



September 10, 2009

Office of the United Nations High Commissioner for Human Rights
Human Rights Committee
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**Re: Supplementary information on Croatia
regarding sexuality education in Croatian schools**

Dear Committee Members:

The Center for Education, Counseling and Research (CESI), the Center for Reproductive Rights and Interights, three non-governmental organizations based in Zagreb, New York and London, respectively, submit this to the Human Rights Committee that will review Croatia during its 97th Session (12-30 October 2009), Geneva. This letter provides a brief summary of Croatia's systematic failure to provide sexual and reproductive health education in its schools. The present letter updates the letter our organizations sent on 18 March 2009 to the Committee, in particular to the Country Report Task Force-Croatia, in view of the process of drafting the list of issues to be taken up in connection with the consideration of Croatia's periodic report. In particular, additional information is provided concerning the recent findings of discrimination on the ground of sexual orientation of the European Committee of Social Rights (ECSR). These findings followed the submission of a collective complaint regarding sexuality education in Croatian schools our organizations filed with the ESCR in October 2007 (see point II, page 6, below). It is our hope that the Committee will consider raising the issues and questions listed below, especially since none of these have been included to date on the list of issues to be taken up in connection with the consideration of Croatia's periodic report before the Human Rights Committee. As explained below, these issues fall within ICCPR's guarantees of the right to privacy and non-discrimination, for example.

I. Introduction

Under international human rights treaties, governments are bound to protect and ensure the rights to health, life, non-discrimination, education and information of its populations, particularly adolescents. These rights cannot be fully realized and enjoyed if adolescents lack sexuality education. A comprehensive understanding of sexual and reproductive health is imperative to an individual's ability to protect his or her health and make informed decisions about sexuality and reproduction. It follows that such information is vital to reducing adolescent pregnancies, unwanted pregnancies and unsafe abortions,¹ and preventing the transmission and spread of sexually transmitted infections (STIs) and HIV/AIDS among young people.² Governments cannot effectively guarantee these rights and address these major public health concerns unless

they ensure that individuals are armed with comprehensive, evidence-based, non-discriminatory sexual and reproductive health information.

II. Situation Regarding Sexuality Education in Croatia

Croatia has systematically failed to provide comprehensive sexual and reproductive health education in its schools. The 2001-2005 National Policy for the Promotion of Gender Equality calls for the creation of a sexual education programme by the end of 2002. Yet to date, despite years of calls by national human rights institutions, civil society and educational experts, Croatia's national curriculum does not include mandatory, systematic and comprehensive sexual education. Rather, sexual and reproductive health topics are fragmentarily included in general school subjects. Students in most schools receive a very limited number of rudimentary lessons amounting to a few hours during their entire education which are provided as part of existing natural sciences teaching in elementary and some secondary level education. This is wholly inadequate to address the range and substance of issues relating to sexual and reproductive health.

Members of a commission set up by the Ministry of Science, Education and Sports in 2005 to review sexuality education in schools and make recommendations noted that in order to protect children and their health, a compulsory health education curriculum should be developed for schools and that such a programme should take a more holistic approach to health, and include sexuality education and other aspects of health protection, such as alcohol and drug addictions. They cited that 10-15% of first year female students at the University of Zagreb are infected with Chlamydia; 21.5% of female adolescents in urban areas are infected with Chlamydia; 8.5% with HPV virus; 22% with Candida. They also noted that among 15 year olds 23.2% of boys and 9.7% of girls are sexually active and engaging in risky sexual behavior. Forty-five percent of sexually active female students have never visited a gynecologist and in 2003 almost 500 girls aged 15-19 obtained abortions. The members further noted that Croatia must take responsibility to ensure that whatever information is presented is done with the purpose of protecting the health of Croatian adolescents.³ Yet to date, Croatia's current national curriculum does not include mandatory, systematic and comprehensive sexual education.

This failure has been compounded by the government's complicit and - at times - explicit support for an extra-curricular sexual and reproductive health programme, Teen Star, to a significant number of students that conveys scientifically inaccurate, biased, and discriminatory information. Recent attempts at reform by the state have not only failed to address these omissions but have the potential to make the present situation worse by permitting a similar discriminatory and inaccurate programme, GRODZ, to be taught in Croatia's elementary and secondary schools.

In January and February of 2007 the Croatian Gender Equality and the Children's Rights Ombudspersons issued opinions finding the proposed sexuality education module of the health education programme, GRODZ, contrary to Croatian law and international human rights standards.⁴ As far back as 2004, the Children's Rights Ombudsperson found the state-supported extra-curricular programme Teen Star in violation of Croatian Gender Equality Law and the Convention on the Rights of the Child. As noted by the Ombudspersons in their opinions, the content of the curricula is contrary to national, international and European Union commitments on equality and non-discrimination, against World Health Organization standards which emphasize the need for youth to receive evidence-based information, and to international human rights standards on the right to health and information.⁵ (See endnotes for details of the Ombudspersons' opinions)

The sexuality education curriculum proposed by the GRODZ Association and the extra-curricular programme Teen Star contradicts well-established medical and human rights standards to which Croatia is committed. For example, the programmes place youth's health at risk by discouraging the use of modern contraceptives, by providing misleading information on their failure rate and by claiming that they intervene with the only morally acceptable purpose of intercourse, which is procreation. In addition, the programmes perpetuate gender stereotypes and discriminate against non-traditional families and children coming from those families—Teen Star's programme explicitly teaches that the most valued family is one with both biological parents and where the mother does not work. The programmes are also discriminatory against sexual minorities and non-married couples and individuals by emphasizing that the only acceptable intimate relationships are those in a heterosexual religious marriage and note that homosexual acts are against human nature.

Despite these criticisms and problems with the GRODZ programme, it was piloted in several schools in 2008. According to information provided by the Ministry of Science, Education and Sports ('the MSES'), an evaluation of the pilot programme was undertaken by the National Centre for External Evaluation of Education (in cooperation with the Institute for Social Research Ivo Pilar, School of Public Health Andrija Stampar and Croatian National Institute of Public Health) and in October 2008 this evaluation was complete. To this date, the MSES did not issue any decision concerning full implementation of GRODZ programme in schools.

Urgent need for a comprehensive and evidence-based programme: Disturbing trends in high risk behaviour and spread of STIs among Croatian youth

The government's failure to provide a comprehensive and evidence-based programme of sexuality education in schools should be seen in context of the recent disturbing trends in high risk behaviour and spread of STIs in Croatia. One in three Croatian adolescents is sexually experienced and no more than one-half use condoms, and inconsistently at that.⁶ A study has shown that first sexual intercourse occurs around ages to 15-16.⁷ The number of sexually active adolescents in general and the number of those engaging in risky behaviour in particular is increasing in a context where STIs and HIV are also on the rise. A recent nationally representative survey of more than 1,000 young Croatians aged 18 to 24 who were asked about their sexual behaviour and attitude toward and knowledge of HIV and related diseases, found that over 40 percent had had multiple partners, including 7 percent who had more than 10 partners. This led the authors to conclude that there is a need to promote positive attitudes towards condom use and other healthy sexual behaviour in order to avert an HIV epidemic.⁸

The seriousness of the situation is also borne out by disturbing sexual health trends among young people. Children and 15 to 24 year-olds account for half of all new HIV infections globally.⁹ Among this group, young women outnumber young men two to one.¹⁰ Whilst Croatia has presently a low incidence of HIV/AIDS relative to other countries, in line with global trends, HIV and other STIs are increasing among youth. Some government officials have in fact identified HIV/AIDS and lack of sexual knowledge as major threats facing Croatian adolescents.¹¹ Sexually transmitted infections such as Chlamydia and HPV are also spreading among young people.¹² Approximately 10-27 percent of sexually active young women are infected with Chlamydia, 28 percent with Candida, and 9 to 12 percent with HPV virus.¹³ While teenage pregnancy rates have declined, unplanned pregnancy among teenagers remains a cause of concern.¹⁴

Furthermore, evidence clearly demonstrates a link between condom use during early sexual experiences and continued condom use later in life, which underscores the importance of providing comprehensive sex education before adolescents become sexually active.¹⁵

High levels of discrimination and violence against women and sexual minorities

The need for sexuality education programmes to respect and promote equality and nondiscrimination principles is also critical, especially considering that women and sexual minorities face significant discrimination and violence in Croatia. While laws and policies prohibit and punish such behaviour,¹⁶ enforcement is problematic and societal discrimination forms a significant barrier to the realisation of women's and lesbian, gay and bisexuals' rights. Recent studies in Croatia show that 41% percent of women have experienced physical abuse from their partners.¹⁷ While the problem of violence against women has been given much public attention, leading to some changes in public attitude and the introduction of legislation and policies,¹⁸ it still remains a problem that is mainly hidden, unreported and unpunished.¹⁹ Physical and psychological violence against sexual minorities is in turn a problem that is largely ignored by the state and sometimes even undertaken by public officials, such as teachers and medical professionals.²⁰ Recent research shows that half of all lesbian, gay and bisexual persons have experienced physical or verbal violence because of his or her sexual orientation.²¹

Discrimination against women based on outdated stereotypes is visible in the labor market. Women account for 59 percent of the total of administratively registered unemployed persons, and this is a rising trend.²² A report by the NGO, the Croatian Women's Network details several factors influencing the continuing rise in unemployment of women, and one major factor is the resistance of employers to employing women of reproductive age because of stereotypes concerning their obligations as mothers.²³ Research on employment discrimination showed that employer attitudes towards men on this issue differed significantly; that a decision to start a family is considered a sign of maturity and responsibility in men but in working women, the family is seen as a lasting distraction from their work: they will not be dedicated enough to their work, will not put in any overtime as mothers, etc.²⁴

Such stereotypes are reinforced in the school curricula, which fail to sufficiently address the gender roles of men and women, but instead promote discriminatory stereotypes, as illustrated above. These traditional stereotypes regarding the gender roles of men and women continue to be present in school textbooks. As the report by the Croatian Women's Network indicates, the contents of the mandatory educational programmes fail to cover topics that further the awareness of gender equality.²⁵

A United Nations, World Health Organization and World Bank policy brief on Croatia, notes how perceptions of gender roles, including power imbalances between men and women in the economic sphere and divisions of labor within families, could itself shape the sexual behavior of Croatian adolescents.²⁶

There is international consensus that education in schools plays a significant role in counteracting harmful stereotypes, raising awareness on discrimination and violence and eventually changing societal attitudes.²⁷ The government, in recognizing this problem, has prioritized the need to introduce gender-sensitive education and to remove gender stereotypes from teaching plans and programmes.

III. Brief Overview International Human Rights Standards, including standards under the ICCPR

The fundamental rights of individuals to life, health, non-discrimination, education and information, enshrined in international human rights treaties, support and establish obligations in international law for states to provide sexuality education in primary and secondary schools.²⁸ These rights are interpreted to require sexuality education in schools by U.N. treaty-monitoring bodies, including the Human Rights Committee.

The statements of U.N. treaty-monitoring bodies establish an international obligation to provide sexuality education in schools. The treaty-monitoring bodies have identified inadequate access to sexual and reproductive health education as a barrier to state party compliance with the obligation to ensure the rights to life, health, non-discrimination, education and information and they frequently ask states parties to implement sexuality education programs in schools.²⁹ For example, the Human Rights Committee has urged the removal of barriers to adolescents' access to information about safe sexual practices, such as condom use.³⁰ The Human Rights Committee has expressed concern over a state party's elimination of sexuality education from the school curriculum and asked the state party to reintroduce it in public schools.³¹

In a subsequent concluding observation issued to the same state party, the Committee expressed concern about the contents of the sexuality education program and encouraged the Ministry of Education to ensure that curricula include accurate and objective sexuality education.³² In other contexts, the Committee has expressed concern over the high rate of unwanted pregnancies and abortions among young women between the ages of 15 and 19 and the high number of those women contracting HIV/AIDS.³³ The Committee has requested that a state party take further measures to help young women avoid unwanted pregnancies and HIV/AIDS, including strengthening its family planning and sex education programs.³⁴

Comprehensive, accurate and objective sexuality education

U.N. Committees have set out general standards that recommend that states ensure that sexuality education programs provide comprehensive information that is accurate and objective. To be accurate and objective, the information must be evidence-based and must not be biased, ideologically motivated, or censored. For example, the Human Rights Committee linked the obligation to provide accurate and objective sexuality education to the right to life under the ICCPR when it asked Poland to "ensure that schools include accurate and objective sexuality education in their curricula."³⁵ The Economic, Social and Cultural Rights Committee and the Committee on the Rights of the Child find that the rights to health and information require that states refrain from "censoring, withholding or intentionally misrepresenting health-related information, including sexuality education and information."³⁶

Standards on gender and sexual orientation non-discrimination

Under International Covenant on Civil and Political Rights (ICCPR) and the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) states are required to eliminate discrimination against women by public and private actors in all fields, including in education and schools.³⁷ CEDAW requires that states parties eliminate all forms of gender stereotyping in sexuality education programs and curricula, including by revising textbooks and school programs.³⁸ Under CEDAW, sexuality education must be free of prejudice and discrimination, address the specific needs of women and girls, and promote gender equality and positive gender relations in its messages and programming, including “egalitarian views of women’s and men’s roles in the family and in society.”³⁹ In addition to topics on gender relations, the CEDAW Committee has specified that topics on violence against women be included in sexuality education programs.⁴⁰

Like gender discrimination, under the ICCPR, states are required to eliminate discrimination on the basis of sexual orientation by public and private actors in all fields, including in education and schools.⁴¹ Moreover, the Human Rights Committee invited one state “to strengthen human rights education to forestall manifestations of intolerance and de facto discrimination [on the ground of sexual orientation].”⁴² The Committee on the Rights of the Child has also stressed the importance of preventing discrimination against LGBT youth, noting that “[a]dolescents who are subject to discrimination are more vulnerable to abuse, other types of violence and exploitation, and their health and development are put at greater risk.”⁴³ At the regional level, on 30 March 2009, the European Committee of Social Rights within the Council of Europe issued a decision regarding a collective complaint filed by our organizations in October 2007 regarding sexuality education in Croatian schools.⁴⁴ The Committee found the discriminatory statements with regard to homosexuals contained in educational material used in Croatia’s curriculum in violation of the European Social Charter’s non-discrimination clause.⁴⁵ The Committee stressed that the Croatian authorities have a positive obligation to ensure that state-approved sex education is objective and non-discriminatory and it is not used as “a tool for reinforcing demeaning stereotypes and perpetuating forms of prejudice.”⁴⁶ The Committee found that the information in Croatian educational materials “stigmatize homosexuals and are based on negative, distorted, reprehensible and degrading stereotypes... such statements serve to attack human dignity and have no place in sexual and reproductive health education...”⁴⁷

Mandatory Sexuality Education: Other UN Treaty Monitoring Bodies

The Committees expressly recommend sexual and reproductive health education be made a mandatory and robust component of all students’ schooling. For example, the Committee on the Elimination of Discrimination Against Women urges states parties to make sexuality education compulsory and to provide it “systematically” in schools,⁴⁸ including vocational schools.⁴⁹ The Committee on the Rights of the Child similarly recommends that states parties make sexuality education part of the official curricula for primary and secondary school⁵⁰ and has expressed concern about programs that allow parents to opt-out on behalf of their children.⁵¹

Content of Sexuality Education: Other UN Treaty Monitoring Bodies

The U.N. Committees have consistently stated that sexual and reproductive health education programs in schools must be comprehensive, covering topics of prevention of teenage pregnancy,⁵² unsafe abortion,⁵³ the spread and prevention of HIV and other sexually transmitted

infections (STIs),⁵⁴ family planning and contraception.⁵⁵ Furthermore, according to the Committee on the Rights of the Child, education programs should include information aimed at changing cultural views and addressing gender roles and stereotypes that contribute to harmful traditional practices, such as female genital mutilation, honor killings and early marriage.⁵⁶ In addition, according to the Committee on Economic, Social, and Cultural Rights, sexuality education curricula must “adapt to the needs of changing societies and communities and respond to the needs of students within their diverse social and cultural settings.”⁵⁷

IV. Conclusion and Recommended Questions:

In seeking to meet its obligations under the ICCPR, Croatia should establish a comprehensive and dedicated sexual and reproductive health education as a core element of the national curriculum that meets international standards. This programme should be made available in all schools from the beginning of the elementary level to the completion of a young person’s education. Curricula should be developed in accordance and consultation with appropriate national and international individual experts and institutions. The content should be objective evidence-based, non-discriminatory and non-judgmental. It should provide young people with the information necessary to make informed choices about sexual and reproductive health while avoiding perpetuating outdated and discriminatory stereotypes.

We hope the Human Rights Committee will consider addressing the following questions to the Croatian Government:

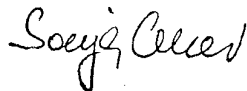
What steps is the government taking to:

- ensure sexuality education is compulsory and mandatory in all schools?
- ensure content of sexuality education curricula is evidence-based, gender sensitive, non-discriminatory on grounds of sex and sexual orientation and in accordance with other international standards?
- ensure content of sexuality education curricula enables young people to have access to accurate information necessary to make informed choices about their sexual and reproductive lives and protect their health while avoiding perpetuating outdated and discriminatory stereotypes?
- appropriately train and educate teachers on sexuality education?
- ensure that approval and/or support of any curricular or extra-curricular programmes taught in schools is dependent on the programmes being non-discriminatory and evidence-based?
- withdraw permission and support for any existing school programmes, whether they are extra-curricular programs or programs that are part of national curricula that include sexuality education component, that are discriminatory and/or non-evidence-based currently being taught in schools?

There remains a significant gap between the provisions contained in the ICCPR and the reality of rights for Croatia’s youth in relation to sexuality education. We appreciate the active interest the

Committee has taken on this issue and the strong Concluding Observations and Recommendations the Committee has issued to governments in the past. We hope that this information is useful during the Committee's review of the Government's compliance with the provisions of the ICCPR. If you have any questions, or would like further information, please do not hesitate to contact the undersigned.

Sincerely,



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¹ See *Programme of Action of the International Conference on Population and Development*, Cairo, Egypt, Sept. 5-13, 1994, paras. 7.44 (a), (b), 7.47, U.N. Doc. A/CONF.171/13/Rev.1 (1995) [hereinafter *ICPD Programme of Action*]; *Key Actions for the Further Implementation of the Programme of Action of the International Conference on Population and Development, Report of the Ad Hoc Committee of the Whole of the Twenty-first Special Session of the General Assembly*, U.N. GAOR, paras. 35(b), 73(c), (e), U.N. Doc. A/S-21/5/Add.1 (1999).

² See *ICPD Programme of Action*, paras. 8.29(a), 8.31, 8.32; see also *Further Actions and Initiatives to Implement the Beijing Declaration and Platform for Action*, U.N. GAOR, para. 44, U.N. Doc. A/Res/S-23 (2000).

³ See Opinion and conclusions of the working group as a part of the member of the Commission for the Assessment of all programmes about sexual education implemented in primary and secondary schools with the proposition for introducing comprehensive and separate programme of health education, 3 May 2005 to the Ministry of Science, Education and Sport, Attn. Dragan Primorac Commission for the Assessment of all programmes about sexual education

implemented in primary and secondary schools, Attn: chair Vladimir Gruden. On file with the Center for Reproductive Rights and Interights.

⁴ See Opinion from Mila Jelavić, Ombudsman for Children to Neven Ljubičić, Minister of Health and Social Welfare (Jan. 26, 2007); Opinion from the Ombudsperson for Gender Equality, to the MSES Ombudsperson (Feb. 12, 2007). On file with the Center for Reproductive Rights and Interights.

Ombudsperson for Children For example, the Ombudsperson asserted that the programme's portrayal of marriage as the preferred partnership and negative depiction of divorce, do not comply with Croatia's Family Law. Rather, she asserted that such portrayals represent "an obvious example of discrimination, for the persons concerned as well as for the children from divorced families." The Ombudsperson also noted that the Grozd programme presented particularly value-laden messages about homosexuality, as opposed to developing children's ability to understand and navigate the diversity of values, and to then make their own independent decisions. The Ombudsperson then emphasized in her opinion, that it is critically important that children receive "correct, scientifically-founded, interdisciplinary" information "in accordance with the Convention on the Rights of the Child as well as the laws of the Republic of Croatia." In that regard, she notes that portions of the Grozd programme are not science-based, and as a result, violate Croatia's own national curriculum policy for elementary education which emphasizes "scientifically established verification and their scientific verifiability" for content and teaching. In addition to contradicting science, the Ombudsperson asserted that portions of the Grozd programme's sexuality education component were out of step with current social research. Specifically, she asserted that sexuality education should be available to all Croatia students, not just those who have obtained parental consent to take the course, must respect human rights, gender equality, and attempt to combat all forms of discrimination, in particular homophobia. The Ombudsperson also emphasized that the goals of a sexuality education programme should include development of knowledge and skills to protect against STIs and unwanted pregnancy, and should promote responsible and safe sexual behaviour, which the Grozd programme does not. Finally, she noted that children should be taught about the diversity of values based on scientific information, thus enabling them to critically analyze differences, comparing divergent values and ultimately expressing their independent opinion. With respect to the Grozd programme's potential implementation, the Children's Rights Ombudsperson expressed the need for the following, especially with regards to the sexuality education component: (1) qualified and trained teachers to implement the programme in an open, neutral and impartial manner; (2) more teaching hours than are currently allocated by the MSES; youth involvement in the planning, implementation and evaluation of the programmes; and (3) both internal and external expert evaluation of the programmes.⁴ She noted that both proposed programmes (the Grozd programme and the Forum programme) lacked details on "personnel conditions and evaluation."

Ombudsperson for Gender Equality The Ombudsperson for Gender Equality reviewed the proposed Grozd programme in light of gender equality and nondiscrimination standards and issued her opinion to the MSES in February 2007. In that opinion she asserted that the programme's sexuality education component violated Croatia's Gender Equality Act and bans on discrimination based on gender, marriage or family status, and sexual orientation. Specifically, she noted that the Grozd programme failed to distinguish between sex and gender roles, thus potentially impeding the elimination of harmful stereotypes. She also averred that the programme's statements that "sexual intercourse only has true meaning in marriage" and when "based on love between man and woman in [a] permanent faithful union (marriage)[.]" are intolerant, discriminatory against unmarried people and divorced people, and children born out of wedlock, and violate Croatian constitutional and statutory gender equality protections. With respect to sexual orientation, the Gender Equality Ombudsperson took issue with the Grozd's programme message that homosexual acts are "against the nature of sexual act[s]."⁴ She interpreted this statement to be blatantly discriminatory and in violation of Croatia's Law on Same-Sex Civil Unions, which prohibits direct and indirect discrimination on the basis of same-sex unions and/or homosexual orientation. In the end, the Ombudsperson expressed great dismay that, during a time when the National Legislature is seeking to develop a consciousness of tolerance and promote gender equality within education and the government, the Grozd programme fails to mention gender equality entirely, and instead promotes discrimination based on gender, marital status, family status and sexual orientation.

⁵ See Letter from Ljubica Matijević Ursaljko, former Ombudsperson for Children to the Minister of Science, Education and Sport (Nov. 2, 2004); See Letter from the Office of the Ombudsperson for Gender Equality, Gordana Lukač-Koritnik, to Sanja Juras, Coordinator of Kontra & Kristijan Grdan, President of Iskorak (Dec. 9, 2005). On file with the Center for Reproductive Rights and Interights. In response to a complaint brought to the attention of the Office of the Ombudsperson for Children's Rights by non-governmental organisations, the Ombudsperson issued a strongly-worded opinion to the Ministry of Education in 2004 finding several aspects of the Teen STAR programme in violation of the Croatian Constitution, national laws such as the Gender Equality Act and the Law on Same-Sex Civil Unions, and the Convention on the Rights of the Child (CRC). She requested the MSES to condition further implementation of the programme on its harmonisation with the Constitution and national and international laws. The criticisms and concerns

of the Ombudsperson for Children's Rights regarding the Teen STAR programme were echoed by the Ombudsperson for Gender Equality. In response to a similar complaint to her office by NGOs, she issued a "warning" to the MSES in 2005, also finding several aspects of the Teen STAR programme in violation of the Gender Equality Act, the Law on Same-Sex Civil Unions, the Constitution, and the Universal Declaration on Human Rights. She also expressed concern that certain components of Teen STAR may be problematic with respect to harmonizing the Croatian legal system with the European Union (EU) system for accession purposes.

⁶ See AMIR HODZIC, SYSTEMATIC SEXUALITY EDUCATION IN CROATIAN SCHOOLS: RECOMMENDATIONS AND A PROPOSAL FOR SEXUAL HEALTH EDUCATION PILOT PROGRAM § 2 (2002/2003) [hereinafter HODZIC, SYSTEMATIC SEXUALITY EDUCATION IN CROATIAN SCHOOLS] (referencing, e.g., THE MINISTRY OF EDUCATION AND SPORT OF THE REPUBLIC OF CROATIA, THE CURRICULUM FOR PRIMARY SCHOOL, *Prosvjetni vjesnik* 99/2: Special Edition No. 2 (1999); NATIONAL CATECHISTICAL BUREAU OF THE CROATIAN EPISCOPAL CONFERENCE AND THE MINISTRY OF EDUCATION AND SPORT OF THE REPUBLIC OF CROATIA, PLAN AND PROGRAM FOR CATHOLIC RELIGIOUS EDUCATION IN PRIMARY SCHOOL (1998); CENTER FOR COOPERATION WITH NON-MEMBERS - OECD & STABILITY PACT FOR SOUTH EASTERN EUROPE, THEMATIC REVIEW OF NATIONAL POLICIES FOR EDUCATION: CROATIA (2001)).

⁷ See WORLD HEALTH ORGANIZATION (WHO), HOW DO PERCEPTIONS OF GENDER ROLES SHAPE THE SEXUAL BEHAVIOUR OF CROATIAN ADOLESCENTS? WORLD HEALTH ORGANIZATION series 1, no. 1 (2004).

⁸ See Aleksandar Štulhofer et al., *HIV/AIDS-Related Knowledge, Attitudes and Sexual Behaviors as Predictors of Condom Use Among Young Adults in Croatia*, 33(2) INT'L FAM. PLANNING PERSPECTIVES 63 (2007). The study showed that whilst almost a quarter of young people have had only one sex partner in their lifetimes, 23 percent have had 4–6 partners, 11 percent have had 7–10 partners and 7 percent have had more than 10 partners. *Id.* at 62 tbl. 3.

⁹ See United Nations Children's Fund (UNICEF), *Facts on Children, HIV and AIDS*, Press Centre, http://www.unicef.org/media/media_35904.html (last visited July 26, 2007).

¹⁰ See Noeleen Heyzer, Executive Director of UNIFEM, *quoted in* Policy Update, SIECUS, International Women's Day 2004 Highlights Women's Vulnerability to HIV/AIDS (Mar. 2004), *available at* <http://www.siecus.org/policy/PUupdates/arch04/arch040095.html#INT> (last visited Aug. 7, 2007).

¹¹ See Interview with Luka Maderić, Head of Office, Office of Human Rights, in Zagreb, Croatia (Nov. 3, 2006).

¹² RAYMOND J. NOONAN, ED., THE CONTINUUM COMPLETE INTERNATIONAL ENCYCLOPEDIA OF SEXUALITY, 254, *available at* <http://www.kinseyinstitute.org/ccies/> (last visited August 27, 2007).

¹³ *Id.*

¹⁴ *Id.*

¹⁵ Štulhofer et al., *supra* note 8.

¹⁶ See, e.g., REPUBLIC OF CROATIA, CRIMINAL CODE, Official Gazette, no. 110/97, 27/98, 129/00, 51/01, 111/03, 105/05, *available at* <http://www.legislationline.org/?tid=218&jid=12&less=false> (changes have been made to the criminal code provisions on hate crimes to include crimes motivated by sexual orientation); REPUBLIC OF CROATIA, GENDER EQUALITY ACT, Official Gazette, no. 116/03 (July 30, 2003), *available at* <http://www.prs.hr/content/view/105/36/> (last visited Aug. 7, 2007) [hereinafter REPUBLIC OF CROATIA, GENDER EQUALITY ACT]; REPUBLIC OF CROATIA, LAW ON PROTECTION AGAINST FAMILY VIOLENCE, Official Gazette, no. 116/03 (July 18, 2003); GOVERNMENT OF THE REPUBLIC OF CROATIA MINISTRY OF FAMILY, VETERANS' AFFAIRS AND INTERGENERATIONAL SOLIDARITY, NATIONAL STRATEGY OF PROTECTION AGAINST FAMILY VIOLENCE FOR THE PERIOD FROM THE YEAR 2005 TILL THE YEAR 2007 AND RULES OF PROCEDURE IN CASES OF FAMILY VIOLENCE (2006) [hereinafter GOVERNMENT OF THE REPUBLIC OF CROATIA MINISTRY OF FAMILY, VETERANS' AFFAIRS AND INTERGENERATIONAL SOLIDARITY, NATIONAL STRATEGY OF PROTECTION AGAINST FAMILY VIOLENCE FOR THE PERIOD FROM THE YEAR 2005 TILL THE YEAR 2007 AND RULES OF PROCEDURE IN CASES OF FAMILY VIOLENCE].

¹⁷ CROATIAN PARLIAMENT, GOVERNMENT'S COMMISSION FOR GENDER EQUALITY, NATIONAL POLICY FOR THE PROMOTION OF GENDER EQUALITY 2006-2010, at 18 (2006), *available at* <http://www.ured-ravnopravnost.hr/slike/File/Nacionalna/nacionalna-engl.doc> (last visited July 26, 2007) [hereinafter NATIONAL POLICY FOR THE PROMOTION OF GENDER EQUALITY 2006-2010].

¹⁸ See, e.g., GOVERNMENT OF THE REPUBLIC OF CROATIA MINISTRY OF FAMILY, VETERANS' AFFAIRS AND INTERGENERATIONAL SOLIDARITY, NATIONAL STRATEGY OF PROTECTION AGAINST FAMILY VIOLENCE FOR THE PERIOD FROM THE YEAR 2005 TILL THE YEAR 2007 AND RULES OF PROCEDURE IN CASES OF FAMILY VIOLENCE], *supra* note 14.

¹⁹ REPORT ON WOMEN'S HUMAN RIGHTS IN 2005, 4-26, Zagreb, January 2006, *available at* <https://www.zenska-mreza.hr> (last visited on August 21, 2007).

²⁰ See ALEKSANDRA PIKIC AND IVANA JUGOVIC, LESBIAN GROUP KONTRA, VIOLENCE AGAINST LESBIANS, GAYS AND BISEXUALS IN CROATIA: RESEARCH REPORT 31 (2006) (stating that physical and psychological violence against sexual minorities is a problem); Iskorak & Kontra 2005 *Annual Report on the Status of Human Rights of Sexual and Gender Minorities in Croatia* 10 (2005) (stating that violence is largely ignored by the state).

²¹ See ALEKSANDRA PIKIC AND IVANA JUGOVIC, LESBIAN GROUP KONTRA, VIOLENCE AGAINST LESBIANS, GAYS AND BISEXUALS IN CROATIA: RESEARCH REPORT 59 (2006).

²² GOVERNMENT OF THE REPUBLIC OF CROATIA MINISTRY OF FAMILY, VETERANS' AFFAIRS AND INTERGENERATIONAL SOLIDARITY, NATIONAL STRATEGY OF PROTECTION AGAINST FAMILY VIOLENCE FOR THE PERIOD FROM THE YEAR 2005

TILL THE YEAR 2007 AND RULES OF PROCEDURE IN CASES OF FAMILY VIOLENCE], *supra* note 14, at 43–61; REPORT ON WOMEN’S HUMAN RIGHTS IN 2005, *supra* note 19, 17.

²³ REPORT ON WOMEN’S HUMAN RIGHTS IN 2005, *supra* note 19, at 17-18.

²⁴ *Id.*

²⁵ *Id.* at 3, 11-13.

²⁶ WHO, HOW DO PERCEPTIONS OF GENDER ROLES SHAPE THE SEXUAL BEHAVIOUR OF CROATIAN ADOLESCENTS? *supra* note 7.

²⁷ UNITED NATIONS CHILDREN’S FUND (UNICEF), STATE OF THE WORLD’S CHILDREN 2007 EXECUTIVE SUMMARY 15 (2007); Press Release, Committee on Elimination of Discrimination against Women, Women’s Anti-Discrimination Committee Concludes Thirty-Third Session, Stressing Need to Eliminate Stereotypes, Withdraw Convention Reservations, Experts Examined Reports of 8 States Parties to the Convention, U.N. DOC. WOM/1519 (2005), available at <http://www.un.org/News/Press/docs/2005/wom1519.doc.htm> (last visited Aug. 7, 2007).

²⁸ The treaties that protect the rights to life, health, non-discrimination, education and information include the International Covenant on Economic, Social and Cultural Rights (ICESCR), the International Covenant on Civil and Political Rights (ICCPR), the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), the Convention on the Elimination of All Forms of Racial Discrimination (CERD), the Convention on the Rights of the Child (CRC), the International Convention on the Rights of Migrant Workers and Members of their Families, and the Convention on the Rights of Persons with Disabilities.

²⁹ See, e.g., Committee on the Elimination of Discrimination against Women (CEDAW Comm.), *Concluding Observations: Burundi*, para. 62, U.N. Doc. A/56/38 (2001); CEDAW Comm., *Concluding Observations: Democratic Republic of the Congo*, para. 228, U.N. Doc. A/55/38 (2000); CEDAW Comm., *Concluding Observations: Jamaica*, para. 224, U.N. Doc. A/56/38 (2001); CEDAW Comm., *Concluding Observations: Kazakhstan*, para. 106, U.N. Doc. A/56/38 (2001); CEDAW Comm., *Concluding Observations: Lithuania*, para. 25, CEDAW/C/LTU/CO/4 (2008); CEDAW Comm., *Concluding Observations: Slovakia*, para. 19, CEDAW/C/SVK/CO/4 (2008); Committee on the Rights of the Child (CRC Comm.), *Concluding Observations: Bhutan*, para. 45, U.N. Doc. CRC/C/15/Add.157 (2001); CRC Comm., *Concluding Observations: Cambodia*, para. 53, U.N. Doc. CRC/C/15/Add.128 (2000); CRC Comm., *Concluding Observations: Comoros*, para. 36, U.N. Doc. CRC/C/15/Add.141 (2000); CRC Comm., *Concluding Observations: Egypt*, para. 44, U.N. Doc. CRC/C/15/Add.145 (2001); Committee on Economic, Social, and Cultural Rights (CESCR Comm.), *Concluding Observations: Bolivia*, para. 43, U.N. Doc. E/C.12/1/Add.60 (2001); CESCR Comm., *Concluding Observations: China*, para. 100, U.N. Doc. E/C.12/1/Add.107 (2005); CESCR Comm., *Concluding Observations: Poland*, paras. 28, 50, U.N. Doc. E/C.12/1/Add.82 (2002); CESCR Comm., *Concluding Observations: Senegal*, para. 47, U.N. Doc. E/C.12/1/Add.62 (2001); CESCR Comm., *Concluding Observations: Ukraine*, para. 31, U.N. Doc. E/C.12/1/Add.65 (2001); Human Rights Committee, *Concluding Observations: Poland*, para. 9, U.N. Doc. CCPR/CO/82/POL (2004).

³⁰ See, e.g., CESCR Comm., *Concluding Observations: Zambia*, para. 53, U.N. Doc. E/C.12/1/Add.106 (2005); Human Rights Committee, *Concluding Observations: Poland*, para. 11, U.N. Doc. CCPR/C/79/Add.110 (1999).

³¹ Human Rights Committee, *Concluding Observations: Poland*, para. 11, U.N. Doc. CCPR/C/79/Add.110 (1999)

³² *Id.*, para. 9, CCPR/CO/82/POL (2004).

³³ Human Rights Committee, *Concluding Observations: Lithuania*, para. 12, U.N. Doc. CCPR/CO/80/LTU (2004)

³⁴ *Id.*

³⁵ Human Rights Committee, *Concluding Observations: Poland*, para. 9, U.N. Doc. CCPR/CO/82/POL (2004).

³⁶ CESCR Comm., *General Comment 14: The Right to the Highest Attainable Standard to Health*, para. 34, U.N. Doc. E/C.12/2000/4 (2000); CRC Comm., *General Comment 3: HIV/AIDS and the Rights of the Child* (2003), in *Compilation of General Comments and General Recommendations Adopted by Human Rights Treaty Bodies*, para. 16, U.N. Doc. HRI/GEN/1/Rev.6 (2003).

³⁷ Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), art. 10(c), *adopted Dec. 18, 1979, G.A. Res. 34/180, U.N. GAOR, 34th Sess., Supp. No. 46, at 193, U.N. Doc. A/34/46 (1979) (entered into force Sept. 3, 1981)*; Human Rights Committee, *General Comment 28: Equality of Rights Between Men and Women (Art. 3)* (2000), in *Compilation of General Comments and General Recommendations by Human Rights Treaty Bodies*, para. 31, U.N. Doc. HRI/GEN/1/Rev.5 (2001).

³⁸ CEDAW, *supra* note 37, at art. 10(c); see also CEDAW Comm., *General Recommendation 24: Women and Health*, para. 18, U.N. Doc. A/54/38 (1999); CEDAW Comm., *Concluding Observations: Slovakia*, para. 19, CEDAW/C/SVK/CO/4 (2008); CEDAW Comm., *Concluding Observations: Croatia*, paras. 200-01, U.N. Doc. A/60/38 (2005).

³⁹ See CEDAW Comm., *General Recommendation 24*, *supra* note 38, at para. 18; CEDAW Comm., *Concluding Observations: Slovakia*, para. 19, CEDAW/C/SVK/CO/4 (2008); CEDAW Comm., *Concluding Observations: Croatia*, paras. 200-01, U.N. Doc. A/60/38 (2005); see generally CEDAW Comm., *General Recommendation 15: Avoidance of*

Discrimination Against Women in National Strategies for the Prevention and Control of Acquired Immunodeficiency Syndrome (AIDS) (1990), in *Compilation of General Comments and General Recommendations Adopted by Human Rights Treaty Bodies*, at 240, U.N. Doc. HRI/GEN/1/Rev.6 (2003).

⁴⁰ CEDAW Comm., *Report*, para. 120, U.N. Doc. A/52/38/Rev.1 (1997); CEDAW Comm., *Concluding Observations: Slovenia*, para. 120, U.N. Doc. A/52/38/Rev.1 (1997).

⁴¹ Human Rights Committee, *General Comment 28*, *supra* note 37, at para. 31; *see Toonen v. Australia* (488/1992), Human Rights Committee, para. 8.7, U.N. Doc. CCPR/C/50/D/488/1992 (1994) (establishing that sexual orientation is protected from discrimination under the International Covenant on Civil and Political Rights (ICCPR)).

⁴² Human Rights Committee, *Concluding Observations to the Philippines*, para.18, U.N. Doc (2003).
CCPR/CO/79/PHL.

⁴³ CRC Comm., *General Comment 4: Adolescent Health and Development in the Context of the Convention on the Rights of the Child*, para 6, U.N. Doc. CRC/GC/2003/4 (2003)

⁴⁴ The ESCR decision received wide coverage in the media in Croatia. See Jutarnjilist, of 27.08.2009, pp.2-3.

⁴⁵ See European Committee of Social Rights, *International Center for the Protection of Human Rights (INTERIGHTS) v. Croatia*, Complaint No. 45/2007, ¶¶ 64, 66, 9 April 2009, Strasbourg [hereinafter *INTERIGHTS v. Croatia*].

⁴⁶ *Id.*, ¶ 48.

⁴⁷ *Id.*, ¶ 60. The Committee referred in particular to the extracts from the mandatory Biology course textbook used at secondary school level (*Biology 3: Processes of Life*) in which it is stated that “Many individuals are prone to sexual relations with persons of the same sex (homosexuals-men, and lesbians-women). It is believed that parents are to blame because they impede their children’s correct sexual development with their irregularities in family relations. Nowadays it has become evident that homosexual relations are the main culprit for increased spreading of sexually transmitted diseases (e.g. AIDS).” or “The disease [AIDS] has spread amongst promiscuous groups of people who often change their sexual partners. Such people are homosexuals because of sexual contacts with numerous partners, drug addicts because of shared use of infected drug injection equipment and prostitutes.”

⁴⁸ See, e.g., CEDAW Comm., *Concluding Observations: Lithuania*, para. 25, U.N. Doc. CEDAW/C/LTU/CO/4 (2008); CEDAW Comm., *Concluding Observations: Republic of Moldova*, para. 31, U.N. Doc. CEDAW/C/MDA/CO/3 (2006); CEDAW Comm., *Concluding Observations: Turkmenistan*, para. 31, U.N. Doc. CEDAW/C/TKM/CO/2 (2006).

⁴⁹ See CEDAW Comm., *Concluding Observations: Republic of Moldova*, para. 31, U.N. Doc. CEDAW/C/MDA/CO/3 (2006).

⁵⁰ See CRC Comm., *Concluding Observations: Antigua and Barbuda*, para. 54, U.N. Doc. CRC/C/15/Add.247 (2004); CRC Comm., *Concluding Observations: Trinidad and Tobago*, para. 54, U.N. Doc. CRC/C/TTO/CO (2006).

⁵¹ See CRC Comm., *Concluding Observations: Ireland*, para. 52, U.N. Doc. CRC/C/IRL/CO/2 (2006).

⁵² See, e.g., CRC Comm., *General Comment 4*, *supra* note 43, at para. 28; CESCR Comm., *Concluding Observations: Honduras*, paras. 27, 48, U.N. Doc. E/C.12/1/Add.57 (2001); CESCR Comm., *Concluding Observations: Mexico*, para. 44, U.N. Doc. E/C.12/MEX/CO/4 (2006); CEDAW Comm., *Concluding Observations: Uruguay*, para. 170, U.N. Doc. A/57/38 (2002).

⁵³ See, e.g., CESCR Comm., *Concluding Observations: Benin*, paras. 23, 42, U.N. Doc. E/C.12/1/Add.78 (2002); CESCR Comm., *Concluding Observations: Bolivia*, para. 43, U.N. Doc. E/C.12/1/Add.60 (2001); CESCR Comm., *Concluding Observations: Mexico*, para. 43, U.N. Doc. E/C.12/1/Add.41 (1999); CESCR Comm., *Concluding Observations: Mexico*, para. 44, U.N. Doc. E/C.12/MEX/CO/4 (2006); CESCR Comm., *Concluding Observations: Senegal*, para. 47, U.N. Doc. E/C.12/1/Add.62 (2001).

⁵⁴ See, e.g., CRC Comm., *General Comment 4*, *supra* note 43, para. 28; CESCR Comm., *Concluding Observations: Cameroon*, para. 45, U.N. Doc. E/C.12/1/Add.40 (1999); CESCR Comm., *Concluding Observations: Chile*, paras. 27, 55, U.N. Doc. E/C.12/1/Add.105 (2004); CESCR Comm., *Concluding Observations: Libyan Arab Jamahiriya*, para. 36, U.N. Doc. E/C.12/LYB/CO/2 (2006); CESCR Comm., *Concluding Observations: People’s Republic of China*, para. 60, U.N. Doc. E/C.12/1/Add.107 (2005); CESCR Comm., *Concluding Observations: Republic of Moldova*, para. 48, U.N. Doc. E/C.12/1/Add.91 (2003); CESCR Comm., *Concluding Observations: Russian Federation*, para. 62, U.N. Doc. E/C.12/1/Add.94 (2003); CESCR Comm., *Concluding Observations: Trinidad and Tobago*, para. 47, U.N. Doc. E/C.12/1/Add.80 (2002); CESCR Comm., *Concluding Observations: Ukraine*, para. 31, U.N. Doc. E/C.12/1/Add.65 (2001); CRC Comm., *Concluding Observations: Indonesia*, para. 59(c), U.N. Doc. CRC/C/15/Add.223 (2004); CRC Comm., *Concluding Observations: Sao Tome and Principe*, para. 47(b), U.N. Doc. CRC/C/15/Add.235 (2004); CRC Comm., *Concluding Observations: Togo*, para. 55, CRC/C/15/Add.255 (2005).

⁵⁵ See, e.g., CRC Comm., *General Comment 4*, *supra* note 43, para. 28; CEDAW Comm., *Concluding Observations: Antigua and Barbuda*, para. 267, U.N. Doc. A/52/38/Rev.1, Part II (1997); CEDAW Comm., *Concluding Observations: Belize*, paras. 56–57, U.N. Doc. A/54/38 (1999); CEDAW Comm., *Concluding Observations: Bosnia and Herzegovina*, para. 36, U.N. Doc. CEDAW/C/BIH/CO/3 (2006); CEDAW Comm., *Concluding Observations: Chile*, para. 227, U.N. Doc. A/54/38 (1999); CEDAW Comm., *Concluding Observations: Dominican Republic*, para. 349, U.N. Doc. A/53/38 (1998); CEDAW Comm., *Concluding Observations: Greece*, para. 208, U.N. Doc. A/55/38 (1999); CEDAW Comm., *Concluding Observations: Peru*, para. 342, U.N. Doc. A/53/38 (1998); CEDAW Comm., *Concluding Observations: Slovakia*, para. 92, U.N. Doc. A/53/38/Rev.1 (1998); CEDAW Comm., *Concluding*

Observations: Slovenia, para. 119, U.N. Doc. A/52/38/Rev.1 (1997); CEDAW Comm., *Concluding Observations: Zimbabwe*, para. 161, U.N. Doc. A/53/38 (1998).

⁵⁶ See CRC Comm., General Comment 4, *supra* note 43, paras. 10, 24, 30, 39(g), U.N. Doc. CRC/GC/2003/4 (2003).

⁵⁷ CESCR Comm., *General Comment 13: The Right to Education*, para. 6(d), U.N. Doc. E/C.12/1999/10 (1999).