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Human Rights Committee 127th Session

**Written Statement to the
3rd CYCLE OF THE UNIVERSAL PERIODIC REVIEW
of
REPUBLIC OF CROATIA**

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My name is Sanja Juras and this is statement on behalf of Lesbian Group Kontra.

The implementation of the hate crime provisions in relation to violence against LGBT persons is failing at all levels – the police (insulting victims, not taking complaints, being physically aggressive towards victims, violating privacy of victims, intimidating victims to give up on reporting violence, destroying evidence, treating criminal offences as misdemeanours), the state attorney (rejecting complaints without reasonable explanation) and the courts (violating victims rights, adopting negative verdicts despite evidence).

This has resulted in a serious problem of underreporting due to lack of trust in the police and state institutions. The problem is especially great in the region of Split and Dalmatia, where police misconduct resulted in escalation of violence and the fact that local victims are not willing to report violence anymore. Cases that get reported are mostly cases of violence against gay tourists that are reported by media.

In case *Beus v Croatia* that was communicated to the European Court of Human Rights in 2017 a gay activist from Split was a victim of various violent attacks. Out of 30 attacks that he reported in the period of two years to the police, only in one case of physical violence motivated by hatred, misdemeanor proceedings were initiated, and only one of six attackers was found guilty and ordered to apologize to victim. In her letter from March 2018 the Ombudswoman in relation to another case of attack on the applicant found that actions of police officers point to “*certain animosity towards persons of same-sex sexual orientation*»¹.

In October 2019 two American citizens were physically attacked by a group of men and suffered physical injuries as the result of the attack in Club «Opera» in Zadar after according to media reports they «openly showed that they were homosexuals»². From the very beginning actions of the police clearly showed that the State authorities had no intention to adequately prosecute the offenders. Police did not initiate criminal proceedings against perpetrators although it was obvious that this was a hate crime, and according to the Report of the Ombudswoman for Gender Equality³ they failed to take statements from the victims, and contacts and information from the witnesses. The only available information on the case to the public is that it is still treated as misdemeanour.

It is clear from the actions of state institutions that there is no political will to sanction hate crimes against LGBT persons. Croatia has had hate crime provisions for 14 years

¹ Letter of the Ombudswoman for Gender Equality from March 16 2018

² <https://zadarski.slobodnadalmacija.hr/zadar/4-kantuna/grupa-muskaraca-u-nocnom-klubu-opera-pretukla-dvojicu-tamnoputih-americkih-gej-vojnika-koji-su-twerkali-na-podiju-napadnuti-doslovno-smo-spasavali-zivot-pomogla-nam-je-jedna-domaca-djevojka-ona-je-sada-nas-andeo-629085>

³

https://www.prs.hr/attachments/article/2894/IZVJESCE_O_RADU_ZA_2019_Pravobraniteljice_za_ravnopravnost_spolova.pdf

and failure to implement them is not the result of lack of education or protocols. State institutions are not misinterpreting provisions of the Criminal Code; they are deliberately violating them.

1. Recommended questions to be addressed by the Croatian government:

- **We recommend to the State Party to implement hate crime provisions from the Criminal Code and ensure criminal convictions of perpetrators and to prosecute law enforcement officers for failures to act upon reporting of hate crimes.**