



# The EU Mutual Learning Programme in Gender Equality

## Tackling sexual harassment

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### Comments Paper - Croatia



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# Sexual harassment in Croatia

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## 1. Policy context

### 1.1 Legal background

The laws targeting sexual harassment are rooted in the Croatian Constitution, as the equality of sexes is one of the key values in Croatia. Two organic laws - The Act On Gender Equality and the Anti-Discrimination Act - define harassment in line with the EU legislative and encompass following elements: harassment is seen as a special form of discrimination and as unwanted conduct aimed at or actually violating another person's dignity and creating a hostile, degrading or offensive environment. Both laws distinguish between two forms of harassment: **harassment** on the ground of gender (doesn't have to include sexual connotations); and **sexual harassment** defined as the unwanted conduct of sexual nature.

Both street harassment and digital harassment can be interpreted within the above mentioned laws as well as laws which encompass their specific aspects<sup>1</sup>.

There are several possible constraints of the Croatian legal system impacting the implementation of anti sexual harassment measures. Firstly, all acts define sexual harassment somewhat differently which may cause some problems with implementation<sup>2</sup>. Secondly, neither street harassment nor digital harassment is regulated by Croatian law specifically, which may further add to the confusion, especially if the police and courts staff is not sensitive to and/or experienced with these cases. Finally, discrimination is unlikely to be persecuted. According to the analysis of the Gender Equality Ombudsperson, the number of court cases on the ground of gender is still very low and there are no cases of indirect discrimination, in her analysis she also warns about the inexperience of persecutors<sup>3</sup>.

### 1.2 Key institutions and good practices

Key institutions in the field of sexual harassment are the Gender Equality Ombudsperson and the Government Office for Gender Equality. According to the latest CEDAW concluding observation for Croatia (2015), the Committee expresses its concern that both institutions and related regional offices have inadequate human, technical and financial resources.

Several organisations deal with sexual harassment<sup>4</sup>, but only sporadically with street or digital harassment. Digital harassment has been dealt mainly within the scope of

<sup>1</sup> For example, the Criminal Act defines punishable acts which can be interpreted as street and/or digital harassment e.g. lewd acts on the street, felony of insult on the street or over the internet, many aspects of digital harassment – pornographic child abuse, promotion of hate, or coercion.

<sup>2</sup> „Know Your Rights“ by Hollaback, available at <http://www.stopstreetharassment.org/wp-content/uploads/2013/12/SSH-KnowYourRights-StreetHarassmentandtheLaw-20131.pdf>

<sup>3</sup> Report of the Gender Equality Ombudsperson for her work in 2016

<sup>4</sup> Woman's Room focuses on sexual violence and sexual rights (<http://zenskasoba.hr/en/>), see also CESI (<http://cesi.hr/en/>) and Domine (<http://www.domine.hr/?lang=en&index=47>)

prevention and education among minors and children and organisations/institutions related to children's rights.

### 1.2.1 Street harassment: Good practices

A local branch of the global movement dedicated to end street harassment – Hollaback Croatia – has been founded in 2011. Up till now they are the only initiative targeting exclusively street harassment. Like most of the other Hollaback branches, Croatia is a volunteer run informal citizen initiative. It has since produced several smaller scale projects such as online surveys, campaigns or workshops. In their most prominent campaign they educated the staff in clubs and assigned them a batch “Safer space” after clubs committed to tackling sexual harassment. Their project “Safer neighbourhoods” from 2015-2016 explored the perception of and incidence of street harassment among the youth and waitresses, and during participative walks it addressed points which can impact the subjective feeling of safety<sup>5</sup>.

### 1.2.2 Digital harassment: Good practices

The Ministry of Internal Affairs has recently improved its approach to (more transparent) reporting, prevention and persecution of digital abuse of children, providing SOS over phone and internet. Several other organisations offer counselling and SOS lines, most known is Child and Youth Protection Centre of Zagreb that provides prevention and counselling work in the domain of child abuse.

There are several civil society organisations which developed digital literacy education<sup>6</sup>. These programs provide a well needed non formal education, but they don't focus on the gender perspective, their scope is limited as they depend on funding of the particular organisation, and they don't target those most at risk.

Recently the NGO Woman's Room – Centre for sexual rights, together with a few schools has launched a Facebook site called “Sherajmo odgovorno”<sup>7</sup> (Let's share responsibly). The goal of the site is to sensibilise and inform the youth about all aspects of sexual digital abuse and cyberbullying, including prevention and mechanisms of protection.

## 1.3 Prevalence of street and digital harassment

Only a handful of studies have researched **street harassment**; the only study with a nationally representative sample<sup>8</sup> reports that 55% of women experienced unwanted sexual comments and vulgar offers and 43% experienced groping; they happened mostly in public places such as cafes, public transport or street. The study results suggest that street harassment is most prevalent form of sexual harassment.

<sup>5</sup> Report available at: [https://croatia.ihollaback.org/files/2016/04/Sigurni\\_kvartovi\\_lzvjestaj-1.pdf](https://croatia.ihollaback.org/files/2016/04/Sigurni_kvartovi_lzvjestaj-1.pdf)

<sup>6</sup> Most important among them: media portal [medijskapismenost.hr](http://medijskapismenost.hr); project “[Children of media](#)” and project [Centre for safer internet](#) which includes IT experts working on safer internet in schools, libraries etc.

<sup>7</sup> See <https://www.facebook.com/sherajmoodgovorno/>

<sup>8</sup> Available at: <http://zenskasoba.hr/podrucja-rada/aktivnosti/istrazivanja/stanje-seksualnih-prava-zena-u-hrvatskoj-u-2005/>

Few national studies have been conducted regarding **digital violence among children**. They point to high incidence of violence<sup>9</sup>; low awareness of risks among children and the need for educating the parents<sup>10</sup>. It must be noted that more detailed data is needed in order to understand the prevalence, motivations and responses related to different types of digital violence and in particular of sexual harassment. E.g., no data about non voluntary sharing of sexually explicit photos or about sexual harassment of adults is available.

## 1.4 Inclusion of sexual harassment in the school curricula

Gender equality and media literacy (including learning about safety on the internet) are included in the health and civic education programs in primary and secondary schools since 2014 and some of the programs even since 1999. However, implementation of these themes suffers from several constraints: Firstly, health and civic education are cross-curricular programs and projects and as such their implementation is left to the motivation and expertise of classteachers. Secondly, the aspects of health education dealing with sexuality and gender roles are attacked from the right political activists who insist that these issues should be left to private and religious domain and conduct pressure on teachers and parents. Finally, media literacy is taught within Croatian language and ICT subject, but not emphasised enough.

It is of no surprise that the CEDAW concluding observations for Croatia (2015) recommend increasing the quantity and quality of education on gender issues and that all relevant researches made by NGO's and research institutes in the last 7 years show worrying results - among primary and high school students level of political and media literacy is poor; acceptance of and dealing with diversity is a very problematic area; social skills (including communication, cooperation and conflict transformation skills) are mediocre and violence among children and youth is fairly high<sup>11</sup>.

## 2. Relevant policy debates

Current political climate hinders the development in the field of gender equality and subsequently any reforms or systemic projects in the field of sexual harassment, and is best illustrated via the following three themes:

<sup>9</sup> 5% experienced digital harassment at least 2-3 times a month or more often, 29% experienced it 1-3 times in the past few months, see the UNICEF study available at: [http://www.unicef.hr/wp-content/uploads/2015/09/lzvjestaj\\_Iskustva\\_i\\_stavovi\\_djece\\_roditelja\\_i\\_ucitelja\\_prema\\_elektronickim\\_medijima.pdf](http://www.unicef.hr/wp-content/uploads/2015/09/lzvjestaj_Iskustva_i_stavovi_djece_roditelja_i_ucitelja_prema_elektronickim_medijima.pdf)

<sup>10</sup> 85% share their full name, 36% e-mail address and 31% name of school. When asked whether they would accept an invitation to meet a person they have met on Facebook, 18% say they probably would accept. 78% of families have set no rules regarding the use of Facebook, see study by Child and Youth Protection Centre of Zagreb, available at: <http://www.poliklinika-djeca.hr/istrazivanja/istrazivanje-o-iskustvima-i-ponasanjima-djece-na-internetu-i-na-drustvenoj-mrezi-facebook-2/>

<sup>11</sup> For analysis of the constraints of the health education see report of the Gender Equality Ombudsperson for her work in 2016; for detailed analysis of civic education programmes see Kekez, Horvat and Šalaj. Citizenship Education in Croatia: At the Margins of the System. Journal of Social Science Education, available at: <http://www.jsse.org/index.php/jsse/article/view/1617/1670>

## 2.1 Promotion of radical Catholic views

Activism promoting radical Catholic views is gaining momentum in Croatia, led by several Catholic laymen organisations (with somewhat non-transparent funding) as well as some Catholic priests. It consists of opposing to gender equality policies (even to the term of gender), promoting traditional gender roles, initiating pro-life campaigns and discriminating against LGBTIQ people. From 2013, when they initiated a referendum about marriage as being a union between a man and a woman, they are changing the public discourse in Croatia: Shifting the values towards the extreme right, targeting civil society organisations (e.g. calling them as consumers and destroyers of Croatian identity) and at the same time labelling criticism towards them as hate speech. They are getting political power; growing militarism, xenophobia, clericalism and fascism have not been sanctioned, but approved from political stage. Most recent, they opposed to the ratification of the Istanbul Convention with arguments that these protection mechanisms and policy debates regarding violence against women destroy the ideal of family and tradition. As a result, feminist and LGBTIQ civil society organisations spend their resources fighting for the issues which have been considered as already won such as abortion, and join the ranks of other organisations fighting for democratic values, leaving little room for issues such as street or digital sexual harassment.

## 2.2. Disruption of curricular reform

New Strategy for Education, Science and technology has been adopted at the end of 2014 and one of the measures was curricular reform that included changes in all education documents and also better inclusion of human right, civic and health education. The main goals were to renew the education in Croatia to become age- and interest appropriate and was supported by advocates of civic education. The process was, however, abruptly overtaken and stopped by the government elected in November 2015. The new government has promised to continue the reform, albeit with new leaders and a strong focus on STEM curricula vs. disregard of civil education<sup>12</sup>.

## 2.3. Prejudice against refugees

With the recent refugee crisis and a refugee and asylum centre situated in the capital of Croatia, stereotypes of Muslim men come into view, coupled with sexism and victim blaming. This is best illustrated by comparing the way media reports cases of street harassment: A strong focus is on the cases of street harassment where Muslim asylum seekers were perpetrators, at the same time, high incidence of street harassment in Croatia has been ignored so far, victim blaming is prominent in media reports and even murders of women by their partners are belittled. This issue must be taken into account for planning of campaigns which tackle sexual harassment and integration of refugees in the society.

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<sup>12</sup> Kekez, Horvat and Šalaj. Citizenship Education in Croatia: At the Margins of the System. Journal of Social Science Education, available at: <http://www.jsse.org/index.php/jsse/article/view/1617/1670>

### 3. Comments on the Danish and French good practices

#### 3.1 Street harassment – French case

A major constraint in Croatia concerning both policies is the current political climate, where broad national campaign targeting sexual harassment initiated by a governmental body is highly unlikely. On operational level, a project initiated by a civil society organisation, in partnership with the city government may be feasible. Cooperation with the Women's Union section is welcomed as a good idea, as street harassment in Croatia hasn't been discussed within the context of work conditions.

The stop on demand buses is an innovative and good idea and may be implemented in Croatia. However, in the capital city main mode of transport are trams which are not safe and allowed to stop outside of official tram stations. Thus, many people travelling on trams would be excluded.

Effective yet low cost elements such as participative walks could be easily applied.

#### 3.2 Digital harassment – Denmark case

Present data on digital harassment isn't detailed enough and thus doesn't provide enough arguments for a project based on only one type of digital harassment - like sharing of private photos of sexually explicit content in the Denmark case. Also, Croatian youth seems less aware of the potential risks on the internet and needs a broader education taking into account diverse aspects of media literacy.

One of the key constraints is the implementation in schools – it would be most feasible within civic and health education. However, in order for such education to be effective, it requires a discussion of ethics, emphasis on skills learning and an open and youth centred approach to sexuality, which may prove difficult for teachers, as the focus in Croatian schools is more on lecturing data rather than teaching skills or encouragement of critical thinking (e.g., more focus on anatomy or sexually transmitted diseases rather than discussion of gender relations).

## 4. Conclusions and recommendations

Croatia is an EU Member State since 2013 and has adopted its legal framework regarding gender equality. However, in recent years developments in this field are under threat because of the growing radical right organisations. At the same time, the school curricula needs a reform oriented from the learning of information towards learning of skills needed for a present day society, in particular in the domain of democratic citizenship, human rights and gender equality. There are worrying data on democratic deficit, even more among youth than older residents<sup>13</sup>. Thus, it is not surprising that sexism is very prevalent and fuels sexual harassment of mainly women and LGBTIQ people. Street harassment has only been considered in recent years, brought into public discussion by citizen initiatives such as Hollaback. Digital sexual harassment is also new and unrecognised form of harassment; discussed primarily – and rightly - in the context of children's rights and media literacy in schools, but rarely in the context of harassment of women. What

<sup>13</sup> See footnote 10.

worries most is that there are no systematic efforts and campaigns encompassing a variety of actors– from the top government bodies up to citizen initiatives – focusing on sexual harassment, and given the recent policy debate there is little hope for such efforts in the near future.

Having in mind such context, following are recommendations for fighting sexual harassment in Croatia:

- Focus on education based on skills and debates, rather than teaching information;
- Cooperation of schools and education authorities with civil society organisations working on gender equality in creation of formal and non-formal education programs for youth and teachers;
- Support of independent media; campaigns targeting current (biased) media reporting;
- Focus on cost effective and simple, yet effective actions (effective in awareness raising and in their capacity of advocating policy change): participative walks, social media campaigns tailored to youth, flyers in public transport;
- Support of governmental institutions dealing with gender equality by the EU institutions;
- Cooperation between different actors such as trade unions, NGO's, private businesses and governmental bodies;
- Education of prosecutors and judges related to discrimination cases.