

**EUROPEAN COMMITTEE OF SOCIAL RIGHTS  
COMITE EUROPEEN DES DROITS SOCIAUX**



3 February 2009

**Case document No. 8**

**International Centre for the Legal Protection of Human Rights  
(INTERIGHTS) v. Croatia**  
Complaint No. 45/2007

**RESPONSE FROM THE GOVERNMENT TO THE  
QUESTIONS OF THE COMMITTEE**

Registered at the Secretariat on 19 December 2008

European Committee of Social Rights  
Comité européen des Droits sociaux



4 November 2008

**International Centre for the Legal Protection of Human Rights  
(INTERIGHTS) v. Croatia**  
Complaint n° 45/2007

**Questions to the Parties**

- Please clarify what is the content of mandatory curricular sexual and reproductive health education (as opposed to optional, elective and extra-curricular education) and in particular what is the number of hours of such education currently taught in primary and secondary education in Croatia (broken down per school year);
- Please give up-dated statistical information on indicators of sexual and reproductive health in Croatia (sexually transmitted diseases, teenage pregnancies, HIV/AIDS and any other relevant indicators).

**Question to the respondent Government**

- The Government is invited to provide the text of the specific provisions of the legislation relevant to the issues raised by the current complaint, in particular the Primary Education Act, the Secondary Education Act, the Gender Equality Act, the Family Act and the Act on Same-Sex Unions, in at least one of the official languages of the Council of Europe (please note: only translations of the relevant provisions are requested, not the entire legislation).

**Question to the complainant**

- The complainant is invited to give examples of text passages and/or illustrations in teaching material used in the context of mandatory curricular sexual and reproductive health education that it regards as discriminatory and on what grounds.

**Responses to Questions by the European Committee of Social Rights in the case: INTERIGHTS v Republic of Croatia**

- 1. Please clarify what is the content of mandatory curricular sexual and reproductive health education (as opposed to optional, elective and extra-curricular education) and in particular what is the number of hours of such education currently taught in primary and secondary education in Croatia (broken down per school year).**

Educational activities in **primary schools** are carried out in accordance with the *Curriculum for Primary Schools*, which was modified in 2006, following experimental implementation and evaluation (Ministry of Science, Education and Sports, August 2006).

In its introduction, the *Curriculum* particularly highlights integrative teaching and learning contents, which are implemented in weekly class assembly guided by the class-teacher, through school projects or lectures within or outside the school, but also as part of specific subjects (which is why they are called integrative contents).

In line with Article 27 of the *Primary and Secondary Education Act* (Official Gazette, 87/08), schools create an Annual Plan of Activities, where they plan and carry out programmes related to health education, i.e. programmes related to sexuality and reproductive health. External associates, such as physicians and representatives of organisations that promote contents related to sexuality and reproductive health, can assist schools in the implementation of the mentioned programmes.

We quote below extracts from the *Curriculum for Primary Schools* referring to health and sexual education.

“The specific objectives of health education are oriented towards forming an understanding about hygiene and personal life-style.

(...) In the safe and supportive environment of the school and the home, pupils should learn to take responsibility for their own health, which includes acquiring knowledge about a healthy diet, and learning about **sexually transmitted diseases**, protecting **reproductive health, responsible parenthood**, and **effectively resisting** the abuse of addictive substances and other types of **risky behaviour**.

Information about health, health protection, personal health habits and the **prevention of disease** must be attuned to the pupils’ age, interests and needs.

Health topics in education can also be connected across subjects with concrete curricular contents and topics which are obligatory to teachers of Natural Sciences, Biology, Physical and Health Education, class-masters and expert associates involved in education directly or in the implementation of other planned programmes and projects” (Source: *Curriculum for Primary Schools*, Ministry of Science, Education and Sports 2006: 22)

Every school can implement topics related to sexuality and reproductive health in an integrative fashion in line with the age of the pupil. The Curriculum allows for an increase in the number of prescribed class sessions in order to accommodate the vertical and horizontal integration of curricular contents.

Individual topics related to health education, i.e. sexual and reproductive health are achieved through the following subjects: Natural and Social Sciences, Natural Sciences, Biology, Physical and Health Education, Foreign Language and all programmes of Religious Education which are carried out in accordance to agreements between the Government of the Republic of Croatia and religious communities. Each curricular topic covers at least one class session, whilst some topics cover several class sessions. Alternatively, for the purposes of correlation and integration, some contents are implemented in other subjects (e.g. Croatian Language, Foreign Language, Geography, History...), depending on the plan of activities prepared by the individual teacher.

In **secondary schools**, health education, which includes sexual education, is represented in curricula for Biology, Ethics, Religious Education, Physical and Health Education, Psychology, Hygiene and Sociology.

As an integrative programme, health protection programmes and sexual health programmes are part of the curricula in Croatian secondary schools. In cooperation with local communities and the Croatian National Institute of Public Health, schools plan activities for the promotion of protection from sexually transmitted diseases. Pupils’ parents and guardians also participate in the process of adopting school curricula through the school board, which secures the influence of the family on the content being taught.

Schools demonstrate special care through the weekly class assembly guided by the class-teacher, which is dedicated to caring about health, humane inter-gender relations, tolerance of differences including differences in sexual orientation.

The number of class sessions is determined on the basis of pupil workload at the specific school.

The Proposal of the *National Curriculum Framework for Pre-School Education and General Compulsory Education in Primary and Secondary Schools*, which was drafted and published in November 2008, is currently in the process of public debate. The document further emphasizes the importance of integrative topics in education, and introduces health as one of them. We quote below extracts from the Curriculum:

“In addition to connecting subjects within specific educational areas, the operationalization of interdisciplinary topics is another way of contributing to interconnecting educational areas and subjects into a coherent and consistent whole consisting of knowledge, skills and attitudes. Through these topics pupils develop various general competences that are not acquired through a specific subject but rather all educational fields, that is, all subjects.

Interdisciplinary topics are important for education because they allow pupils to look at specific phenomena from different points of view, and to understand and research the connections between subjects, i.e. the contents that they learn in different subjects and fields. The schools can implement this in various ways. The effectiveness of the development of the pupils’ interdisciplinary competences increases when the interdisciplinary topics are not only incorporated into specific subjects, but are also presented through common projects or modules.

The *National Curriculum Framework* provides for the implementation of the following interdisciplinary topics or modules in primary and secondary schools:

**Entrepreneurship (...)**

**Learning to Learn (...)**

**Developing Personal and Social Skills (...)**

**Information-Communication Technology (...)**

**Health, Safety and Environment Protection**

*Health, Safety and Environment Protection* is an interdisciplinary topic which refers to caring about personal health and the health of others; safety in the living environment and traffic; the safe handling of devices, materials and similar aids; environmental protection and the protection of natural resources.

Health education includes the areas of physical, emotional, mental, social, personal and spiritual health and it aims to develop positive habits, attitudes and behaviours that contribute to the overall healthy development of the pupil.

Education about the environment and sustainable development incorporates everything that surrounds us, and covers natural, social, cultural, traditional and economic aspects of the environment. The goal of education for environmental protection and sustainable development is for pupils to develop a positive value system in relation to the need to protect the quality of the environment, to use natural resources rationally, to promote respect for life, sympathy and appreciation of others' needs, and the acceptance of the needs of future generations as well as other living beings.

**Civic Education (...)**” (Source: *National Curriculum Framework for Pre-School Education and General Compulsory Education in Primary and Secondary Schools*, Ministry of Science, Education and Sports 2008: 14-17)

## **EXAMPLES OF TOPICS RELATED TO HEALTH EDUCATION**

(Source: *Curriculum for Primary Schools*, Ministry of Science, Education and Sports 2006)

### **OBLIGATORY TOPICS**

#### **Natural and Social Sciences**

##### **2<sup>nd</sup> grade:**

Topic 21: Child (girl, boy)

Topic 24: Health institutions (health institution, health workers, emergency)

##### **3<sup>rd</sup> grade:**

Topic 18: Health (personal health, infectious diseases, treatment)

##### **4<sup>th</sup> grade**

Topic 13: Human body (body parts, organism)

#### **Natural Sciences**

##### **5<sup>th</sup> grade**

Topic 8: Puberty – changes and difficulties of growing up (puberty, reproductive system, personal hygiene, addictions)

#### **Biology**

##### **8<sup>th</sup> grade**

Topic 4: The structure and the role of the reproductive system (male and female sex organs, secondary sexual characteristics)

Topic 5: Conception and prenatal development (fertilisation or conception, foetal development, pregnancy, birth)

Topic 6: From birth to death (stages of life: birth, childhood, puberty, adolescence, maturity, old age and death)

Topic 7: Responsible sexual behaviour (health and sexual hygiene; humane inter-gender relationships; responsible sexual behaviour)

(Facultative topics – Topic 3: Health and diseases; Topic 5: Sports and health)

### **Physical and Health Education**

#### **7<sup>th</sup> and 8<sup>th</sup> grade**

#### **Objectives: 1. Educational, a) Basic theoretical knowledge:**

Pupils learn about physiological changes which occur during puberty. It is also important for the pupils to acquire theoretical knowledge about the influence of physical exercise on the human metabolism, the cardiovascular, pulmonary and the musculoskeletal systems. Explain the need for a special daily schedule of food and fluid intake during physical exertion. Explain to female pupils which exercises are useful and which ones are harmful during the menstrual cycle.

The educational contents of Physical and Health Education in 7<sup>th</sup> grade stress particularly the need to highlight the meaning of physical activities with regards to the **development of the female personality, and hence the pupils' sexuality and reproductive health**. In this period of rapid growth and development, female pupils turn to different ways of controlling body weight. The acquisition of healthy eating habits and *a healthy lifestyle* is therefore invaluable for the quality functioning of the young organism.

### **Foreign languages**

#### **English language (first foreign language)**

##### **2<sup>nd</sup> grade**

Topic 8: My body

##### **4<sup>th</sup> grade**

Topic 8: My body and staying healthy

##### **5<sup>th</sup> grade**

Topic 7: Health and its preservation

##### **7<sup>th</sup> grade**

Topic 1: The life and problems of youth – talking about youth problems in the modern world, about love and friendship, about the conflict of generations, life and problems in class and in school

##### **8<sup>th</sup> grade**

Topic 2: The youth and their interests – leisure time (media, music, reading, pets, sports), talking about physical appearance and fashion, love and falling in love

#### **English language (second foreign language)**

##### **4<sup>th</sup> grade**

Topic 5: My body

##### **6<sup>th</sup> grade**

Topic 2: Healthy living, healthy environment – expansion of vocabulary on healthy food, the body, discussion about healthy food and a healthy life, ecology and environmental protection.

##### **8<sup>th</sup> grade**

Topic 2: The youth and their interests – leisure time (media, music, reading, pets, sports), talking about physical appearance and fashion, love and falling in love

### **German language (first foreign language)**

#### **2nd grade**

Topic 9: The body

#### **3rd grade**

Topic 2: The body and health

#### **4th grade**

Topic 8: Personal health: giving advice on what to do and not to do when you are ill

#### **5th grade:**

Topic 6: Personal health: giving advice on what to do and not to do when you are ill

#### **6th grade**

Topic 6: Young people in the family and society – family relationships, organising time together, problems with intergenerational conflicts

#### **7th grade**

Topic 3: Friendship and spending time together, love and falling in love

#### **8th grade**

Topic 5: Societal problems, forms of acceptable and unacceptable behaviour, civil society, non-governmental organisations, caring about people in need

### **German language (second foreign language)**

#### **5th grade**

Topic 7: The body and health

#### **7th grade**

Topic 2: Friends: social environment, the significance and value of friendship, the needs and interests of young people

Topic 8: Personal health: living a healthy life, healthy nutrition, health risks in the modern civilisation

### **French language (first foreign language)**

#### **2nd grade**

Topic 9: The body

#### **3rd grade**

Topic 2: The body and health

#### **7th grade**

Topic 7: Love and falling in love, family love, love for one's neighbours, first crushes, physical appearance and behaviour

### **French language (second foreign language)**

#### **4th grade**

Topic 10: My body, body parts, describing a person, personal hygiene

#### **5th grade**

Topic 3: My friends, naming, introducing and describing people (physical appearance, character features)

#### **7th grade**

Topic 8: Health and the modern way of living, correct diet, diseases of the modern age

#### **8th grade**

Topic 6: Relationship between the youth and adults, the life and problems of young people, going out, spending time together, gender equality, unacceptable behaviour...

Topic 8: Problems of the humanity, hunger, poverty, diseases in the modern society, estrangement

### **Italian language (first foreign language)**

#### **3<sup>rd</sup> grade**

Topic 9: Describing the human body

#### **7<sup>th</sup> grade**

Topic 6: The human body – expansion of vocabulary, minor health problems, asking for assistance

### **Italian language (second foreign language)**

#### **4<sup>th</sup> grade**

Topic 6: The human body: basic description of the human body, description of a person

#### **7<sup>th</sup> grade**

Topic 6: The human body: body parts (expanded), minor health problems and asking for medical assistance

### **Religious education**

#### **7<sup>th</sup> grade:**

Theme: Rules for a Life of Love and Freedom

Topic 3: Marriage and celibacy (the sacrament of matrimony, marriage, family, celibacy, spiritual calling)

Topic 4: The challenges of puberty (puberty, body development, development of the mind, conflicts during puberty)

Topic 5: The sanctity of human life (the Fifth Commandment, the sanctity of life, murder, abortion, euthanasia, suicide)

Topic 6: The dignity of the human body and marital purity (sexuality, lust, marital love, sexual relations before marriage)

#### **8<sup>th</sup> grade**

Topic 2: Friendship and love (friendship, human sexuality, human heterosexuality, falling in love, love)

## **2. Please give up-dated statistical information on indicators of sexual and reproductive health in Croatia (sexually transmitted diseases, teenage pregnancies, HIV/AIDS and any other relevant indicators).**

The age group 15-24 accounts for only 9,1% of the total number of HIV infected persons in Croatia. In connection to this, data provided by the Croatian National Institute of Public Health indicate that Croatia figures among countries which have the lowest rate of HIV/AIDS cases, i.e. countries with a low rate of HIV epidemic. Since 1985, when the first patients were registered in Croatia, to present day, we have registered a total of 9 (nine) persons infected with HIV aged between 15 and 19. The infected patients were two 17-year-olds, two 18-year-olds and five 19-year-olds. Three of the patients contracted the infection most probably through contaminated blood-based products (hemophiliac patients), three through male homosexual intercourse and three through heterosexual intercourse (Source: website of the Croatian National Institute of Public Health, [www.hzjz.hr](http://www.hzjz.hr), accessed on December 1, 2008).

School medicine specialist teams from the Croatian National Institute of Public Health also continuously conduct comprehensive activities of health education according to the *Plan and Programme of Measures for Health Protection* (Official Gazette 126/06), covering topics such as: psychological and somatic changes in puberty, menstruation (primary school, grades 5-6)



; protection from HIV/AIDS and other sexually transmitted diseases, healthy development and growing up (primary school, grades 7-8); family planning, abortion, methods of contraception, marriage, family, children; responsible sexual behavior, sexually transmitted infections (secondary school, grades 1-3). In the school year 2007/2008, a total of 292,667 primary school pupils, 82,790 secondary school pupils, 17,430 students, 68,173 parents and teachers in primary schools and 4,887 in secondary schools were covered by some form of health education. This coverage rate has been registered for several years (Source: website of the Croatian National Institute of Public Health, [www.hzjz.hr](http://www.hzjz.hr), accessed on December 1, 2008).

At the same time, the Croatian education system also has a long standing tradition of pedagogical services in all schools consisting of interdisciplinary teams of experts: pedagogues, psychologists, special teachers, librarians and (sometimes) social workers. In this way an individualized approach to counselling students is achieved, including providing advice on issues dealing with sexuality and development. This team effort is supported by doctors of school medicine who implement not only health education activities, but also provide counselling to individual students, family members and school employees (in the school year 2007/2008, a total of 8,385 visits were made to counseling offices for reproductive health in primary school, 10,238 in secondary schools and 18,016 by students in higher education). In their work, these teams apply the most up-to-date scientific knowledge and act according to the rules of the medical profession. The cooperation between the school of medicine and the school expert team has been evaluated on several occasions as a good example of cooperation between the health and education sectors by the European Union for School and University Health and Medicine.

According to the *Croatian Yearbook of Health Statistics for 2007* published by the Croatian National Institute of Public Health, in 2007, relatively favourable data was registered for the group of sexual, i.e. sexually transmitted diseases, with a low incidence and with small oscillations during the year: syphilis (total number of cases in 2007: 31), gonorrhoea (total number of cases in 2007: 15).

As part of the program of compulsory vaccination in Croatia, in 2007, 94.4% of all infants and 6th grade pupils were vaccinated against Hepatitis B.

The number of births broken down according to the age of the mother shows the prevalence of mothers aged 25-29 (94.1 births per 1,000 women of this age), followed by mothers aged 30-34 (74.0 births per 1,000 women of this age), and mothers aged 20-24 (60.8 births per 1,000 women of this age). The trend of a decreasing number of births in younger age groups (below 20) and an increasing number of births over the age of 35, characteristic of developed countries, is evident in Croatia as well. The average number of births where the mother was aged 15-19 was 13.8 per 1,000 women of this age. In the age group 35-39, the average number of births per 1,000 women was 29.6, and in the age group 40-44 it was 5.5.

In 2007, a total of 4,573 pregnancies were legally induced to abortion. The largest group of women who sought a termination of their pregnancy were those who had already had two children – a total of 1,468 women or 32.1% and were aged 30-39 (a total of 1,875). In 2007, the number of abortions in girls aged 19 and below was 423. In the last 5 years, the highest number of legally induced abortions in the age group up to 19 was registered in 2003 (a total of 494 abortions), and the lowest in 2005 (355 abortions). The number of legally induced abortions in the age up to 19 (absolute value) for 2007 is within the average for the five-year period (looking back more than five years, it shows a decrease). In the same time period, the total number of legally induced abortions varied significantly (the highest in 2003: 5,923, lowest in 2005: 4,563). That is why the share of girls aged up to 19 in the total number of legally induced abortions was slightly higher in

2007 than in the previous years (8.3% in 2003; 7.7% in 2004; 7.7% in 2005; 8.8% in 2006; 9.2% in 2007).

2. **The Government is invited to provide the text of the specific provisions of legislation relevant to the issues raised by the current complaint, in particular the Primary Education Act, the Secondary Education Act, the Gender Equality Act, the Family Act and the Act on Same-Sex Unions, in at least one of the official languages of the Council of Europe (please note: only translations of the relevant provisions are requested, not the entire legislation).**

Below, we have quoted articles of acts mentioned in the question which decree the obligation to respect democratic principles of equality of all citizens and prohibit discrimination. The provisions relevant directly to health and sexual education have been emphasized by **bold** and *italic* script. Furthermore, the *Primary and Secondary Education Act* does not make any special provisions on the contents of health and sexual education because they are part of the *National Curriculum for Primary and Secondary School* (as pointed out in the response to the first question).

#### **ACT ON PRIMARY AND SECONDARY EDUCATION TEXTBOOKS (Official Gazette 36/06; 141/06)**

Article 3

*(2) Textbooks must comply with scientific, pedagogical, psychological, didactic and methodological, ethical, linguistic, visual-graphic and technical requirements set out by the textbook standard.*

*(3) Textbooks with contents which violate the Constitution of the Republic of Croatia and which is inappropriate with regards to human and minority rights, fundamental freedoms, gender relations, and education for democracy will not be authorized for use.*

#### **GENDER EQUALITY ACT (Official Gazette 82/08)**

Article 8

(1) Harassment and sexual harassment shall be considered discrimination under this Act.

(2) Harassment shall include any form of unwanted behavior conditioned by the person's gender, which aims at or actually constitutes a violation of personal dignity and creates an unpleasant, unfriendly, humiliating or insulting atmosphere.

(3) Sexual harassment shall include any form of unwanted verbal, non-verbal or physical behavior of sexual nature, which aims at or actually constitutes a violation of personal dignity, and especially if it creates an unpleasant, unfriendly, humiliating or insulting atmosphere.

Article 14 *(2) Education contents related to gender equality shall be an integral part of the system of preschool, elementary, secondary and tertiary education as well as life-long learning and professional development, which shall include the preparation of both genders for active and equal participation in all areas of life.*

*(3) The education contents referred to in Paragraph 2 of this Article shall promote non-discriminatory knowledge about women and men, the abolishment of gender inequality and gender stereotypes at all levels of education, as well as the recognition of gender aspects in all educational areas.*

IX. ENFORCEMENT OF THE ACT 1. OFFICE FOR GENDER EQUALITY Article 18 (1) The Government of the Republic of Croatia shall pass a decree establishing the Office for Gender Equality (hereinafter: the Office) as a professional body to carry out tasks relating to the realization of gender equality.

(2) The Office shall carry out professional and other tasks, by:

9. promoting knowledge and awareness of gender equality,

Article 40 The competent government body from Article 14 of this Act shall be obliged to ensure that elementary and secondary school curricula, vocational education and training curricula and life-long learning curricula are in conformity with the provisions of this Act.

(as the competent body, Article 14 lists ‘the government body competent for education, agencies competent for education and institutions whose primary activity is education’)

### **PRIMARY AND SECONDARY EDUCATION ACT (Official Gazette 87/08)**

Article 4

(1) The goals of education in the school institution are the following:

1. to ensure a systematic approach to teaching, stimulating and enhancing pupils’ and students’ intellectual, physical, aesthetic, social, moral and spiritual development in accordance with their abilities and aptitudes,

Article 58

(3) The school rules shall stipulate:

- safety measures against socially unacceptable forms of behaviour, discrimination, hostility and violence,

Article 61

(1) Pupil/student rights include:

- right to information in all matters that concern him or her,

- right to be provided with advice and help in solving problems, with his or her best interest in view,

Article 67

School institutions shall:

- create conditions for a healthy mental and physical development and social well-being of pupils/students,

- take responsibility for pupils’/students’ health and inform general practitioners and parents thereof.

### **FAMILY ACT (Official Gazette 116/03; 17/04; 136/04; 107/07)**

Article 87

(4) A child has the right to a choice of education and occupation and the right to employment according to his or her abilities and benefit.

Article 93

(1) Parents have the obligation and the right to raise their children as free, humane, patriotic, moral, diligent, compassionate and responsible persons, respecting the principles of gender equality, in order to prepare them for a harmonious family and social life with a positive attitude towards nature.

(2) The child's upbringing has to be in harmony with the child's age and level of maturity, as well as the child's right to a freedom of conscience, religious and other beliefs.

**ACT ON SAME-SEX CIVIL UNIONS (Official Gazette 116/03)**

Article 21

(1) Any form of discrimination, direct or indirect on the basis of a same-sex civil union, as well as on the basis of homosexual orientation, is prohibited.

(2) Encouraging other persons to discriminate is considered to be discrimination as cited in paragraph 1 of this article.

(3) Direct discrimination means any act which puts or has put a person who is a member of a same-sex civil union into a less favorable position in comparison to another person in a comparable situation, based on the fact that the person is a member of a same-sex civil union.

(4) Indirect discrimination exists when specific regulations, criteria or practices, which appear to be neutral, put or may put a person who is a member of a same-sex civil union into a less favorable position in comparison to all other persons.

**Prepared by: Directorate for Preschool Education and Primary Education, Directorate for Secondary Education, Directorate for International Cooperation and European Cooperation of the Ministry of Science, Education and Sports of the Republic of Croatia; with a contribution from the Croatian National Institute of Public Health.**