

GENDER-BASED VIOLENCE IN UNIVERSITIES AND RESEARCH ORGANISATIONS

NATIONAL FIELDWORK REPORT

Country: Croatia

Researcher: Sanja Sarnavka

Date: 06/05/2021

1. INTRODUCTION

Until recently, the problem of gender-based violence in universities and research organisations has been completely invisible and not targeted properly by legislation or the academic world. There was only one publicly known case of a higher assistant who was harshly harassed by his colleagues and his mentor due to his sexual orientation.¹ Even the Women's Room, the only counselling centre for victims and survivors of sexual violence, has had during their 18-year existence only a few cases of students who called them and just wanted to get psychological support but did not want to disclose their names or names of professors who harassed them. Things started to change in January 2021, after a Serbian actor accused a publicly famous drama professor of sexual abuse while she was a minor and a student in his private school. In a couple of weeks, more than thirty thousand members joined a Facebook group *Nisam tražila/Did not ask for it* with stories of both actresses and students who survived sexual harassment during their youth, adolescent age or early womanhood by their superiors, especially professors. At the same time, the media started to investigate². The Dean of the Academy of Dramatic Art invited students to report cases of sexual harassment and abuse. Soon, she reported that 29 complaints were received, the majority from former students and predominantly anonymous. Several faculties followed her initiative.³ The only concrete thing that has happened so far was a decision at the Faculty of Dramatic Arts to forbid contact with students to one male professor and not to sign a new contract with one visiting professor. At the Faculty of Law, first, an informal group gathered to draft Rules of Procedure for such cases, and then the Dean appointed several of them to the formal group who will draft this document. Women's NGOs succeeded in persuading the Government to finally develop a new five-year strategy on gender equality where the problem of GBV in universities will be addressed. Croatia does not have such a policy paper since 2015.

¹ He was supported by two LGBT NGOs and the Ombudsperson for Gender Equality. With their help, he won the case against the Faculty of Organization and Computer Sciences in Varaždin in 2015, but left the country disgusted with all the things that he had to go through. Due to the small compensation, the court decided he is due to receive, and he approached the ECtHR. His case was accepted by the Court to be reviewed in the future, retrieved from an e-mail sent by LGBT NGO Kontra

² They discovered that a professor who was accused by a student of sexual harassment was given a status of emeritus by the Rector of the Zagreb University, albeit she filed a complaint which he had been aware of but did not do anything about it.

³ Faculty of Humanities and Social Sciences (7 complaints), Academy of Fine Arts (15 complaints), and Faculty of Veterinary Medicine (12 complaints on one professor). Police informed that they were starting an investigation. However, so far, no findings were disclosed to the public. Rector rejected to put the issue on the agenda of the Senate session, and a majority also declined the demand of several professors to vote for the Rector's dismissal.



2. MAPPING OF POLICIES AND LEGAL FRAMEWORKS

No national legislation addressing explicitly GBV towards students in universities and research organisations exists. There are general provisions in several acts which could be applied in such cases. The Anti-Discrimination Act defines sexual harassment in Article 8 as any form of unwanted verbal, non-verbal or physical conduct of a sexual nature that occurs with the purpose or effect of violating the dignity of a person, in particular when creating an unpleasant, hostile, degrading or offensive environment. So does the Gender Equality Act.⁴ The Labour Act prescribes the implementation of protective measures and relevant procedures against discrimination and sexual harassment in the workplace. Criminal Procedure Act, besides general provisions for all victims of crime⁵, introduced special rights for vulnerable categories of victims: victims of offences punishable by five years of imprisonment or more, children victims of crime and victims of sexual offences (Getoš Kalac, Roksandić Vidlička, Burić 2020). Among the latest amendments to the Criminal Code, following Art. 36 of the Istanbul Convention, sexual harassment was recognised as a new offense.⁶

According to the Act on Student Council and Other Student Organisations, which was adopted by the Croatian Parliament on 21 June 2007, and came into force in 2008, students councils elect student ombudsperson for one year mandate. His/Her role is to try to resolve issues related to relationships within academia and to protect students' rights and freedoms.⁷ Recently elected ombudsperson at the University of Zagreb announced that he plans to deal with the issue of sexual harassment and abuse and thinks that there have not been established channels for students to report individual cases⁸. Response to a question asked by Srednja.hr, the news



⁴ Article 8: (1) Harassment and sexual harassment shall be deemed to be discrimination within the meaning of this Act.

(2) Harassment is any unwanted conduct related to the sex of a person that occurs with the purpose or effect of violating the dignity of a person and of creating an unpleasant, hostile, degrading or offensive environment.

(3) Sexual harassment is any form of unwanted verbal, non-verbal or physical conduct of a sexual nature that occurs with the purpose or effect of violating the dignity of a person, in particular when creating an unpleasant, hostile, degrading or offensive environment.

⁵ Art. 43, Para. One list, in a general fashion, rights of victims of crime. Some of them are: access to victim support services; efficient psychological and other professional assistance and support of the victim support system; protection from intimidation and retaliation; protection of the dignity of the victim when testifying; to be heard without unjustified delay after the complaint with regard to a criminal offence has been made and to be further heard only insofar as this is necessary for the purposes of the criminal proceeding; to be accompanied by a person enjoying his/her confidence when taking part in any acts; to be subject to a minimum number of medical interventions and only where strictly necessary for the purposes of the criminal proceedings...

⁶ It is regulated in Art. 156: (1) Whoever sexually harasses another person who is his or her subordinate or who is in a situation of dependence with respect to him or /her or who is especially vulnerable due to age, illness, disability, addiction, pregnancy, a severe physical or mental disability, shall be punished by imprisonment not exceeding one year.

(2) Sexual harassment shall mean any form of unwanted verbal, non-verbal or physical conduct of a sexual nature which aims at or effectively constitutes a violation of the dignity of a person, which creates an intimidating, hostile, degrading or offensive environment.

(3) The criminal offence referred to in paragraph 1 of this Article shall be prosecuted upon request.

⁷ As it is written on the website of the Zagreb University. At the same site, there is a statistic without a date or number of respondents, but 54% answered that they do not know if there is a student ombudsperson at their faculty, and 46% claim that their rights were violated, but they did not take any action. Retrieved from www.unizg.hr/studiji-i-studiranje/podrska-studentima/studentski-pravobranitelj/

⁸ Interview published on 13 April 2021, on the web portal Srednja, www.srednja.hr/faks/novi-pravobranitelj-zagrebckih-studenata-otkrio-nam-sto-ce-uciniti-glede-seksualnog-uznemiravanja-na-faksevima/

portal focused on education, confirmed his statement – out of 843 respondents. 82,68% stated that they have no information, and only 17,32% were informed on how and to whom they can report sexual harassment on their faculties. Since February 2012, many faculties woke up and started to organise more effective measures in order to protect students and staff from GBV.⁹

Rules of Procedure in Cases of Sexual Violence, in the section where obligations of the competent authorities (the police, social welfare centres, health care, judicial bodies, and educational institutions) are described, only kindergartens, primary and secondary schools, and pupils' homes are mentioned.

3. DEBATES REGARDING #METOO AND THE ISTANBUL CONVENTION

The media covered #metoo movement significantly, but without any reflections on the situation in Croatia.¹⁰ It was something happening far away, not having anything to do with us. Only recently, and just sporadically mentioned, we might have learned that the Executive Committee of the International Federation of Actors (FIA) unanimously approved a Declaration on sexual harassment, discrimination and retaliation in the entertainment and media industries, which was actually issued in 2017 in Zagreb, Croatia, on behalf of the Federation's 87 affiliated unions and performer organizations representing hundreds of thousands of actors and performing artists in more than 60 countries worldwide.¹¹

Recent events evoked the #metoo movement, and a majority of the media named them as the awakening of the #metoo movement in Croatia and the region.

The Istanbul Convention was a completely different story. During the last five years global radical conservative movement has been growing, and Croatia joined with several initiatives and NGOs (Vučković Juroš, Dobrotić, Flego 2020). They wanted to become one of the leading forces to promote Agenda Europe. They infiltrated political parties and became vocal and influential forces (Datta 2019). They claimed that the IC is undermining traditional values and national identity. Term gender became the most dangerous enemy. Catholic Church used every opportunity to attack horrors that will cause ratification. However, equally vocal were pro-Convention civil initiatives, and In the end, due to the intention of the Prime Minister to have his party member elected Secretary-General of the Council of Europe, albeit the split in his party.¹², the document was ratified on 13 April 2018, with 110 votes in favour, 30 against and two abstentions. The Parliament also adopted an interpretive statement which states that the purpose of the convention is the protection of women against any form of violence, that its provisions do not contain any obligation to introduce 'gender ideology' in Croatia's legal and



⁹ Immediately, upon media revealing cases of GBV in Croatia, the Faculty of Law in Zagreb issued a Decision on appointing two professors to act as trustees in cases of protection of students' dignity. The decision was issued on 4 February 2021.

¹⁰ Several male public figures (president, male anchorperson, etc.) expressed openly that rich actresses should not be supported as they do not leave their beds for less than ten thousand dollars. Only poor women, in their opinion, deserve empathy and protection.

¹¹ The Declaration, authored and sponsored by the American performers union Screen Actors Guild-American Federation of Television and Radio Artists (SAG-AFTRA), recognizes the rights of all performers to a safe and harassment-free working environment and urges the industry to work in good faith with unions and performers organizations to develop a long-term strategy to achieve discrimination, harassment and retaliation-free work environments.

¹² Ruling party for more than 20 years in Croatia, HDZ, Croatian Democratic Union – conservative party

education system, and that the convention is in line with Croatian constitutional provisions, notably those concerning the protection of human rights and fundamental freedoms.

4. PUBLIC OPINION ON GBV

No relevant research has been conducted so far. But, in 2019, after the sequence of severe domestic violence incidents, a protest was organised.¹³ And more than 30.000 people joined. Facebook group @spasime brought together 50.000 survivors of violence, and it has continued to exist up to date. After a group rape of a minor girl in a small town, even bigger protests were held in October all over Croatia.¹⁴ These days, nobody dares to say that violence may be justified in any way, but sanctions from the part of the state and society do not prove true determination to sanction perpetrators and prevent future violence.

5. IMPACT OF COVID-19 ON DISCUSSIONS ABOUT GBV

State institutions ignored the problem of GBV, and no warnings expressed by human rights organisations urged them to introduce additional measures of support to victims during the lockdown. Women's groups were informing the public and decision-makers through the media how other countries introduced new means of support to victims.

6. CONCLUSION

Since January 2021, both the general public and decision-makers became aware of the lack of adequate response to GBV in universities and research organisations due to reaction to a confession of an actress in Serbia and the unprecedented response of many survivors of sexual violence faced as students. Several faculties responded immediately, but it is still a long way to go before we can claim that all measures have been in place at all levels. Power relation between students and professors, without legislative measures and true intention of their implementation, will remain unchallenged. Patriarchal societies, as Croatia is, tend to accept myths that put the blame on victims and forgive offenders easily, especially when they occupy respectable positions. Special focus should be put on prevention, and only a few faculties have done anything at that level so far.¹⁵ Provision of services remains a problem. If faculties will not invest in securing funds for counselling and support to survivors of GBV, long term harmful consequences will be present in the lives of many. All in all, the process of addressing the 7P model of GBV in Croatia will be slow without constant monitoring and advocacy for necessary changes.

¹³ On March 16, 2019, a protest was organised by a group of women, and Prime Minister, after witnessing the unexpected response of citizens, came to the protest and invited organizers to come to the Government and discuss problems and necessary improvements.

¹⁴ On 19 October 2019, protests were organised in several cities and towns in Croatia with a slogan *Justice for girls*, against sexual violence against girls, after the court's decision not to keep the suspects of the group rape in custody.

¹⁵ The University of Rijeka has made the biggest progress in that direction. At the beginning of January 2019, the University of Rijeka commenced the implementation of a project named "Supporting and Implementing Plans for Gender Equality in Academia and Research" (SPEAR). Retrieved from <https://uniri.hr/en/spear/>.



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This project has received funding from the European Union's Horizon 2020 research and innovation programme under grant agreement No 101006261.

The contents of this publication are the sole responsibility of Institute of Sociology of the Czech Academy of Sciences and do not necessarily reflect the opinion of the European Union.

