

CROATIA: Sex-ed stalemate after decades of disagreement

Summary

A collective complaint before the European Committee of Social Rights exposed discrimination in the material being taught in Croatian sex education classes but did not manage to cement a better system. Sex education in Croatia remains a divisive issue between religious and secular campaigners and teachers to this day.

Background

Even among eastern European countries Croatia has been noted as particularly socially conservative and loyal to the Catholic Church. Croatia's dedication to Catholicism stems from centuries of tradition and the legacy of communist rule while it was [part of the former Yugoslavia](#). During the [struggle for independence](#) from the former communist federation many Croatians saw the church as a body working for the realisation of their basic rights and freedoms in spite of the government.

Since independence Croatia has been praised by a papal official as ["the most catholic country in Europe"](#), and it should be little surprise that since acceding to the European Union (EU) in 2013 the State has been repeatedly criticised on its stance on the rights of lesbian, gay, bisexual and transgender (LGBT) people. The European Fundamental Rights Agency ranked Croatia as 22nd of the 28 Member States for how often [students felt discriminated against](#) by school or university personnel due to their sexuality.

In the early 2000s the Center for Education, Counseling and Research (CESI), a Croatian organisation dealing with women's rights and gender issues, began working with the New York-based Centre for Reproductive Rights (CRR) to study attitudes towards, and implementation of, sex education for children in Croatia.

At the time the main form of sex education taking place in Croatia was an extracurricular course created by Dr Hanna Klaus, a Catholic obstetrician and gynaecologist born in Austria and raised in the United States. After [learning about natural family planning](#) in the 1970s, Klaus founded the Teen STAR (Sexuality Teaching in the context of Adult Responsibility) programme as an international endeavour, spreading [her brand of chastity-focused sex education](#) gradually from the United States to the rest of the world.

Teen STAR arrived in Croatia in 1995, as [seven instructors](#) completed their training in Austria that year, gradually establishing the opt-in programme as the most accepted form of sex education in the country. In 2016, at a celebration marking 20 years of Teen STAR's existence in Croatia, Klaus explained that the programme initially focused on teaching adolescent girls about fertility, but soon expanded to include boys as well. In the same speech Klaus claimed that before the course was established in Croatia it was examined and approved by Valentin Pozaic, then a Catholic priest, now the Auxiliary Bishop of Zagreb, to verify that its contents were compatible with the teachings of the Catholic Church.

According to CESI, sex education and LGBT rights were, and still are, a near-invisible issue in Croatia. They believed that the government's failure to provide children with adequate sex education and the discriminatory nature of the material being taught in schools constituted a violation of the European Social Charter. They claimed that the courses portrayed outdated gender stereotypes of women, attacked the life choices of single or unmarried parents and described same-sex relationships as incomplete, unhealthy or unnatural.

Associate expert and Coordinator of CESI Nataša Bijelić said: "Sexuality is a very important part in the lives of adolescents. Based on our work experience with young people we know that they are lacking basic knowledge and skills regarding sexuality and face greater obstacles in accessing valid information and sexual and reproductive health services."

CESI and CRR approached [INTERIGHTS](#), an organisation with expertise in using the law to uphold and advance human rights internationally, to help them bring a collective complaint against Croatia before the [European Committee of Social Rights](#) (ECSR). This complaints mechanism can be used by non-governmental organisations (NGOs) officially recognised by the Committee and allows civil society, on behalf of an affected group, to hold governments to account for breaches of the rights set out in the European Social Charter, even without naming individual victims. INTERIGHTS was qualified to make complaints to the Committee, and had experience using it in other cases, while CESI and CRR had the local and legal expertise necessary to build a strong case.

Christina Zampas, then the head of CRR's European programme, said that the Committee was their best chance at litigating the issue, as few people within Croatia were speaking up about the problems that a limited sex education curriculum might be causing.

"There was a lot of work in the US over abstinence only programmes," she said, "but this was the first international challenge to state failure to provide sex ed, and to this extra-curricular programme which we argued the State had allowed to happen in public schools."

Asked if what was being taught in Croatia was out of the ordinary compared to similar cases she had worked on in the US, Zampas said that the Croatian material posed numerous problems, but mostly contained the same messages about the sinfulness or abnormality of homosexuality and the stereotypical role of women in the family as her US cases had.

“It’s always surprising, shocking, no matter how much you know about it, to see that they [abstinence-only advocates] are promoting this information that could harm kids, and that it’s just not scientifically based,” she replied.

The substance of the complaint

At the heart of their complaint were claims that only a few hours were spent on sex education during ‘Health’ classes, that there was discriminatory language in Biology textbooks aimed at LGBT people and that Teen STAR, not officially associated with the government but operating in many government-run schools, preached that heterosexual marital relationships were the only meaningful, healthy context for sexual activity.

The complaint also included the observation that the evaluation and monitoring of what was being taught in schools was not being carried out by qualified staff and was itself woefully under-resourced, with just 107 staff expected to monitor 1,280 schools. The organisations also noted that these staff were only tasked with monitoring school materials and teaching and that Teen STAR was, at the time, under no direct scrutiny.

Iain Byrne, a lawyer at INTERIGHTS at the time of the complaint, explained that even in the early stages putting together the complaint proved challenging. The three organisations noted that finding teachers willing to talk about what they were teaching and getting hold of curriculum materials was difficult, and so it took several years to gather a useful amount of information. The government could hide behind the fact that the curriculum included sex education across several different subjects and insisted that it was up to the complainants to prove that there was discrimination or failure to include important information.

After several years of research the complaint was submitted by INTERIGHTS in October 2007, alleging that Croatia had breached three articles of the [European Social Charter](#). The complainants alleged that Croatia’s actions did not align with article 11§2 (right to health), article 16 taken alone and in the light of the preamble’s non-discrimination clause (protection of the family); nor with article 17 (protection of children) of the European Social Charter.

Bringing the complaint before the Committee

When the Croatian government was asked to give its opinion on the admissibility of the complaint it released a short reply. It noted that INTERIGHTS had not identified an area where the Committee already had a recognised legal competence, that the organisation’s information was out of date and that the complaint was “biased, inaccurate and incomplete in its use and citation of sources and in its reporting method”.

Despite the government’s objections, the complaint [was declared admissible](#) by the Committee and officially put to the Croatian government in April 2008, giving them until May to write a response and add their observations on the merits of the complaint. The government added that curriculum-based sexual and reproductive health education was integrated into several school subjects, that the amount of time dedicated to the issue was adequate and that in-school teaching was not discriminatory.

The government further argued that elective courses like Teen STAR were not the only options available for schools to add to the sex education they already gave students, as other Christian Orthodox and Islamic courses were also taught.

On 5 March 2009 INTERIGHTS submitted an update on developments in Croatia which potentially affected the case. A new course was being considered for implementation across Croatia as part of mandatory schooling, entitled [Glas roditelja za djecu](#), meaning Parents' Voice for Children, or GROZD for short. This experimental course was created and developed by Ladislav Ilčić, then a partner of the Teen STAR programme in Croatia and now the leader of a conservative political party in the nation's parliament.

The programme, based on the same material as Teen STAR, was chosen from among 13 options by the government for implementation in several schools and put in place alongside another sex education programme put together by what Teen STAR's supporters referred to as the "radical liberal lobby", which put a greater emphasis on the use of contraception.

INTERIGHTS claimed that, as GROZD was closely modelled on Teen STAR, the same complaints they held against Teen STAR would apply to GROZD, with a report from the Croatian Ombudswoman for Gender Equality noting that the GROZD course taught that ["homosexual acts are against the very nature of a sexual act"](#). If GROZD was taught nationwide INTERIGHTS feared that all the problems they saw with Teen STAR would be amplified as every student in the country was exposed to similar educational material. They further pointed out that similar programmes had been criticised not only by Croatia's ombudspersons for Gender Equality and Children but also by the UN Committee on the Elimination of Discrimination against Women.

The decision of the Committee

When the decision came from the Committee most of the arguments put forward by INTERIGHTS, CRR and CESI were denied. The decision held that States have discretion to choose how much time should be spent on sex education and in what ways it should be taught or split between subjects, claiming that the complainants had not sufficiently demonstrated inadequacies in the 'integrated approach' taken by Croatian schools.

While the government did not dispute that no more than 42 hours would be spent on sex education throughout primary and secondary education, the Committee said that it would not use the decision to set a minimum number of hours which a country should dedicate to sex education. The Committee explained that, as many other factors play a part in reproductive health and because the complainants had not shown that more time would be required to raise awareness about sexual and reproductive health to the extent required by Article 11§2 of the European Social Charter, their complaint was dismissed.

Using similar reasoning the Committee also dismissed the complaints relating to the monitoring and evaluation of staff, claiming that the current situation was not incompatible with Article 11§2, which details the need for the promotion of health in education.

The only big win for the complainants came near the end of the Committee's decision, where it addressed the content of the educational material being used in Croatian schools. The decision agreed with the government that a wide margin of discretion should be given to States to set their own agenda on sex education, but singled out several passages from a textbook quoted by INTERIGHTS as discriminatory.

The statements, found in a biology textbook approved by the government, suggested that: "Many individuals are prone to sexual relations with persons of the same sex... It is believed that parents are to blame because they impede their children's correct sexual development with their irregularities in family relations."

The book went on to accuse those engaging in "homosexual relations" as "the main culprit for increased spreading of sexually transmitted diseases (e.g. AIDS)", and compared LGBT people to drug addicts and prostitutes. Throughout the complaint the government maintained that all approved curricula were taught in compliance with domestic law and international standards, though it did not dispute the existence of the material in question.

In no uncertain terms, the Committee blasted the material in the textbook as inappropriate, claiming that "such statements serve to attack human dignity and have no place in sexual and reproductive health education".

The Committee wrote: "By permitting sexual and reproductive health education to become a tool for reinforcing demeaning stereotypes, the authorities have failed to discharge their positive obligation not to discriminate in the provision of such education, and have also failed to take steps to ensure the provision of objective and non-exclusionary health education."

The use of these statements in standard educational materials was deemed to be a violation of Article 11§2 in light of the non-discrimination clause of the Charter's Preamble. Despite statements relating to women that approached the same level of discrimination, relating to single parents and outdated gender stereotypes, the Committee did not find the complainants' arguments developed enough to declare a separate breach of the charter.

Finally, the Committee agreed that extra-curricular courses like Teen STAR and GROZD were not a substitute for the state-approved curriculum and were chosen freely by parents and their children. As GROZD was not yet in place as standard educational material, the Committee held that complaints against it belonged "in the realm of the hypothetical".

Impact

The Croatian government quickly ended the use of the textbook criticised by the Committee and began working on a new health curriculum, including more time spent discussing gender identity and sexual orientation. The new curriculum was rolled out in the autumn of 2012 but was quickly attacked by supporters of Teen STAR and GROZD. Kristina Pavlović, then leading the GROZD programme and now in charge of Croatia's Teen STAR group wrote that

the new material “introduced by the socialist government, included the promotion of [homosexuality, pornography, promiscuous behavior and \(disguised\) pedophilia](#)”.

The campaign against the newly imposed sex education modules leafleted supermarkets and used members of the church, with a Christmas sermon delivered by one archbishop relating almost entirely to the new sex education curriculum. In April 2013 GROZD took a case to the Constitutional Court, claiming that there had not been sufficient consultation about the new programme, violating the right of the Croatian people to have their say and the right of parents to raise and educate children in line with their beliefs.

The [Constitutional Court agreed](#), suspending the new curriculum and effectively halting in-school sex education in Croatia. The court did not assess the contents of the curriculum, but found that the Ministry of Science, Education and Sport had failed to comply with procedural requirements for adopting the new programme. While liberals claimed that the decision was [made exceptionally quickly compared to other cases](#), they also noted that it set a high standard for transparency and inclusiveness in future government decision-making.

According to [a joint submission](#) by the Center for Reproductive Rights and CESI to the UN Committee on the Elimination of Discrimination against Women, religious groups still campaign against more liberal sex education. Teen STAR founder Dr Hanna Klaus and current leader Kristina Pavlović explained in emails to CRIN that Teen STAR was no longer taught in schools as it was far easier to teach the programme in parishes across the country, adding that no changes were made to the Teen STAR curriculum after the ECSR decision as the Committee did not rule on the content of extra-curricular material.

The pair were reluctant to speak about same-sex relationships but both suggested that heterosexual relationships were “the only biological path to the transmission of life”, and that “a child needs both parents for its [sic] development – mother and father”. Pavlović also pointed out that Teen STAR and GROZD still have authorisation to operate in schools, and will soon be seeking a recommendation from the Ministry of Science, Education and Sports (MSES) on how to begin teaching in schools again.

Ladislav Ilčić, GROZD co-founder and champion of the [referendum banning same-sex marriage](#), was elected to the Croatian Parliament in late 2015 as part of a right-wing coalition. In a document describing the battle over sex education he wrote: “The past [MSES] minister invited liberal human rights and homosexual organizations to introduce civic education in schools. Again they want to re-educate our children for their world view, but our side insists on parents’ rights to choice”. Despite the work against the ideas in the Teen STAR programme it remains active in Croatia, with the organisation highlighting [three training courses it ran in 2015](#) in its latest newsletter.

Bijelić, speaking for CESI, noted that reform was being considered by the government, with a group of experts working on a revised curriculum. She said: “In this new curricular reform we have an intercurricular subject named “Health” where emphasis is just on medical issues regarding sexuality (STDs, protection, etc). There is no mention of social or psychological side of sexuality, sexual violence, gender stereotypes and roles or LGBTIQ [rights]”.

Regarding the effect of the complaint to the European Committee, Bijelić remained sceptical, noting that much of the progress made was undone by religious activists. Zampas, while more optimistic about the long-term effects of the decision, noted that change could only come as part of a concerted, long-term effort, particularly through engaging with students and parents.

She added: “There isn’t a silver bullet. Not strategic litigation, it’s not only working with donor countries where there’s a lot of bilateral donors, it’s not only working with legislatures, I think it’s everything together. You have to have a combined approach so there’s a lot of space for different players to advocate for change in different ways.”

Fact box: The collective complaints procedure

- Can be used when a State ratifies the [Additional Protocol to the European Social Charter for the complaints procedure](#).
- International NGOs may use the system if given participatory status with the Council of Europe and national NGOs may bring complaints if they are recognised by their State.
- National organisations can work with international NGOs that have participatory status to file a complaint.
- Complaints relate to the unsatisfactory application of specific provisions of the Charter accepted by a State, do not need to name specific victims and can be used without exhausting all domestic remedies first.

For more information, see [CRIN’s website](#).

Further information

- Read CRIN’s case summary of [INTERIGHTS v. Croatia](#).
- Find out more about [strategic litigation](#).
- See CRIN’s [country page on Croatia](#).
- Read CRIN’s report on [access to justice for children in Croatia](#).

[CRIN’s collection of case studies](#) illustrates how strategic litigation works in practice by asking the people involved about their experiences. By sharing these stories we hope to encourage advocates around the world to consider [strategic litigation](#) to challenge children’s rights violations. For more information, please visit:

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