioned above, the **Criminal Code of the Republic of Croatia** recognises criminal offenses committed because of one's sexual orientation or gender identity as hate crimes. Equally, this law recognises any behaviour that denies or restricts a person's rights to obtain goods or receive services, or their rights to work or employment because of their sexual orientation or gender identity. This is recognised as a criminal offense against human rights and fundamental freedoms.

As far as other laws and acts are concerned, anti-discrimination based on sexual orientation and gender identity is mentioned as an issue of human rights protection. Only to mention a few, there are the **Constitution of the Republic of Croatia, the Anti-discrimination Act, the Act on Gender Equality, the Act on Scientific Activity and Higher Education, the Media Act, the Labour Act, the Asylum Act.**

Many of the most important and specific Croatian acts regarding LGBTQ rights have been passed in the last few years, mainly in 2014. This is an important step forward for the LGBTQ community. This one step should lead to the next. However, what remains a problem in the Republic of Croatia is the lack of recognition of the rights and needs of intersex people in legal documents.

EVIDENCE AND ANALYSIS

As part of our ethnographic case study 'Zagreb Pride LGBTIQ NGO', we conducted interviews with 31 respondents on their experiences of discrimination, stigmatisation, bullying in school, family relations, political context and feeling safe, the findings showed the existence of stigmatisation of LGBTIQ people in Croatia, as well as experiences of bullying and violence in everyday life. All of the respondents talked about having some kind of violent experiences, which correlates with the results of a study Zagreb Pride conducted (Milković, 2013)¹ in which 74% of participants also confirmed having experiences involving some kind of violence. Comparison of these results strongly suggests that the situation is not getting better as regards hate crimes and hate speech. What is found as even more alarming from our own data is that hate speech (along with hate crime) seems to be more frequent than it can be shown statistically. Respondents often talked about their experiences of being physically attacked, but not reporting it afterwards. Most often, not reporting the crimes was attributed to the lack of trust in the police and a reluctance to come out as a LGBTQ person to the police. Some respondents reported a lack of recognition of hate crimes as a legal classification by police officers. Others demonstrated their own lack of understanding of the legal classification of these incidents as hate crimes.

For the majority of respondents, the marriage referendum was an important event in their childhood years and was widely discussed in the interviews. In 2013 the organisation 'In the Name of the Family' organised a campaign collecting signatures in support of a referendum advocating for the definition of marriage as a union of man and woman to be introduced into the Constitution of the Republic of Croatia. Even though the reaction of civil society organisations was quick as they organised an oppositional campaign called 'Citizens Vote Against', the definition of marriage as a union of man and woman was included in the Constitution. At the time of the 'In the Name of the Family' campaign, most of the respondents were in elementary or high school and talked about perceiving the campaign as an attack on them. Some respondents talked about being bullied in school, others about having more than usual problems in families, simply because at that time the representatives of the 'In the Name of the Family' organisation were very present in the media. As one of the consequences of the campaign for the marriage referendum most of respondents talked about coming out at the time of this referendum. For them, it was a trigger for

¹ Milković, M. (2013) *Brutal Reality: A Research Study Investigating Anti-LGBTIQ Violence, Discrimination, and Hate Crime in Croatia*, Zagreb: Zagreb Pride.

accepting their sexual orientation and/or gender identity. This topic remained topical in the media and politicised discourse in the following months, including analyses of the process and results of campaign, and in July 2014 the Croatian Parliament voted the Same-Sex Life Partnership Act. This legal act equalized the status of same-sex life partners and non-formal life partners to those of married partners. This equalisation of rights applies on all rights except those regarding the adoption of children. Even though it was not directly associated with the marriage referendum initiative, this act was, in a way, a reaction to the referendum by the left-wing government that understood the results of the referendum as a potential mechanism in the upcoming election results.

Conflicts related to school and the educational system were one of the most frequently mentioned and discussed within the study. Bullying was experienced by the respondents during some part of their education (elementary school, high school or in college). This issue was mentioned almost every time when the conversation turned to the educational system. In these cases, the respondents experienced not having enough support not only from their peers but also from their teachers. The lack of understanding and recognition of bullying in certain situations by teachers seems to be the central problem young LGBTIQ people face in the educational system. The problem of peer bullying is often problematised and discussed in the media and schools because of the UNICEF and Ministry of Science and Education run campaign called 'Stop violence among children'. However, bullying related to LGBTIQ issues remains less discussed and less acknowledged. This problem is mostly noticeable in a lack of education for the educators, which consequently means that teachers do not have enough knowledge or experience in responding to bullying directed towards someone's sexual orientation and/or gender identity. It also became clear from the research that some teachers do not recognise that they are engaging in verbally abusive behaviour.

Violence and safety was discussed throughout the interviews with the respondents. In February 2017, there was a tear gas attack in one club in the centre of Zagreb. This attack was connected to an LGBT party that was organised in the club that night. Because of this event, Zagreb Pride organised a reactive protest campaign called 'Love is and Remains Stronger Than Hate', which gathered more than a thousand people in support to those injured in the stampede that occurred after the attack. Some of the respondents were present at the party at the night of the attack and mentioned that the attack itself did not surprise or shock them, indeed; some had even expected such an attack.

POLICY IMPLICATIONS AND RECOMMENDATIONS

One of the main research findings is the lack of trust in the police. This is the main explanation of the respondents as to why they don't report hate crimes and hate speech. They talked about a lack of recognition and understanding of hate crimes as a legal classification by police officers, which only contributes to deepen the existing problem. In addition, it should be noted that the problem also lies in the lack of understanding of hate crimes among respondents themselves, which sometimes leads to missing the opportunity for the crime to be characterized and recognized as such (i.e. as a hate crime).

A few recommendations we could offer in order to consider our research findings within the political context in which the LGBTIQ community exist in Croatia are:

1. **Mandatory hate crime education** – to introduce hate crime education as mandatory for police officers, as well as education for other judicial officials. Organisations such as Zagreb Pride conducts lectures about hate crimes among police officers, but this sort of education is conducted on an ad-hoc basis and is only possible where the head of the police academy is open to it. In order to really educate officers (and officials) about hate crime, this education should be more structured and become a part of the curriculum of the police academy;

2. **Increased human rights and LGBT equality education in the high school curriculum** – one of the key findings of this research is that young LGBT people, along with their families and society in general, are mostly discriminated against and bullied in schools. Respondents often talked about experiencing peer bullying in high schools, and sometimes also in elementary schools. A lack of understanding of LGBT issues and terminology and the lack of recognition of bullying by teachers seem to be the crucial problems in the educational system. The recommendation is that additional education should be organised for students, but also for teachers;
3. **Constitutional protection of minorities' rights** – In the light of the experiences with the marriage referendum in 2013, when the referendum was used as a democratic instrument to limit the rights of the LGBTIQ community, the referendum law in Croatia should be reformed. It should be clearly stated that issues regarding human rights and freedoms as well as the rights of minorities, should not be abolished or restricted. This law has several debatable parts which could be misused and therefore require reform;
4. **Review of child adoption and the regulation of parental rights** – not only is child adoption not possible for same-sex couples, same-sex couples with children are recognised and defined as single-parent families within the laws of the Republic of Croatia. The status and role of same-sex parents should be reviewed in concordance with the Same-Sex Life Partnership Act;
5. **Review of legal rights of intersexual people** – when talking about LGBTIQ rights, intersexual rights are not recognised in a legal context in the Republic of Croatia. After the birth of an intersex baby, parents are usually advised by their doctor to choose the sex of the child in order to register them. Because of the additional surgeries that those children are subjected to, the protection of the human rights of the child as an intersexual person should be regulated. In addition, securing counselling and adequate help and support for parents should be provided.

RESEARCH PARAMETERS

This policy brief is based on 31 semi-structured interviews with former and present volunteers and members of the Zagreb Pride organisation at the time of the research. Ethnographic fieldwork took place over eleven months (from October 2016 to September 2017). The age range of the respondents was from 16 to 33, with the exception of one respondent, aged 40. Most of the respondents were in their early twenties.

PROJECT IDENTITY

PROJECT NAME	Promoting Youth Involvement and Social Engagement (PROMISE)
COORDINATOR	Jo Deakin, <i>University of Manchester, UK.</i> Jo.deakin@manchester.ac.uk
CONSORTIUM	<p>Raffaele Bracalenti, <i>Istituto Psicoanalitico per le Ricerche Sociali, Italy.</i> r.bracalenti@iprs.it</p> <p>Eckart Müller-Bachmann, <i>Christliches Jugenddorfwerk Deutschlands e.V., Germany.</i> eckart.mueller-bachmann@cjd-nord.de</p> <p>Zyab Ibanez, <i>Universitat Autònoma de Barcelona, Spain.</i> zyab.ibanez@eui.eu</p> <p>Raquel Matos, <i>Universidade Católica Portuguesa, Portugal.</i> rmatos@porto.ucp.pt</p> <p>Ivan Chorvát, <i>Univerzita Mateja Bela v Banskej Bystrici, Slovakia.</i> Ivan.Chorvat@umb.sk</p> <p>Kaisa Vehkalahti, <i>Finnish Youth Research Network, Finland.</i> kaisa.vehkalahti@youthresearch.fi</p> <p>Annett Wiedermann, <i>YES Forum (Youth and European Social Work), Germany.</i> annett.wiedermann@yes-forum.eu</p> <p>Anna Markina, <i>University of Tartu, Estonia.</i> Anna.Markina@ut.ee</p> <p>Markus Quandt, <i>GESIS - Leibniz Institut Für Sozialwissenschaften E.V., Germany.</i> Markus.quandt@gesis.org</p> <p>Elena Omelchenko, <i>National Research University, Russia.</i> omelchenkoe@mail.ru</p> <p>Ben Perasović, <i>Ivo Pilar Institute, Croatia.</i> ben.perasovic@gmail.com</p>
FUNDING SCHEME	Horizon 2020 Framework Programme for Research and Innovation (2014-2020), Societal Challenge 6 – Europe in a changing world: inclusive, innovative and reflective societies", call YOUNG-2015.
DURATION	May 2016 – April 2019 (36 months).
BUDGET	EU contribution: 2 500 000 €.
WEBSITE	http://www.promise.manchester.ac.uk/en/newsfeed/
FOR MORE INFORMATION	Contact: Eckart Müller-Bachmann (eckart.mueller-bachmann@cjd-nord.de) Vanja Dergić (Vanja.Dergic@pilar.hr)
FURTHER READING	<p>Dergić, V. (2018) Work package 6: From Conflict to Innovation: Ethnographic Case Studies – Zagreb Pride LGBTIQ NGO. Zagreb: Institute of Social Sciences Ivo Pilar. http://www.promise.manchester.ac.uk/wp-content/uploads/2018/06/Zagreb-Pride-LGBTIQ-NGO.pdf</p> <p>Milković, M. (2013) <i>Brutal Reality: A Research Study Investigating Anti-LGBTIQ Violence, Discrimination, and Hate Crime in Croatia</i>, Zagreb: Zagreb Pride.</p>