



Input from organization (CSO)

Expanse of Gender and Media Culture Common Zone (Croatia)

Protection against violence and discrimination based on sexual orientation and gender identity in relation to the human rights to freedom of expression, association and assembly

Dear Mr. Graeme Reid,

Thank you for your work and contribution as the UN Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity. Please find below our input on the protection against violence and discrimination based on sexual orientation and gender identity in relation to the human rights to freedom of expression, association and assembly in Croatia.

Croatia does not have any laws, formal policies, or practices that, explicitly or implicitly, ban, restrict or make more challenging the exercising of freedom of expression, freedom of association and/or freedom of peaceful assembly by civil society organizations or activists advocating for LGBT persons' human rights. In most parts of the country it is possible for people to safely gather and advocate for LGBT people rights, with no major incidents. Nevertheless, there's a noticeable tendency of right-wing political groups and individuals to try restricting and/or banning the freedom of expression, association and/or peaceful assembly by LGBT people, activists and civil society organizations. Hereafter, the author will mention some recent and publicly known examples.

Croatian pride marches of the LGBTIQ community, individuals and rainbow families have been held continuously in Zagreb since 2002 and in Split since 2011. In 2014, the pride march was also held in Osijek. Most pride marches were organized and implemented without major public incidents. But, the organizers of pride marches often encounter obstacles in the form of a lack and reduction of financial resources for the organization of their events, especially from national and local funds.¹

In the field of education, Croatian policies and programs recognize the importance of creating safe school environments and protecting young people from abuse, but there is

¹ Pink Megaphone - Report of Zagreb Pride on the Human Rights of LGBTIQ Persons in Croatia 2018-2022 ([*Rozi megafon: Izvještaj Zagreb Pridea o stanju ljudskih prava LGBTIQ osoba u Republici Hrvatskoj 2018. – 2022.*](#)), Zagreb Pride, January 2023, pp. 25-33

a lack of concrete programs and guidelines directly related to the protection of LGBTIQ youth, suppression of homophobia and transphobia in schools, and the development of school curricula that promote equality and awareness raising. The first real attempt to include lectures about gender and sexual orientation in Croatian school curricula, as part of the school subject Health for primary and secondary schools in the Republic of Croatia, was declared unconstitutional by the Constitutional Court of the Republic of Croatia in 2013. The proposals for initiating proceedings to assess the compliance of this curriculum with the Constitution and law were submitted by individuals, associations and one right-wing party who declared, among other things, that these materials were filled with LGBTIQ and gender ideology; pedophilia, pornography and prostitution as acceptable social phenomena; and were against the Vatican agreements.² One of the main articles for such Constitutional Court's decision was article 64 of the Croatian Constitution that prescribes that: "Parents shall bear responsibility for the upbringing, welfare and education of their children, and they shall have the right and freedom to make independent decisions concerning the upbringing of their children."³

In 2018, organization Rainbow Families launched the first Croatian children's book for and about children with same-sex parents, 'My Rainbow Families', by authors Ivo Šegota and Maja Škvorc and illustrator Borna Nikola Žeželj. The aim of this children's book was to strengthen the social integration of children who have same-sex parents and to promote tolerance and respect for diversity. The book was made primarily for preschool children. Organization Rainbow Families invited educational institutions and workers to express interest for getting the book for their educational activities. In January 2018 initiative CitizenGO started the petition "NO to introducing materials that promote homosexual lifestyles into our schools!". As part of the petition they included a statement given by the Croatian Ministry of Science and Education in which they stated that: "The Ministry of Science and Education has not issued a positive opinion for the use of this book within educational institutions in the Republic of Croatia" and that "in school institutions is prohibited any form of promotion and sale of products that are not in accordance with the objectives of education and the national curriculum".⁴ CitizenGO is a community that uses online petitions to protect the right to life, family and freedom,

² Decision U-II-1118/2013 of the Constitutional Court of the Republic of Croatia ([Odluka Ustavnog suda Republike Hrvatske broj: U-II-1118/2013 i dr. od 22. svibnja 2013.](#)), Official Gazette (*Narodne novine*) Nos. 63/2013

³ The Constitution of the Republic of Croatia ([Ustav Republike Hrvatske](#)), Official Gazette (*Narodne novine*) Nos. 56/90, 135/97, 08/98, 113/00, 124/00, 28/01, 41/01, 55/01, 76/10, 85/10, 05/14

⁴ Petition on webpage of the CitizenGO initiative, URL: [NE uvođenju materijala koji promiču homoseksualni stil života u naše škole! | CitizenGO](#)

active in 15 countries worldwide. Many of their petitions are anti-gender and anti-LGBT oriented.

In 2022, doc. dr. sc. Marina Štambuk, organization Rainbow Families and Lesbian Organization Rijeka 'LORI' published the first Croatian survey about the needs of LGBTIQ youth in education. Based on the responses of 233 participants, the researchers concluded that approximately half of the participants declared that LGBTIQ topics were never mentioned in a positive context during their high school education. A smaller number of participants, about one third, never encountered LGBTIQ topics mentioned in a positive context in teaching materials and lectures during their university studies. Most participants said that speaking about LGBTIQ topics was highly avoided by their teachers/professors. Regarding mentioning LGBTIQ topics in a negative context, most participants did not have such experiences during their university studies, but more than 50% of them were exposed to negative comments/debates about LGBTIQ people/topics during their high school education.⁵

Regarding Croatian politics and politicians, in 2021, Nikola Grmoja, a member of the Croatian Parliament, announced the start of his initiative to pass an anti-pedophile law that will introduce the strictest possible penalties for pedophiles, but also protect children from sexual content and LGBTQ propaganda. This happened after the Hungarian parliament voted by an overwhelming majority to pass a legislation that, in essence, and under the pretext of protecting minors, bans images or content that depicts or promotes homosexuality or trans-identity from the public space. Also, this happened one day before the Pride March in Zagreb, but his initiative was followed by just a few politicians and did not have meaningful impact.⁶ In Croatia, initiatives of this kind are always organized by the same group of politicians. Some of their most influential initiatives were directed at banning same-sex marriages in Croatia by amendment of the Constitution, fighting against the law on same-sex partnerships, against adoption and foster care by same-sex partners, and against medically assisted reproduction for lesbians.

In conclusion, even though Croatia does not have laws, formal policies, or practices that, explicitly or implicitly, ban, restrict or make more challenging the exercising of freedom of expression, freedom of association and/or freedom of peaceful assembly by civil society organizations or activists advocating for LGBT persons' human rights, there's a strong

⁵ Štambuk, Marina *et al*: Experiences and needs of young LGBTIQ people in Croatia, 2022, available on [Iskustva i potrebe mladih LGBTIQ osoba u Hrvatskoj.pdf \(lori.hr\)](#)

⁶ Web portal net.hr, Nikola Grmoja on the LGBT community and anti-pedophile law, URL: [Nikola Grmoja o LGBT zajednici i antipedofilskom zakonu - Net.hr](#), visited on 29 January 2024



will of right-wing politicians, who are also the ruling majority, to ban or restrict LGBTIQ topics from education, public television and public space.

Thank you for your time. Please do not hesitate to contact us with any additional questions.

Respectfully,

Anja Mihajlović
Common Zone's Legal Advisor