

## **CROATIA**

Most questions require a reply based on the following codification:

a. Yes, already done <input type="checkbox"/>	b. Yes, work is in progress <input type="checkbox"/>	c. We intend to work on this <input type="checkbox"/>	d. Position non determined <input type="checkbox"/>	e. No <input type="checkbox"/>
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### **Section I – Implementation and dissemination of the Recommendation**

1. How would you assess the status of implementation of the Recommendation in your country?

Fully satisfactory ☐ Adequate ☒ Insufficient ☐ Absent ☐

Please explain your reply.

The Republic of Croatia has adopted legislation and national policies with the aim of suppression of discrimination based on sexual orientation and gender identity. The **Anti-discrimination Act** recognizes sexual orientation and gender identity as a ground on which discrimination is prohibited.

2. Has a review been carried out of existing legislative and other measures which could result directly or indirectly in sexual orientation or gender identity discrimination?

a. ☒ b. ☐ c. ☐ d. ☐ e. ☐

Please explain and, if appropriate, provide examples of any such measures found:

Following the adoption of Anti-discrimination Act, several Acts have been amended further regulating discrimination based on sexual orientation/gender identity. Thus, the new **Criminal Code** was adopted by the Parliament in October 2011 introducing new discrimination grounds related to the criminal offence of violation of right to equality, harmonizing this stipulation with the discriminatory bases contained in the Constitution and the Anti-discrimination Act. Furthermore, the Criminal Code defined hate motive as either aggravating or qualifying circumstance of the criminal act, with a more severe prescribed sanction. Special part of the Code also introduces criminal act of public encouragement to violence and hate.

**Personal data protection act of the Croatian Employment Service (CES)** defines professional confidentiality which includes the data about personal or family life of the unemployed, job seekers or other persons which use CES service when they attend regular activities. It also includes the data received by psychological testing and interviews about mental and physical health of the client as well as causes, circumstances and consequences of his/her health condition. The unauthorized disclosure of the mentioned personal data could be detrimental to the person concerned or his/her family members. The professional confidentiality is considered to be personal data about CES employees, data about salary restrictions as well as data on other employee's benefits.

In addition, the **Ethical code of the CES**, among other things, defines the relation between advisers and clients in a way that the activities of the CES employees are targeted at professional provision of services and this relation must not be endangered by any other interest or intention. The CES employees treat equally all citizens, without any discrimination regarding age, nationality, ethnic or social origin, language or race, religion or political belief, disability, education, social status, gender, marital or family status, sexual orientation or any other basis.

Are there measures in place to redress any such discrimination?

a. ☒ b. ☐ c. ☐ d. ☐ e. ☐

Please indicate the measures and, if appropriate, provide examples of good practices:

Currently, the Ministry of Administration has set up a working group responsible for drafting of the Act on Registered Partnerships.  
Also, on 4th October 2011 the Government adopted the new Act on Misdemeanours against Public Order and Peace, currently in parliamentary procedure.

3. Have legislative and other measures against discrimination on grounds of sexual orientation or gender identity been adopted and implemented since the adoption of CM Recommendation 2010(5) (including the possible establishment of national action plans, the inclusion of the Recommendation in existing plans, or the creation of cross-sectoral working groups for its implementation)?  
a. **X** ☐ b. ☐ c. ☐ d. ☐ e. ☐

If appropriate, please provide examples of measures adopted or in preparation.

In terms of measures against discrimination on grounds of sexual orientation or gender identity the Republic of Croatia has adopted **Anti-discrimination Act** and **Gender Equality Act**. In October 2011 The Croatian Parliament adopted a new Criminal Code.

Also, on 4th October 2011 the Government adopted the new **Act on Misdemeanours against Public Order and Peace**, currently in parliamentary procedure. The Act recognizes hate crime; when offence is committed on account of a person's race, colour, religion, national or ethnic origin, disability, gender, sexual orientation or gender identity the prescribed sanction for the offence is doubled or a possibility of imprisonment is foreseen.

Furthermore, the Croatian Parliament adopted in 2011 the **National Policy for Gender Equality**, for the Period 2011-2015 and currently the **National Plan for Fight against Discrimination 2008 – 2013** with accompanying **Action Plan (2011-2013)** is in its last year of implementation.

Also, Croatian Government adopted in 2011 **Protocol for Dealing with the Case of Hate Crimes**.

4. Are there measures in place to collect and analyse relevant data on discrimination on grounds of sexual orientation?  
a. **X** b. ☐ c. ☐ d. ☐ e. ☐

Are there measures in place to collect and analyse relevant data on discrimination on grounds of gender identity?

a. **X** b. ☐ c. ☐ d. ☐ e. ☐

Are there measures in place to collect and analyse relevant data on hate crimes and hate-oriented incidents, where the sexual orientation or gender identity of the victim is reasonably suspected to have constituted a motive for the perpetrator?

a. **X** b. ☐ c. ☐ d. ☐ e. ☐

Please indicate the measures and, if appropriate, provide examples of good practices:

Within the Office for Human Rights and Rights of National Minorities the Working group for Monitoring Hate Crime Incidents has drafted a **Protocol for Dealing with the Cases of Hate Crimes**. Accordingly, the purpose of the Protocol is to provide conditions for effective and comprehensive work of the competent authorities involved in the identification, acting and monitoring of

procedures relating to hate crime. Subsequently, through the work of the Working Group data regarding hate crime is collected which is broken down according to the ground. It has defined manner in which data is collected by all relevant institutions (Ministry of Interior, State Attorney, Ministry of Justice):

Annex 1.

Form for statistical monitoring of criminal offenses relating to hate crimes

Hate crimes - statistics					
Criminal offences					
Ministry of Interior reported criminal offences in total	Ministry of Interior resolved criminal offences	State Attorney's Office – processed in relation to Art.89.§36.	State Attorney's Office – processed without Art.89.§36.	State Attorney's Office – rejection / cancellation of prosecution	Final judgment + sanction

Annex 2.

Form for statistical monitoring of misdemeanors particularly marked in relation to the motive of hatred

Hate crimes - statistics			
Misdemeanours particularly marked in relation to the motive of hatred			
Number of misdemeanours In total	Rejection of bill of indictment	Number of verdicts of release or of abandonment	Final judgment + sanction

Furthermore, in accordance with the Anti-discrimination Act, the Ministry of Justice created track records for judicial proceedings conducted in reference to discrimination based on the ground.

5. Do effective legal remedies for victims of sexual orientation or gender identity discrimination exist (including sanctions for infringements and adequate reparation for victims)?

a. ☒ b. ☐ c. ☐ d. ☐ e. ☐

If so, are there measures in place to raise awareness and facilitate access of victims to such remedies?

a. ☒ b. ☐ c. ☐ d. ☐ e. ☐

Please indicate the measures and, if appropriate, provide examples of good practices in this area:

According to Anti-discrimination Act, the Ombudsman (and in this case Gender Equality Ombudswoman) are granted authority to receive reports of all the natural and legal persons referred to in Article 10 of this Act; to provide necessary information to natural and legal persons that have filed a complaint on account of discrimination with regard to their rights and obligations and to possibilities of court and other protection; and if the court proceedings have not yet been initiated, examine individual reports and take actions falling within his/her competence required for elimination of discrimination and protection of rights of discriminated persons.

Additionally, the Act has foreseen that any person who considers that his/her right has been violated on account of discrimination may request protection of that right in the proceedings.

Thus, a person claiming to be a victim of discrimination is authorised to bring a legal action and request the following to be performed:

1. to establish that the defendant has violated the plaintiff's right to equal treatment or that the action the defendant has undertaken or failed to undertake may directly result in the violation of the right to equal treatment (action for determination of discrimination);
2. to prohibit the undertaking of activities which violate or may violate the plaintiff's right to equal treatment, or to carry out activities which eliminate discrimination or its consequences (action for prohibition or elimination of discrimination);
3. to compensate for proprietary and non-proprietary damage caused by the violation of the rights protected by this Act (action for damages);
4. to publish in the media the ruling establishing the violation of the right to equal treatment, at the defendant's cost.

6. Which obstacles, if any, have been encountered in the implementation of the Recommendation?

The main obstacle in implementation of the Recommendation refers to lack of public awareness on the right of not to discriminate based on sexual orientation and gender identity.

7. Has the Recommendation, including its Appendix, been translated in all your national languages?

a. ☒ b. ☐ c. ☐ d. ☐ e. ☐

8. Which steps have been taken to ensure dissemination of the Recommendation and its Appendix as widely as possible?

Government Office for Gender Equality translated the Recommendation in 2011 which is available for download on the website of the Office [www.ured-ravnopravnost.hr](http://www.ured-ravnopravnost.hr).

## Section II – Implementation of the specific provisions in the Appendix

### I. Right to life, security and protection from violence

9. Are there measures in place to ensure an effective, prompt and impartial investigation into alleged cases of crimes and other incidents, where the sexual orientation or gender identity of the victim is reasonably suspected to have constituted a motive for the perpetrator?

a. ☒ b. ☐ c. ☐ d. ☐ e. ☐

Please indicate the measures and, if appropriate, provide examples of good practices in this area:

The Criminal Code adopted in October 2011 introduced changes in definition of hate crime recognizing the grounds of sexual orientation and gender identity. Additionally, Protocol on Dealing with the Cases of Hate Crime was adopted in 2011 defining the role of the Ministry of Interior, State Attorney's Office and Ministry of Justice in suppression of hate crime. Furthermore, the Working Group monitoring Hate Crime Incidents has been proven as a valuable tool in strengthening cooperation between institutions and NGOs in this area.

10. Are there measures in place to ensure that a bias motive related to sexual orientation may be taken into account as an aggravating circumstance?

a. ☒ b. ☐ c. ☐ d. ☐ e. ☐

Are there measures in place to ensure that a bias motive related to gender identity may be taken into account as an aggravating circumstance?

a. ☒ b. ☐ c. ☐ d. ☐ e. ☐

Please indicate the measures and, if appropriate, provide examples of good practices in this area:

According to a new Criminal Code hate crime is defined as an aggravating circumstance but in cases of female genital mutilation, bodily injury, serious bodily injury, aggravated assault, serious criminal offence against sexual freedom and provoking riots it is defined as qualifying circumstance.

11. Are appropriate measures taken to ensure that victims and witnesses of sexual orientation- or gender identity-related hate crimes and incidents are encouraged to report them?

a. ☒ b. ☐ c. ☐ d. ☐ e. ☐

Please indicate the measures and, if appropriate, provide examples of good practices in this area:

A lot of effort has been put in building trust. For this reason the Working Group for Monitoring of Hate Crime Incidents includes representatives of civil society organizations. Also, the Croatian police has worked closely with LGBT groups. Currently, it is included in the project "Together for LGBT equality" – a project for trust building between the police and LGBT citizens, financed by the City of Zagreb in the framework of the projects of interests of the City of Zagreb, in the field of promotion of human rights

12. Do training programmes and procedures exist to ensure that the police, judiciary and prison officials possess the knowledge and skills to identify such crimes and incidents and provide victims and witnesses with adequate assistance and support?

a. ☒ b. ☐ c. ☐ d. ☐ e. ☐

Please indicate the measures and, if appropriate, provide examples of good practices in this area:

Training programmes are organized through Judicial Academy and Police Academy. Thus, the National Policy for Gender Equality 2011-2015 includes the *measure 5.2.2. Systematic training will be provided to staff in the judiciary, municipal and county state attorney offices, in the health care and education systems, in family centres and police administrations, and to social workers and mental health experts, in order to improve the provision of legal protection and assistance to victims*

*of violence, especially victims of sexual violence, as well as to victims of discrimination on the grounds of sexual orientation, gender identity and gender expression.*

Thus, some examples refer to trainings on anti-discrimination organized in cooperation between Judicial Academy, Ombudsman Office and Office for Human Rights and Rights of National Minorities – these were held for judges on 17 and 19 April 2012 and for state attorneys on 18 April 2012.

When it comes to Police Academy, the training of police officers is continuously conducted through the regular education system at the Police academy as well as in the framework of the dialogue of the MoI with non-governmental organizations on the topic of improving the cooperation in the suppression of hate crimes. Thus, only in the period between September 2012 and end of January 2013, the police, with the aim of strengthening the capacities for the prevention and suppression of hate crimes, have additionally trained 216 police officers.

13. Are there specific measures in place to ensure the safety and dignity of lesbian, gay, bisexual and transgender persons in prison or in other ways deprived of their liberty, in accordance with paragraph 4 of the Appendix to the Recommendation?

a. ☐ b. ☐ c. ☐ d. ☐ e. ☐

Please indicate the measures and, if appropriate, provide examples of good practices in this area:

14. Have appropriate measures been taken to combat all forms of “hate speech” against lesbian, gay, bisexual or transgender persons, in accordance with Article 10 of the European Convention on Human Rights and with paragraph 6 of the Appendix to the Recommendation ?

a. ☒ b. ☐ c. ☐ d. ☐ e. ☐

If so, have specific measures been taken to raise awareness of public authorities/ institutions of their responsibility to refrain from statements which may reasonably be understood as legitimising hatred or discrimination against lesbian, gay, bisexual or transgender persons?

a. ☒ b. ☐ c. ☐ d. ☐ e. ☐

Please indicate the measures and, if appropriate, provide examples of good practices in this area:

Criminal Code

## **II. Freedom of association**

15. Are there measures in place to ensure that freedom of association (including access to public funding available for non-governmental organisations) can be enjoyed without discrimination on grounds of sexual orientation or gender identity?

a. ☒ b. ☐ c. ☐ d. ☐ e. ☐

If any, please provide examples of limitations or exceptions to the guarantees set out in Paragraphs 9 and 10 of the appendix to the Recommendation and indicate whether any measure to review or lift such limitations or exceptions is in preparation:

16. Are there specific measures in place to effectively protect defenders of human rights of lesbian, gay, bisexual and transgender persons against hostility and aggression, including when allegedly committed by state agents, in accordance with the Declaration of the Committee of Ministers on Council of Europe action to improve the protection of human rights defenders and promote their activities?

a. ☐ b. ☐ c. ☐ d. ☐ e. ☐

Please indicate the measures and, if appropriate, provide examples of good practices in this area:

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17. Have measures been taken to ensure that non-governmental organisations defending the of human rights of lesbian, gay, bisexual and transgender persons are appropriately consulted on the adoption and implementation of measures that may have an impact on the human rights of these persons?

a. **X** b. ☐ c. ☐ d. ☐ e. ☐

Please indicate the measures and, if appropriate, provide examples of good practices in this area:

<p><b>The National Policy for Gender Equality 2011-2015</b> foresees <i>measure 1.1.8. Representatives of organisations fighting for the equality of LGBT persons will be included in the working bodies for the adoption of laws, programmes and strategies related to the rights of sexual minorities.</i></p> <p>Additionally, the Government has adopted the <b>Code of Practice on Consultation with the Interested Public in Procedures of Adopting Laws, other Regulations and Acts.</b> Accordingly, it provides guidelines for effective consultation of state administrative bodies and the interested public in process of adopting laws and regulations, as well as existing good practice on consultation that is already being implemented by some government bodies. In addition to general principles, standards and measures in consultation procedures, the Code has also foreseen the development of guidelines for its implementation, and a program of systematic training for consultation coordinators, appointed by all central government bodies or government offices responsible for the drafting of laws, regulations and other legislative documents, as contact person with the aim of consistent monitoring and coordination of consultation procedures with the interested public.</p>
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### **III. Freedom of expression and peaceful assembly**

18. Are there measures in place to ensure that freedom of expression, including freedom to receive and impart information on subjects dealing with sexual orientation or gender identity, can be enjoyed without discrimination on grounds of sexual orientation or gender identity?

a. **X** b. ☐ c. ☐ d. ☐ e. ☐

Are there measures in place to ensure that freedom of peaceful assembly can be enjoyed without discrimination on grounds of sexual orientation or gender identity?

a. **X** b. ☐ c. ☐ d. ☐ e. ☐

If specific limitations or exceptions regarding such freedoms are in place, please provide examples and indicate whether any measure to review or lift such measures is in preparation:

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19. Do law enforcement authorities take appropriate measures to protect participants in peaceful demonstrations in favour of the human rights of lesbian, gay, bisexual and transgender persons?

a. **X** b. ☐ c. ☐ d. ☐ e. ☐

Please indicate the measures and, if appropriate, provide examples of good practices in this area:

Example of good practice is manifestation "Zagreb Pride".

**IV. Right to respect for private and family life**

Have measures been taken to ensure that criminal law provisions which, because of their wording or scope, may lead to a discriminatory application with respect to sexual orientation or gender identity are either repealed, amended or applied in a manner which is compatible with the principle of non-discrimination?

a. ☐ b. ☐ c. ☐ d. ☐ e. ☐

Please indicate the measures and, if appropriate, provide examples of good practices in this area:

N/A

20. Are there measures in place to ensure that personal data referring to a person's sexual orientation or gender identity are not collected, stored or otherwise used, except where this is necessary for the performance of specific, lawful and legitimate purposes, and that existing records that do not comply with this principle are destroyed?

a. ☒ b. ☐ c. ☐ d. ☐ e. ☐

Please provide examples of exceptions to this principle, if any:

Data Protection Act regulates this issue.

21. Are appropriate measures available to guarantee full legal recognition of a person's gender reassignment in all areas of life in accordance with the provisions of paragraph 21 of the appendix to the Recommendation?

a. ☐ b. ☐ c. ☐ d. ☐ e. ☐

Have prior requirements for legal recognition of a gender reassignment been reviewed in order to remove any abusive requirements?

a. ☐ b. ☐ c. ☐ d. ☐ e. ☐

Please indicate the measures and, if appropriate, provide examples of good practices in this area:

22. Once gender reassignment has been completed and legally recognised, is the right of a transgender person to marry a person of the sex opposite to their reassigned sex effectively guaranteed?

a. ☐ b. ☐ c. ☐ d. ☐ e. ☐

Please indicate the measures and, if appropriate, provide examples of good practices in this area:

23. Where national legislation recognises registered same-sex partnerships, are their legal status, rights and obligations equivalent to those of heterosexual couples in a comparable situation?

a. ☐ b. ☐ c. ☐ d. ☐ e. ☐



If national legislation does not recognise nor confer rights to registered same-sex partnerships and unmarried couples, has the possibility been considered to provide same-sex couples with legal or other means to address the practical problems related to this fact in their lives?

a. ☒ b. ☐ c. ☐ d. ☐ e. ☐

Please provide examples:

Ministry of Administration is preparing the **Act on Registered Partnerships**.

24. Are there measures in place to ensure that decisions regarding parental responsibility and adoption of a child are taken primarily in the child's best interest, as well as without discrimination based on sexual orientation or gender identity?

a. ☐ b. ☐ c. ☐ d. ☐ e. ☐

Please indicate the measures and, if appropriate, provide examples of good practices in this area:

#### **V. Employment**

25. Does legislation prohibit discrimination in employment in the public and private sector on grounds of sexual orientation?

a. ☒ b. ☐ c. ☐ d. ☐ e. ☐

Does legislation prohibit discrimination in employment in the public and private sector on grounds of gender identity?

a. ☒ b. ☐ c. ☐ d. ☐ e. ☐

If so, are there measures in place concerning in particular:

- i) Access to employment

a. ☒ b. ☐ c. ☐ d. ☐ e. ☐

- ii) Promotion, dismissals, pay and other working conditions

a. ☒ b. ☐ c. ☐ d. ☐ e. ☐

- iii) Prevention and punishment of harassment

a. ☒ b. ☐ c. ☐ d. ☐ e. ☐

- iv) Protection of privacy of transgender persons

(in accordance with paragraph 30 of the Appendix to the Recommendation)

a. ☒ b. ☐ c. ☐ d. ☐ e. ☐

Please indicate the measures and, if appropriate, provide examples of good practices in this area:

**The Anti-discrimination Act**, Article 8. *This Act shall apply to the conduct of all state bodies, bodies of local and regional self-government units, legal persons vested with public authority, and to the conduct of all legal and natural persons, especially in the following areas: 1. work and working conditions; access to self-employment and occupation, including selection criteria, recruiting and promotion conditions; access to all types of vocational guidance, vocational training, professional improvement and retraining;*

**Labour Act**, Article 2. *Direct and indirect discrimination of a person seeking employment and employed person (worker, civil service employee, civil servant or other worker– hereinafter: the worker) on the grounds of race, colour, gender, sexual orientation, marital status, family*

*responsibilities, age, language, religion, political or other belief, national or social background, financial status, birth, social status, membership or non-membership in a political party or trade union, and physical or psychological difficulties shall be prohibited.*

According to the **National classification of occupations**, the Croatian Employment Service presents occupations for men as well as women, in the database for the unemployed and job seekers as well as in the job vacancies announcements from 2010.

During the Progress Project of the Croatian Employment Service (CES), “**Supporting Equality in Croatian Labour Market**” (2010), the participants developed a Compendium of best practices in promoting diversity and implementing anti-discrimination measures in the labour market. Guidelines for combating discrimination and promoting diversity in the labour market were developed as an instrument of raising awareness about combating discrimination among all stakeholders in the process of creating policies, strategies and activities in the labour market as well as toolkit for the implementation of the anti-discrimination measures and diversity management for employers. Also, CES counsellors were educated for recognition of different forms of discrimination in the labour market and activation in rising of employer’s awareness of discrimination consequence at candidate choice for job-vacancy.

In 2011, as a follow up of Supporting Equality in Croatian Labour Market Project, CES has created and lead a Project “**Equally Diverse**” in which was provided education of trainers for practical work with employers regarding discrimination issues in labour market. Also, Help desk for procedure of antidiscrimination measures were established for employers in CES.

In aim to promote gender equality and combat discrimination on gender identity ground **Career guidance computer program My Choice** includes gender sensitive job titles in masculine and feminine form for 350 job descriptions. This Program has been developed and implemented in CES since 2007 and has reached wide range of target groups (especially young).

“**Girls days**”- promotion of non-stereotypes occupational choices for girls and boys were performed on regular annual Job fairs in some CES regional offices.

*Further decentralisation and modernisation of CES services and establishing of Career guidance centres in local communities (in progress in 2013) shall improve clients’ accessibility to different career management services including on-line services and contribute to combat discrimination on gender identity and sexual orientation ground.*

## **VI. Education**

26. Are there appropriate legislative and other measures, addressed to educational staff and pupils, to ensure that the right to education can be effectively enjoyed without discrimination on grounds of sexual orientation or gender identity, taking into due account the over-riding interests of the child and the rights of parents regarding education of their children?

a.X ☐ b. ☐ c. ☐ d. ☐ e. ☐

If so, are there measures in place concerning in particular:

- i) Anti-discrimination training or support and teaching aids

a. X ☐ b. ☐ c. ☐ d. ☐ e. ☐

- ii) Information, protection and support for pupils and students

a. X ☐ b. ☐ c. ☐ d. ☐ e. ☐

- iii) Objective information on sexual orientation and gender identity in school curricula ?

a. X ☐ b. ☐ c. ☐ d. ☐ e. ☐

- iv) School equality and safety policies and action plans

a. X ☐ b. ☐ c. ☐ d. ☐ e. ☐

Please indicate the measures and, if appropriate, provide examples of good practices in this area:

The **Constitution Act** as well as the **Act on education in primary and secondary schools** guarantees equal access to education for all regardless of sexual orientation/gender identity. Teachers are employed regardless of their sexual orientation and have the possibility/obligation of professional training/development which is provided by the Education and Teacher Training Agency (ETTA) and the Vocational Education and Training and Adult Education Agency (VETAE). Many have been trained in the area of civics, and consequently human rights and anti-discrimination in general, but also on issues of anti-discrimination on grounds of sexual orientation and gender identity. On the other hand pupils get professional/individual help on different issues, as well as on sexual orientation/gender identity issues at schools (by teachers, pedagogues).

In school year 2012/2013 **Curricula for health education** has been introduced into all Croatian schools and sexual orientation/gender identity is a part of the Curricula (Module 4).

At the same time, the **Curricula on civic education** has been experimentally introduced into 12 primary and secondary schools, and it offers the objective information on those issues as well. All schools have to report all cases of violence due to two Protocols (Protocol for dealing/acting in case of sexual violence and the Protocol for dealing in case of violence). All such cases are registered at the Ministry of Science, Education and Sport (MoSES), and each is dealt with in cooperation with schools, ETTA and sometimes other ministries or local education authorities. Violence is recognized as one of the biggest problems in schools, so most schools have their individual action plans to prevent it, and they also include activities to prevent discrimination on grounds of sexual orientation or gender identity.

More info on Croatian preventive programs (for teachers, pupils, students, parents): [preventivni.hr](http://preventivni.hr).

## **VII. Health**

27. Are there appropriate measures in place to ensure that the highest attainable standard of health can be effectively enjoyed without discrimination on grounds of sexual orientation or gender identity, in accordance with the provisions of Paragraph 33 of the Appendix to the Recommendation?

a. ☐ b. ☐ c. ☒ d. ☐ e. ☐

Please indicate the measures and, if appropriate, provide examples of good practices in this area:

28. Has homosexuality been removed from the national classification of diseases?

a. ☒ b. ☐ c. ☒ d. ☐ e. ☐

29. Are there measures in place to ensure that transgender persons have effective access to appropriate gender reassignment services?

a. ☐ b. ☐ c. ☒ d. ☐ e. ☐

If there are limitations to the costs covered by health insurance for gender reassignment, please explain:

### **VIII. Housing**

30. Are measures taken to ensure access to adequate housing can be effectively and equally enjoyed by all persons, without discrimination on grounds of sexual orientation or gender identity, that protection is provided against discriminatory evictions, and that equal rights are guaranteed in respect of ownership of land and other property,?

a. ☐ b. ☐ c. ☐ d. ☐ e. ☐

Please indicate the measures and, if appropriate, provide examples of good practices in this area:

31. With respect to the risk of homelessness faced by lesbian, gay, bisexual and transgender persons, in particular young persons and children, are measures taken to ensure that the relevant social services are provided without discrimination on grounds of sexual orientation or gender identity?

a. ☐ b. ☐ c. ☐ d. ☐ e. ☐

Please indicate the measures and, if appropriate, provide examples of good practices in this area:

### **IX. Sports**

32. Have measures (including awareness-raising measures) been taken to tackle discrimination on grounds of sexual orientation or gender identity (including the use of discriminatory insults) in sports and in connection with sports events?

a. ☐ b. ☐ c. ☐ d. ☐ e. ☐

Please indicate the measures and, if appropriate, provide examples of good practices in this area:

### **X. Right to seek asylum**

33. In cases where your country has an international obligation in this respect, may a well-founded fear of persecution based on sexual orientation or gender identity be recognised as a valid ground for the granting of refugee status and asylum under your national law?

a. **X** b. ☐ c. ☐ d. ☐ e. ☐

Please indicate the measures and, if appropriate, provide examples of good practices in this area:

Asylum Act, Article 2. *Particular social group means persons from the same environment, with the same customs or the same social status. Members of that group share innate characteristics, common background or beliefs which their identity or conscience is based on, and they do not want to renounce them. Such a group must have a distinct identity in the relevant country and differ from the surrounding society. Depending on circumstances in the country of origin, a particular social group may also mean a group based on common characteristics of sexual orientation.*

34. Does your country ensure that asylum seekers are not sent to a country where their life or freedom would be threatened because of their sexual orientation or gender identity?

a. **X** b. ☐ c. ☐ d. ☐ e. ☐

Please indicate the measures and, if appropriate, provide examples of good practices in this area:

Asylum Act, Article 3. *It is not allowed to expel or in any other way coerce an alien into returning to a country where his/her life or freedom would be threatened on account of his/her race, religious or national affiliation, affiliation to a particular social group or political opinion, or to a country where he/she could be exposed to torture, inhuman or degrading treatment or punishment.*

#### **XI. National Human Rights Structures**

35. Are National Human Rights Structures (equality bodies, ombudsperson, and national human rights institutions) clearly mandated to address discrimination on grounds of sexual orientation?

a. **X** b. ☐ c. ☐ d. ☐ e. ☐

Are National Human Rights Structures (equality bodies, ombudsperson, and national human rights institutions) clearly mandated to address discrimination on grounds of gender identity?

a. **X** b. ☐ c. ☐ d. ☐ e. ☐

If so please explain and indicate in particular, if appropriate, what possibilities of intervention are included in their mandate, including in particular with respect to discrimination on multiple grounds:

Ombudsman and Ombudswoman for gender equality.  
Heir scope of work is defined in the following manner:  
Within the scope of his/her work, the Ombudsman shall: 1. receive reports of all the natural and legal persons referred to in Article 10 of this Act; 2. provide necessary information to natural and legal persons that have filed a complaint on account of discrimination with regard to their rights and obligations and to possibilities of court and other protection; 3. if the court proceedings have not yet been initiated, examine individual reports and take actions falling within his/her competence required for elimination of discrimination and protection of rights of discriminated persons; 4. warn the public about the occurrence of discrimination; 5. with the parties' consent, conduct mediation with a possibility of reaching an out-of-court settlement; 6. file criminal charges related to discrimination cases to the competent state attorney's office; 7. collect and analyse statistical data on discrimination cases, 8. inform the Croatian Parliament on the occurrence of discrimination in his/her annual and, when required, extraordinary reports; 9. conduct surveys concerning discrimination, give opinions and recommendations, and suggest appropriate legal and strategic solutions to the Government of the Republic of Croatia.

Certain activities referred to in Article 12, paragraph 2, items 1 to 6 of this Act shall be performed by special ombudsmen when this is regulated by a special law.

#### **XII. Discrimination on multiple grounds**

36. Are there measures in place to ensure that the provisions of national law prohibiting or preventing discrimination also protect against discrimination on multiple grounds, including on grounds of sexual orientation or gender identity?

a. **X** b. ☐ c. ☐ d. ☐ e. ☐

### Section III - Follow-up

37. Which measures by the Council of Europe would you recommend to ensure that member states are guided in their national legislation and practice by the principles set out in the Recommendation and in its Appendix ?

38. Should the Council of Europe continue examining periodically the implementation of this Recommendation? If so, should such examination in future concentrate on specific issues, and which specific issues would you recommend examining in that case?

39. Are there any issues on which the Recommendation and its Appendix should be revised or completed? If so, please indicate them.