



REPUBLIC OF CROATIA  
GENDER EQUALITY OMBUDSPERSON

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OFFICIAL REPORT FOR 2004

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Zagreb, March 2005

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## PART ONE

### INTRODUCTION

In the Gender Equality Law (hereinafter: GEL) effective on July 30, 2003 (The Official Gazette 116/03), Croatia, taking the espoused constitutional principle of gender equality as one of the fundamental values of the constitutional order of the Republic of Croatia, established a special independent and autonomous body, the Gender Equality Ombudsperson, which:

- monitors the implementation of the GEL and other gender equality regulations,
- reviews cases of violation of the gender equality principle, cases of discrimination against individuals or groups of individuals committed by bodies of state administration, units of local and regional government and other public authority bodies, their employees and other legal and physical persons,
- is authorized to request reports and other necessary information from the bodies of state administration, units of local and regional government, other public authority bodies and other legal and physical persons, and, when the request is not complied with, to ask for work inspection by a relevant body,
- has access to documentation regardless of the level of confidentiality,
- warns, proposes and gives recommendations in his or her scope of work,
- files a complaint to the relevant state attorney's office, if he or she possesses knowledge about violations of the GEL provisions with elements of a criminal act,
- has the right to file a motion for initiating procedures of the evaluation of the constitutionality of laws and other regulations, if he or she determines that the principle of gender equality has been violated,
- proposes initiation of procedures of regulative changes, if he or she determines that the principle of gender equality has been violated because of noncompliance with the GEL,
- can request expert help from research and scientific experts and institutions.

The Official Report on the work of the Gender Equality Ombudsperson is an annual report submitted to the Croatian Parliament by March 31 of the current year, in accordance with Article 21, para. 1 of the Gender Equality Law and Article 18 of the Rules of Procedure of the Office of Gender Equality Ombudsperson (The Official Gazette 29/04).

## PART TWO

### WORK INDICATORS OF THE GENDER EQUALITY OMBUDSPERSON FOR 2004

#### II.1. GENERAL INDICATORS

During 2004, the Gender Equality Ombudsperson took action in a **total of 3739 cases**, which are in this part of the report shown in a table, and later will be divided by areas of work of the Gender Equality Ombudsperson.

Table 1

Area	2004	Received/opened	Resolved	Unresolved
Discrimination in the area of work and employment (The Law on Civil Servants) <sup>1</sup>		3		3
Discrimination in the area of work and employment (The Labor Law) <sup>2</sup>		28	23	5
<b>Total 01</b>		<b>31</b>	<b>23</b>	<b>8</b>
Primary education		5	1	4
Education - other		41	21	20
<b>Total 02</b>		<b>46</b>	<b>22</b>	<b>24</b>
Parental care		9	6	3
Violence in the family		38	31	7
<b>Total 03</b>		<b>47</b>	<b>37</b>	<b>10</b>
Media contents		95	1	94
Conveying statements/attitudes		1		1
Media - other		4	4	
<b>Total 05</b>		<b>100</b>	<b>5</b>	<b>95</b>
State bodies		27	2	25
Legal entities owned by the state		134	52	82
State and other bodies - advertisements		32	32	
<b>Total 06</b>		<b>193</b>	<b>86</b>	<b>107</b>
Units of local and regional government		1,140	857	283
Legal entities owned by units of local and regional government		1,901	350	1,551
Units of local and regional government - job advertisements		44	39	5
<b>Total 07</b>		<b>3,085</b>	<b>1,246</b>	<b>1,839</b>
Other legal entities - advertisements		86	80	6
<b>Total 08</b>		<b>86</b>	<b>80</b>	<b>6</b>
Civil society		8	7	1
<b>Total 09</b>		<b>8</b>	<b>7</b>	<b>1</b>
Discrimination -other / direct		7	5	2
GE - other / indirect		2	2	

<sup>1</sup> The Law on Civil Servants (The Official Gazette 27/01)

<sup>2</sup> The Labor Law (The Official Gazette 137/04 – full text)

Total 10	9	7	2
Total - Work of the Office 11-14	134	113	21
TOTAL 01-14	3,739	1,626	2,113

The Gender Equality Ombudsperson took action in the above mentioned cases by monitoring the implementation of the GEL and other gender equality regulations.

The structure of complaints shows that the priorities of the Gender Equality Ombudsperson were determined by and dependant upon deadlines prescribed by the GEL (Article 11 and 30 - adoption of operational plans for the promotion and establishment of gender equality). Without the implementation of these provisions, it is unreasonable to expect that the purpose of the Law will be achieved.

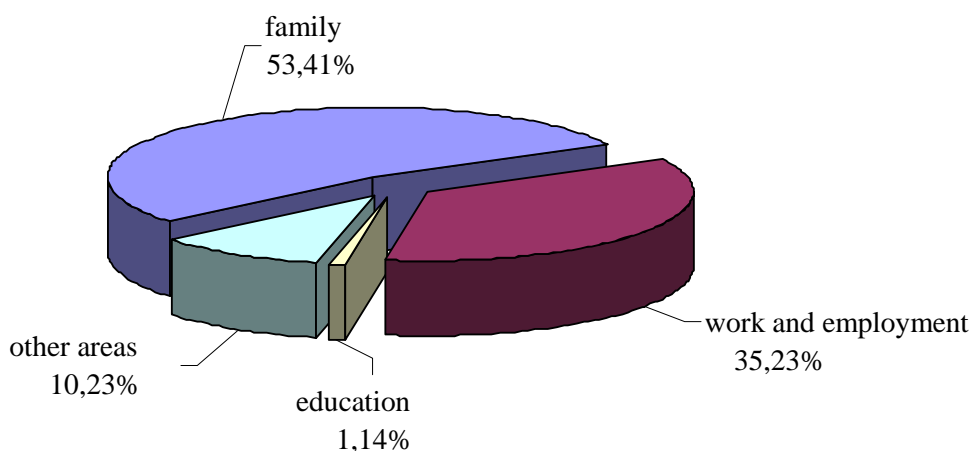
The second priority was the need to present the idea of gender equality and implementation of the GEL and other regulations to as many legal and physical persons as possible, especially state bodies, legal entities with public authority, legal entities predominantly owned by the state and units of local and regional government, which must evaluate the impact of their work and behaviors on the position of women and men. That is why the Gender Equality Ombudsperson not only monitored the implementation of the GEL through numerous warnings, recommendations, public and media statements and meetings, but also promoted it.

## II.2. STRUCTURE OF COMPLAINTS

In 2004, there were 88 complaints to the Gender Equality Ombudsperson, in the following areas:

- family in 47 cases or 53.4 %,
- work and employment in 31 cases or 35.2 % ,
- education in 1 case or 1.1 % and
- other in 9 cases or 10.3 %.

Graph 1



Structure of complaints by counties and the City of Zagreb in 2004

Table 2

County/City if Zagreb where the complainant resides	Number of complaints	%
City of Zagreb	34	38.6
Zagrebačka	4	4.6
Karlovačka	5	5.7
Sisačko-moslavačka	5	5.7
Bjelovarsko-bilogorska	1	1.1
Virovitičko-podravska	1	1.1
Koprivničko-križevačka	3	3.4
Krapinsko-zagorska	2	2.3
Međimurska	1	1.1
Osječko-baranjska	4	4.6
Varaždinska	2	2.3
Požeško-slavonska	3	3.4
Brodsko-posavska	1	1.1
Vukovarsko-srijemska	2	2.3
Primorsko-goranska	2	2.3
Istarska	5	5.7
Zadarska	6	6.8
Ličko-senjska	0	0.0
Šibensko-kninska	0	0.0
Dubrovačko-neretvanska	6	6.8
Splitsko-dalmatinska	1	1.1
<b>Total</b>	<b>88</b>	<b>100.0</b>

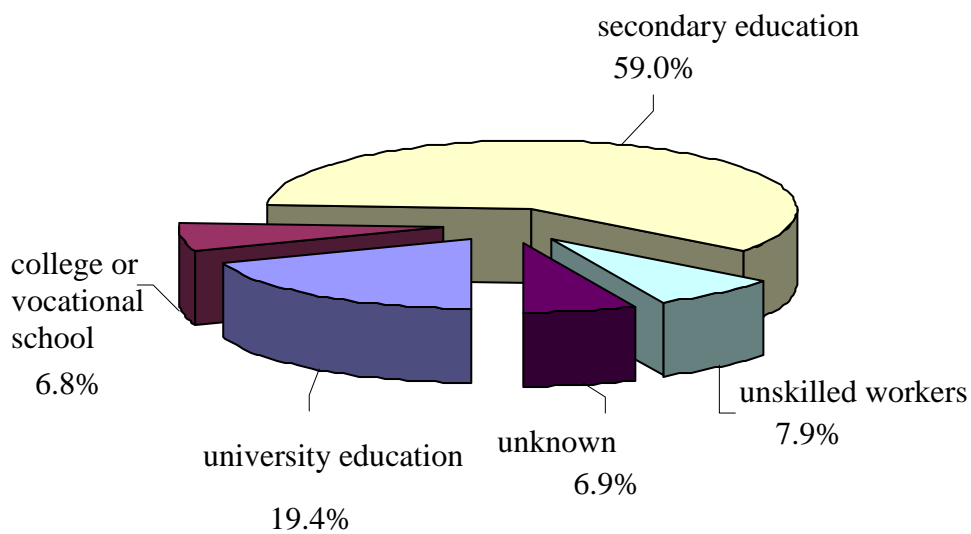
The complainants by marital status:

- married women in 43 cases or 48.8% ,
- singles in 11 cases or 12.5% ,
- married men in 1 case or 1.1% ,
- extramarital partnership in 5 cases or 5.8% ,
- widower in 1 case or 1.1% ,
- divorced men in 3 cases or 3.4% ,
- divorced women in 16 cases or 18.3% ,
- former extramarital partner in 1 case or 1.1% and
- unknown in 7 cases or 7.9% .

**Complainants by vocation/degree in education:**

- 19.4 % cases with university degree,
- 6.8 % cases with college or vocational school,
- 59.0 % cases with high school ,
- 7.9 % cases with primary school (unskilled labor) and
- 6.9 % cases - unknown.

Graph 2



In 44 cases or 61.3 %, the complainants were **employed**, 36 or 40.9 % were unemployed, whereas for 8 cases or 9.0 % this information is unknown.

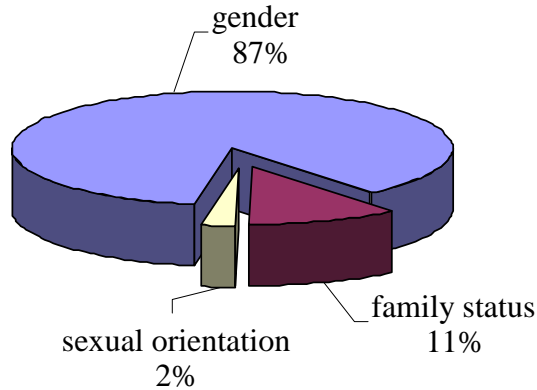
**Complainants** were mostly women (84 or 95.4 %), whereas in 4 cases or 4.6 % they were men.

**The grounds** for discrimination were:

- gender in 76 cases or 87 %
- family status in 10 cases ili 11 %
- sexual orientation in 2 cases or 2 %



Graph 3



### PART THREE

#### III.1. DISCRIMINATION IN THE AREA OF WORK AND EMPLOYMENT - COMPLAINTS

##### DISCRIMINATION IN THE AREA OF WORK AND EMPLOYMENT

A significant part of the work of the Gender Equality Ombudsperson in this reporting period was related to the monitoring of the implementation of the GEL and other gender equality regulations. The Gender Equality Ombudsperson considered cases of violation of the gender equality principle<sup>3</sup> and discrimination against individuals in the area of work and employment committed by bodies of state administration, units of local and regional government and other public authority bodies, their employees and other legal and physical persons.

The Gender Equality Ombudsperson also reviewed cases of harassment and sexual harassment as forms of discrimination, in accordance with Article 8 of the Gender Equality Law (The Official Gazette 116/03), as well as cases of discrimination on the grounds of gender, marital and family status, and sexual orientation, which are, as forms of discriminatory behavior, prohibited by Article 6 of the GEL, Article 21 of the Law on Same-sex Partnerships (NN 116/03), and Article 4 of the Labor Law (The Official Gazette 137/04 - full text).

The Gender Equality Ombudsperson is approached by women whose employers ask them discriminatory questions about pregnancy, family and marital status during job interviews, at the same time letting them know that they are not desirable candidates because it is assumed that they will go on sick leaves more often than men, will cost the employer more, and the like. Although in these cases the Gender Equality Ombudsperson, acting with her legal authority, cannot force employers to change their decisions, she can issue warnings and recommendations informing

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<sup>3</sup> Article 5, GEL – Gender equality means that women and men are present in all spheres of public and private life, and that they have equal status and opportunities for exercising their rights, and equal benefits from achieved results.

Article 6, para. 1, GEL - Discrimination on the grounds of gender is any normative or real, direct and indirect differentiation, exclusion and limitation based on sex that hinders or undermines equal acknowledgment, exercise or achievement of human rights of men and women in political, educational, economic, social, cultural, civic or any other sphere of life.

them about their legal obligations regarding the principle of gender equality, discrimination ban and possible practical consequences, such as the right of the job candidate to compensation of damages, which is also made known to the complainant.

The greatest number of cases were related to harassment and sexual harassment at the workplace. In monitoring the implementation of the GEL and other regulations related to work and employment, some of the activities of the Gender Equality Ombudsperson included monitoring employers and giving them warnings and recommendations:

- related to the employer's obligations regarding advertising job vacancies,
- related to the employer's obligations to protect the dignity of employees (protection of employees from harassment and sexual harassment).

In cases of complaints about the protection of dignity of employees, in practice employers do not undertake preventive measures. In almost all cases, the Gender Equality Ombudsperson determined that the employer failed to fulfill the legal obligation of protecting employees from harassment and sexual harassment. For example, employers either did not provide employees with facilities for personal hygiene at all or the current facilities were inadequate and did not ensure dignity of employees, the procedures and protective measures for dignity of employees were not regulated by official legal documents, the confidential procedural advisor was not appointed and finally, harassment and sexual harassment were not understood or treated as discrimination.

In cases in which the employer has regulated the procedure and measures for the protection of dignity of employees by legal documents, and even appointed the advisor, the procedure following the employee's complaint is formally initiated, but its implementation, numerous oversights and failure to take measures to prevent further harassment point to a violation of legal provisions prohibiting harassment and sexual harassment as a form of discrimination.

In cases when the discrimination is committed by senior staff, the employer as a rule refuses to acknowledge the presence of discrimination and protection is not provided.

The most serious problems so far are rights of pregnant women and mothers of under-aged children, on several levels:

1. discrimination in employment,
2. fixed employment contracts,
3. return to work after maternity leave, most often at less-valued positions,
4. termination of employment contract.

Apart from the above described discriminatory approach to employing women, discrimination is most often committed by concluding a fixed employment contract with female employees, extending it until the woman announces her pregnancy and then, after the last fixed employment contract expires, terminating her employment.

Although this practice is formally legal, it is clear that this is a wide-spread discriminatory treatment for which the legislator must find an adequate legal solution.

Therefore, employers are misusing an otherwise neutral legal norm - the possibility of concluding a fixed-term employment contract - by applying it to pregnant women.

In addition, it must be noted that fixed employment contracts are often concluded for jobs whose description requires permanent employment contracts. This is a violation of the legal provision stipulating that fixed employment contracts are to be concluded only for those jobs whose duration is determined in advance due to objective reasons, as defined by a deadline, completion of a specific task or performance of a specific event. Fixed employment contracts are sometimes extended as many as 7 times.

Article 79 of the Labor Law stipulates that a female employee using a maternity leave, adoption leave or shorter working hours, is entitled to return to the same position she occupied before she

began using these rights. If there is no longer a need for her position, the employer is obliged to offer her an employment contract for other suitable jobs.

The Gender Equality Ombudsperson has received complaints by women who had been transferred, after returning from maternity leave, to utterly unsuitable and as a rule undervalued positions, with inadequate working conditions.

There is an increasing number of cases in which employers, after finding out that a female employee with a permanent work contract is pregnant, start pressuring her with various forms of unwanted behavior aimed at or presenting a violation of her dignity. Such behavior causes fear or unfriendly, humiliating or disparaging environment (harassment), and forces the employee to "voluntarily" sign a new fixed employment contract, after whose expiration the employee loses her job.

In some cases it is clear that the complainant has experienced damaging effects after speaking out in public about gender discrimination committed against her. For example, her employment contract was not extended, which is prohibited by Article 2 of the Labor Law.

## EXAMPLES OF TYPICAL COMPLAINTS

**1. Case summary (PRS 01-02/04-16):** L. L. and B. B. submitted a complaint against the head of the public institution P.P.V.J. (hereinafter: institution) G. P. for harassment and sexual harassment, in which they described, in addition to his violations of employment rights, his public expressions of distrust of women (he claimed that they are inferior to men and that they are not people because "when you see a group of men, you say "there are people there", and when you see a group of women, you say "there are women there" - therefore, the logical conclusion is that women are not people"), his refusal to acknowledge any business accomplishments by women and attributing their accomplishments to himself, intimidation, torture, insulting them (calling them "hens", human trash), ridiculing them, removing them from tables where men are sitting, walking with unzipped pants, up until the incident in which he spit L. L. in the face, kicked her out of the office and beat her, which lasted around a year and a half, threatening her with murder and attempting sexual assault (and physical violence, after being turned down by her).

**Measures undertaken:** The Gender Equality Ombudsperson asked the complainants for additional explanations regarding the period in which their rights were violated, having in mind the date on which the GEL came into effect. She also obtained the report with documentation from the Police Directorate, Department of Criminal Police, Institution and relevant ministry.

By analyzing the obtained documentation, the Gender Equality Ombudsperson concluded that the principle of gender equality has been violated and that the complainants were discriminated against on the grounds of gender. In accordance with Article 22, para. 1 of the GEL, she warned the Institution about this, stressing that the employer failed to prevent further discrimination, although he knew or must have known that the employees contacted various institutions for help (which is especially questionable because some criminal charges were already brought against G.P. on the basis of some acts mentioned in the complaints). She also noted that the employer did not comply with the explicit request from the Gender Equality Ombudsperson to submit statutes and by-laws of the Institution, which is a violation of Article 22, para. 2 of the GEL, so that it is not possible to determine whether they are harmonized with the anti-discriminatory provisions of the Labor Law and other regulations. In addition, the Gender Equality Ombudsperson recommended to the Institution to undertake all necessary measures to implement the provisions of the Labor Law and Gender Equality Law related to the protection of dignity of employees and protection from gender discrimination, and to inform all responsible about the oversights. She also notified the complainants and relevant ministry about the actions she has carried out. She also recommended to the relevant ministry to investigate the case with due diligence and take appropriate measures within its jurisdiction.

**Outcome:** Unknown until the end of the reporting period.

**Note:** G.P. was relieved of duty in March 2005.

**2. Case summary (PRS 01-02/04-28):** R. K. from B. submitted a complaint in which she claims that, among other things, the CEO of the trade company Z. insulted and humiliated her during pregnancy by saying: "You drag yourself around the store like a beaten cat, why didn't you admit

you were pregnant when you were taking over the store?", and that, because she is pregnant, and after a special staff meeting he called, she was forced to sign a fixed employment contract (until then, she was employed on the basis of a permanent employment contract), after whose expiration she lost her job. She claims that she was told that a pregnant woman cannot manage a store, adding that all the female managers were degraded, while only the male manager retained his position, and that they were systematically disparaged and humiliated.

**Measures undertaken:** After analyzing the claims from the complaints and available documentation, the Gender Equality Ombudsperson concluded that the principle of gender equality has been violated and that discrimination on the grounds of sex was committed against the complainants, because the behavior of the CEO towards the pregnant R. K. caused fear and humiliating and insulting working environment, and resulted in violation of the employee dignity and termination of her employment, particularly the substitution of the permanent employment contract with the fixed employment contract. Within her legal authority granted in Article 22, para. 1 of the GEL, the Gender Equality Ombudsperson warned the employer that he has not regulated the procedure and measures for the protection of dignity of employees at the time of the events in question by harmonizing the working rules and regulations with the provisions of the Labor Law in accordance with Article 81 of the Law on Amendments to the Labor Law (The Official Gazette 114/03), and that he has, during the employment of the complainant, for work of equal value paid different wages to female managers than to male ones, contrary to the provisions of Article 89 of the Labor Law (The Official Gazette, 137/04 - full text). Such behavior on the part of the employer points to a violation of the legal gender discrimination ban and direct exclusion of pregnant women from the workplace. She gave the employer the following recommendations: that, in order to avoid possible discrimination at the workplace in the future, he must apply the provisions of Article 89 of the Labor Law on equality of pay of women and men for equal work and work of equal value, to undertake all necessary measures to implement provisions of the Labor Law and GEL related to the protection of dignity of employees and from gender discrimination, and to familiarize all relevant persons with oversights determined so far. She also informed the complainant about the sent warning.

**3. Case summary (PRS 01-02/04-02):** R. U. from U. submitted a complaint about the company I. from U. because of discrimination at the workplace based on her pregnancy and birth. She claims that, after the completed education, and on the basis of a contract concluded with the employer, she has worked in the company in question since 1984, as the only person on this position with necessary skills. She says that the problems arose when she got pregnant in 1997, had a difficult pregnancy and could not move for the last four months, but managed to give birth to a healthy infant. Upon return from maternity leave, she found that the company hired another person for her position, with poorer skills, and she was forced to sign a new employment contract, in which she is defined as excess labor due to new business management and schedule, otherwise she would get fired (which was written in the contract; the contract also said that there is no longer a need for her position). She discovered that this was done in order to secure a certain individual a better paid position before retirement, and that other "job transfers" were all done to achieve this aim. She was transferred to the Department of Internal Services where excess employees were transferred, and she did not sue because of her unfavorable material situation and health, and that the head of human resources at the time promised her, familiar with the injustice committed against her, that the first vacant position will be reserved for her, but he left the company very soon after that. She says that she received minimal wage for three years and that she was a replacement for someone for a few days, and that after three years, she was offered a contract for a position with lower skills, for which she did not meet the requirement of knowledge of one foreign language, nor could perform it because of her health problems, or work the night shift because of a small child, but she signed it when she received the decision on the termination of employment with the changed conditions. Immediately after she signed it, she submitted a request for transfer to another position, but instead of a reply, the head of human resources told her in conversation that she remains excess labor until appropriate position opens up (although she later found out that at the time there was a vacancy at the position she worked on before maternity leave). No one called her to come to work, she received wages for two months, as well as bonuses for meals and holidays, and finally she received the termination of the employment contract at her home address because of violation of work duties, full of lies and without warning or possibility of defend herself. She claims that the municipal court has reached a decision in her favor after she filed a lawsuit, but the county court overruled it in favor of the company. She says that she was hurt by the lies that she violated work duties and by the fact that she was shunned for 3 years. R.U. asked the Gender

Equality Ombudsperson for her opinion of her intention to file a lawsuit to the Constitutional Court, and requested other legal and expert help.

**Measures undertaken:** After considering the complaint and accompanying documentation, the Gender Equality Ombudsperson determined that she is not authorized to act in the case in question, because the events took place before the GEL came into effect. She informed the complainant about this, and directed her attention to relevant provisions of the Croatian Constitution, the Constitutional Law on the Constitutional Court of the Republic of Croatia and GEL.

**Outcome:** Unknown until the end of the reporting period.

**4. Case summary (PRS 01-02/04-05):** The Ministry of Family, War Veterans and Intergenerational Solidarity passed on a complaint made by I. M. from V. about her employer - public company H.L. - in which she claims that she was fired because she went on a maternity leave, which put the whole family in a serious financial situation, due to which they cannot afford to have more children.

**Measures undertaken:** With the consent of I. M., the Gender Equality Ombudsperson requested on two occasions and obtained from the employer the documentation and report related to the case in question. After analyzing the documentation, employer's statement and existing regulations, the Gender Equality Ombudsperson sent to the employer a warning with recommendations and suggestions. A fixed employment contract was extended to I. M. seven times, and, because she was on sick leave to protect her pregnancy around the expiration date of the last contract, the contract was not extended to her, nor was she given the opportunity to find employment with the same employer after maternity leave.

Not getting into reasons why the employer considered jobs lasting for two years a temporary increase in the workload and concluded fixed employment contracts for them, nor examining the legitimacy of the provisions of Article 80, para. 3 of the Labor Law (according to which the circumstances in which employment cannot be terminated, described in para. 1 of the same Article, do not prevent termination of a fixed employment contract), the Gender Equality Ombudsperson concluded that the employer discriminated against the employee by regarding her pregnancy (entailing increased family obligations, frequent sick leaves, etc.) as a reason for not extending her fixed employment contract and giving her the opportunity for reemployment. According to the Gender Equality Ombudsperson, such behavior is discriminatory to pregnant women and mothers in the area of work and employment, and ignores the need to protect parenthood within the framework of goals and measures of the population policy of the Republic of Croatia. That is why the Gender Equality Ombudsperson recommended to the employer to reexamine his behavior towards women, especially pregnant women and mothers, as well as the number and legitimacy of fixed employment contracts for these categories of workers, and the number of contracts not extended after receiving knowledge about pregnancy and birth, and to send her the relevant data.

**Outcome:** The employer informed the Gender Equality Ombudsperson in a letter that he employs mostly women, that he pays special attention to the protection of rights of all employees, that all employees enjoy high standards of working conditions, that a lot of time is devoted to solving employees' personal problems, especially women's health and maternity. The employer did not provide satisfactory answers to the questions of the Gender Equality Ombudsperson, so she sent him another memo of the same contents.

**5. Case summary (PRS 01-02/04-19):** S. Č. from V. complained about discrimination at the workplace in the company B., claiming that she was "harassed" because she is a woman and mother, and that, immediately after she went on maternity leave, the new director Ž. J. stated on more than one occasion in front of other employees that he does no longer need her in the managing position, because after this maternity leave, she will take another. S. Č. adds that, upon return from maternity leave, she was transferred to a lower level position at a distant unit with less favorable working conditions (6-7 kilometers from the nearest town), without basic hygienic conditions and lower pay, and that her former positions was given to an inexperienced worker.

**Measures undertaken:** After analyzing the complaint and attached documentation, the Gender Equality Ombudsperson requested from the employer a report with documentation and comment on the accusations voiced by the complainant. The Gender Equality Ombudsperson determined that the report was written and signed by the director Ž. J. himself as a private person whose behavior is described in the complaint, which leads to the conclusion that he did not write it as an employer, that is, that there is no statement on the part of the employer. In addition, Ž. J. did not comment on all accusations from the complaint and did not comply with all the requests from the Gender Equality Ombudsperson. That is why the Gender Equality Ombudsperson send to the employer another memo requesting a complete report from the employer, especially concrete comment on

the complainant's claims about the statements of Ž.J. in front of other employees, as well as a report on the results of the procedure that S.Č. initiated in the company's department of human resources, with a copy of all documentation, on which she also informed the complainant.

**Outcome:** After a repeated request from the Gender Equality Ombudsperson, the employer replied within the legal deadline that, on the basis of the decision of the Board of Directors, S.Č. was transferred to a position of supervisor that she occupied before taking a maternity leave. He claimed that disagreement between S.Č. and Ž.J. is at the personal level, that, because of the vacation season, the memo from the Gender Equality Ombudsperson was passed on to Ž.J., that Ž.J. is no longer S.Č.'s boss and that her employment was never questionable. He points out that there is no gender discrimination in the company B., because women occupy numerous management position. The complainant was also informed about this.

**Note:** The fact that after the intervention of the Gender Equality Ombudsperson the complainant was returned to the former managing position is a proof of the positive effects of actions the Gender Equality Ombudsperson has taken.

**6. Case summary (01-02/04-08):** N.K., a ballerina from Z., submitted a complaint about D.B. from Z., who pushed, insulted and shouted at her during rehearsals, and when she started crying and attempted to leave the room, he ordered her to stay by saying "You, cunt, you're too young to behave in this way... I hope you got what you deserve". She also points out that D.B. exhibited this kind of behavior only towards women, never men. She informed the employer about this, who called a meeting at which D.B. insulted her colleague by saying "that old cow talked you into writing the complaint". The complainant also contacted the media.

**Measures undertaken:** After analyzing the complaint and attached documentation, the Gender Equality Ombudsperson requested from the employer a report with documentation. She concluded that N. K. was subject to harassment and sexual harassment at the workplace, that is, to gender discrimination, and the employer did not take adequate measures to prevent the continuation of such prohibited behavior nor sanctioned it. The fact that, after this incident, N.K.'s fixed employment contract was not extended can be considered damaging to the victim of discrimination who spoke out publicly about discrimination, which is explicitly forbidden by Article 2 of the GEL. On the basis of legal authority granted to her in Article 22, para. 1 of the GEL, the Gender Equality Ombudsperson sent a warning to the employer with a recommendation to undertake any necessary measures to implement legal provisions related to the protection of dignity of employees and from gender discrimination in his institution, to familiarize all responsible persons with the oversights, and the general documents of the institution are to be harmonized with appropriate provisions of the Labor Law. She also informed the complainant about the actions taken in her case.

**Outcome:** After receiving a warning, the employer informed the Gender Equality Ombudsperson that all recommendations will be complied with in appropriate timeframe, and that all responsible persons are already familiar with the warning and recommendation.

**7. Case summary (PRS 01-02/04-09):** J. A. from Z. submitted a complaint about harassment at work, that is, gender discrimination committed by the employer, trade company Z. from Z. She points out that the CEO B. J., at a special staff meeting attended by all female managers and one male manager, insulted the women, including the complainant, calling them "losers and thieves, what idiots! How did I end up with you here!", and later explaining to the male manager that what he said did not apply to him, but to "those hens". The complainant claims that all female managers were later demoted, and only the male manager was allowed to keep his job, with a salary increase of 600 kunas. After that incident, B. J. told her that she treats customers inappropriately and impolitely, that she is ill-bred and lacks personal hygiene. He systematically disparaged and humiliated her, because of which she sought psychiatric help and is still on sick leave.

**Measures undertaken:** After analyzing the complaint and attached documentation, the Gender Equality Ombudsperson requested from the employer a report with documentation and statement about the claims from the complaint, which is after several repeated requests finally submitted. Even after repeated requests, the employer did not fully comply with the request and did not provide all the necessary information and documentation, so that the working rules and procedures were obtained indirectly, through the procedure of requesting data on the operational plans and plans for protection of dignity of employees, in which the document was submitted. The Gender Equality Ombudsperson concluded that the principle of gender quality had been violated and that gender discrimination occurred, and, based on the legal authority granted to her by Article 22, para. 1 of the GEL, she sent a warning to the employer, in which she stressed that, at the time of

the incident in question, the employer did not regulate the procedure and measures of protection of dignity of employees by harmonizing the working rules and regulations with the provisions of the Labor Law in accordance with Article 81 of the Law on Amendments to the Labor Law (The Official Gazette, 114/03), and that he paid different wages to female and male managers for the same job and work of equal value, contrary to Article 82 of the Labor Law. The Gender Equality Ombudsperson also recommended to the employer to re-examine his behavior in the case in question in accordance with existing regulations, to examine in the future every complaint about harassment and sexual harassment and to undertake all measures to stop the harassment, in accordance to Article 30 of the Labor Law, and, in order to avoid gender discrimination at work in the future, to apply the provisions of Article 82 of the Labor Law on equality of pay between men and women for the same job and work of equal value, and to undertake all necessary measures to implement the provisions of the Labor Law and Gender Equality Law related to protection of dignity of employees and protection from gender discrimination. The complainant was also informed about all actions taken by the Gender Equality Ombudsperson.

**8. Case summary (PRS-01-02/04-12):** The Ministry of Family, War Veterans and Intergenerational Solidarity passed on to the Gender Equality Ombudsperson a complaint by N.M. from S. The complainant claims that, as an employee of the trade company H. S. from S., her employment contract was terminated 20 days before the beginning of her maternity leave, that the employer did not inform her about it or sent any documentation, and that it all happened during the sick leave she took to keep her pregnancy. She points out that because of this she lost the opportunity to enjoy her rights through the Employment Bureau, because she did not register with the Bureau within 30 days, and she discovered she lost her job only after she gave birth. The complainant attached the documentation proving that she is a mother of three under-aged children, and that there were several fixed employment contracts concluded between the complainant and employer.

**Measures undertaken:** After considering the complaint and attached documentation, the Gender Equality Ombudsperson requested from the employer to send her a report with documentation and comment on the claims from the complaint. The employer complied with the request after several repeated memos. In an incomplete statement that was submitted, the employer explains that he used the legal possibility to conclude fixed-term employment contracts for fear of a lower demand for his products and the possibility for smaller purchase of the raw materials, that is, logs, from company „HŠ“, that he employs more than 100 female employees, and that there is no gender discrimination in his firm, but does not specify how many employees are working under a fixed term employment contract. After analyzing the available documentation, employer's statement and existing regulations, the Gender Equality Ombudsperson concluded that the complainant was discriminated against on the grounds of gender, since her fixed-term employment contract was extended twice and that just before the expiration of the last contract signed, she took a sick leave for difficult pregnancy and her contract was not extended after that, nor was given the opportunity to work again with the same employer after the end of the maternity leave. According to the Labor Law, a fixed-term employment contract can be concluded only in special cases and for real and important reasons, which means that the fixed term employment contract could not be concluded for the reasons specified by the employer (fear of lower demand for the products, possibility to decrease purchase of raw materials). Using the legal possibility of concluding fixed-term employment contract, the employer misused the institution of the fixed-term employment contract by discriminating against a woman because of her pregnancy by applying a neutral legal norm. That is why the Gender Equality Ombudsperson, on the basis of Article 22, para. 1 of the GEL, sent him a warning and recommendation to analyze the position of female and male employees, treatment of and policy towards male and female employees, particularly pregnant women and mothers, scope and justifiable reasons for concluding fixed-term employment for these categories of workers, number of contracts not extended after pregnancy and birth, and report on it. The Gender Equality Ombudsperson also informed the complainant and the Ministry of Family.

**Outcome:** Unknown by the end of the reporting year.

**9. Case summary (PRS-01-02/04-07):** M.V. from P. submitted a complaint in which she claims that her employment contract was illegally terminated during pregnancy and that her rights as a pregnant woman, mother and woman were violated. She also claims that she was employed in the shop and diner V. owned by Š.G. from February 1, 2002 to June 30, 2004 on the basis of several fixed-term employment contracts, and that the last contract expired on February 29, 2004, after which she did not sign a new contract, but continued working until June 30, 2004.

**Measures undertaken:** After considering the complaint and attached documentation, the Gender Equality Ombudsperson requested from the employer to submit a report with documentation and comment on the claims from the complaint. After analyzing the available documentation, the employer's statement and existing regulations, the Gender Equality Ombudsperson concluded that the complainant was discriminated against on the grounds of gender, since her permanent employment contract was terminated during pregnancy, that is, during a sick leave because of difficult pregnancy. The employer wrongly presumes that, based on his decision from June 30, 2004, he has terminated a fixed-term employment contract, because it was a permanent employment contract that was terminated, contrary to Article 77 of the Labor Law (The Official Gazette, 137/04 - full text). This is supported by the fact that the employee did not sign a fixed-term employment contract from February 27, 2004 that the employer cites, so that the employee was, in accordance with Article 15, para. 5 of the Labor Law, actually working on the basis of a permanent employment contract, because she continued working without a new contract after the expiration of the last fixed-term employment contract, which is in the legal sense considered as concluding a permanent employment contract. Prior to that, her fixed-term employment contract was, from February 1, 2002 to February 29, 2004, unjustifiably extended several times, instead of concluding a permanent employment contract. That is why the Gender Equality Ombudsperson, on the basis of Article 22, para. 1 of the GEL, send to the employer a warning and recommendation to analyze the position of male and female employees, as well as his treatment of and policy towards men and women, especially pregnant women and mothers, the scope and reasons for concluding fixed-term employment contracts for these categories of workers, the number of contracts that were not extended after pregnancy or birth, and to send her a special report, of which she also informed the complainant.

**Outcome:** Unknown by the end of the reporting year.

**10. Case summary (PRS-01-02/04-17):** E.L. from R. submitted a complaint in which she claims that for years now she has been harassed at her workplace as a teacher in primary school "V.N." by the former principal M. R. and the current principal S.P.-B. with the support of a part of the school staff. She also stresses harassment by individual male colleagues, one of whom publicly humiliated her at a meeting (he did not vote for her suggestion to punish one of the pupils, approached her, pulled her by the collar and invited her to meet him after work). She called for a reaction from the principal, which the principal refused, so he did not stop with the harassment. She claims she has contacted various institutions, but the situation is becoming worse, and she is on sick leave again because of stress. She says that she has written a request to the principal to protect her dignity, but not only that the principal did not protect her dignity, but continued with the harassment.

**Measures undertaken:** After considering the complaint and attached documentation, the Gender Equality Ombudsperson requested from the employer to send a report with documentation and comment the allegations from the complaint. After analyzing all the statement, as well as data from the reports and available documentation, the Gender Equality Ombudsperson concluded that the principle of gender equality has been violated and that gender discrimination occurred. This is further supported by the fact that the primary school did not investigate the harassment claims or undertook measures to prevent its continuation. Since the regulations about the discrimination ban and protection of dignity of employees were in effect (The Law on Amendments to the Labor Law published in the Official Gazette 114 from July 19, 2004, which became effective on the same day), the primary school was obliged to directly apply the provisions on the discrimination ban and protection of dignity of employees prescribed by Article 30 of the Labor Law. Since the procedure in accordance with these provisions was not initiated or carried out, the complainant was not provided even the minimal protection measures. That is why the Gender Equality Ombudsperson, on the basis of Article 22, para. 1 of the GEL, sent a warning and recommendation to the primary school, advising them to reexamine their actions in the case, to investigate every harassment and sexual harassment complaint in the future and undertake all measures to prevent further harassment, if it exists, in accordance with Article 30 of the Labor Law, and to undertake all necessary measures to implement provisions of the Labor Law and Gender Equality Law related to the protection of dignity of employees and protection from gender discrimination and to familiarize all responsible persons with the oversights, and to inform, because of the significance of the problem, inform the Gender Equality Ombudsperson about what has been done. The Gender Equality Ombudsperson also informed the complainant about measures taken.

**Outcome:** The complainant informed the Gender Equality Ombudsperson that the school board, on the basis of the principal's proposal, made a decision to terminate her employment because of wrongful behavior, with a two-months notice period, during which she need not come to work.



**11. Case summary (PRS-01-02/04-06):** B.B. from Z. submitted a complaint in which she claims that she was sexually harassed by her supervisor and describes the incident that took place in the premises of the trade company J. from Z. She claims that on August 29, 2003 she asked her supervisor I.K. about the schedule for that day, and was verbally attacked: "What do you want from me so that I allow you to whip it out for me" - and grabbed his genitals, after which I had a nervous breakdown and ended up in the ER". The complainant adds that because of this incident, she was hospitalized. She contacted the executive director and reported the incident, and after writing an official complaint, it was discarded as unfounded.

**Measures undertaken:** After considering the complaint and attached documentation, the Gender Equality Ombudsperson requested from the employer to send a report with documentation and comment the allegations from the complaint, which was complied with after a request for fast-track procedure. After analyzing the report and available documentation, the Gender Equality Ombudsperson concluded that this is a case of harassment and sexual harassment. The employer carried out the procedure and on the same day decided to discard the complaint against the supervisor I.K. because of assault at the workplace, explaining that it had been established that there are no evidence of the supervisor's attack on worker B.B. At the time of the procedure, the working rules and regulations did not contain provisions on the harassment or sexual harassment ban, that is, protection of dignity of employees. But, since the regulations related to discrimination ban and protection of dignity of employees were effective (The Law on Amendments to the Labor Law was published in the Official Gazette 114 from July 19, 2004, and came into effect the same day), the employer was obliged to directly apply the provisions on discrimination ban and protection of dignity of employees prescribed by the Labor Law. Since the procedure was not carried out in accordance with the provisions on the protection of dignity of employees prescribed by Article 22 of the Labor Law, the employee was not given even the minimal protection envisioned by the Labor Law, judging from the following oversights: the incident about which the employee complained (assault by the supervisor), was not interpreted as harassment and sexual harassment, that is, as a violation of employment obligations; at the time of the procedure, the employer, although her employs more than 20 workers, did not appoint a person authorized to receive and resolve complaints related to the protection of dignity of employees, in accordance with Article 22, para. 5 of the Labor Law. That is why the Gender Equality Ombudsperson, on the basis of Article 22, para. 1 of the GEL, send to the employer a warning with a recommendation and suggestion to reexamine his decision in accordance with the provisions of the Labor Law, and if he establishes existence of harassment or sexual harassment, to undertake all necessary measures to prevent further harassment or sexual harassment and to resolve the dispute between the employer and employee peacefully in accordance with Article 3 of the Law on Conciliation (The Official Gazette, 163/03), requesting a report on the actions taken as a result of the recommendation. The Gender Equality Ombudsperson informed the complainant about the actions she has taken.

**Outcome:** The employer informed the Gender Equality Ombudsperson that "there are no evidence of the harassment", that supervisor I.K. is no longer working there, and that there is no dispute between the employer and employee, and that he expects the employee to return to work after the sick leave.

**12. Case summary (PRS-01-02/04-13):** The Croatian Journalists' Union submitted a complaint (the same document was sent by the Parliamentary Committee for Informatization and the Media) asking the Gender Equality Ombudsperson to consider the case of dismissing a female journalist K.K. from the position of editor and presenter of the central news on HRT, in which they claim that she has been working on HRT for 20 years as a journalist of the news desk, and for the last three years she has been the editor and presented of the central news Dnevnik, and that, according to the new fall schedule, she has been removed from the position of the editor and presenter without any explanation, which she learned from the media. The union also adds that the decision of the HRT management to exclude women from the team of editors and presenters of Dnevnik, in a country in which 52% of voters are women, is unbelievable and can indicate gender discrimination, all the more because a highly competent woman was removed from Dnevnik.

**Measures undertaken:** After considering the complaint and attached documentation, the Gender Equality Ombudsperson obtained from the employer a report with documentation and comments on the allegations from the complaint, claiming that the journalist K.K. still performs her job in accordance with her employment contract (that is, commentator of the HRT news desk) and that there is no position of editor of Dnevnik, but that, as part of the job of commentator and according to job systematization, one of her tasks, if needed, can be editing or presenting certain shows. In

addition, by the decision of the new program leadership of HRT, as well as through the adoption of the new programmatic scheme (that is, changes in the organization of work), several journalists got new working assignments, because of which the journalist no longer performs one of her tasks, editing and presenting Dnevnik. Regarding gender balance, the employer says that out of 280 employed journalists in the news desk there are 186 women, and out of a total of 174 employed journalists in other HRT programs, 92 of them are women, and concluded that no gender discrimination occurred in the case in question. The Gender Equality Ombudsperson sent HRT a recommendation stating that, in order to promote the principle of gender equality and prevent gender discrimination, it should enable a balanced representation (equal participation) of women and men at all levels through operational plans for promoting and institutionalizing gender equality, particularly in their leading, most popular and influential news report. The Gender Equality Ombudsperson informed the Croatian Journalists' Union and the Parliamentary Committee for Informatization and the Media about the actions undertaken.

**Outcome:** HRT did not act in accordance with the recommendation made by the Gender Equality Ombudsperson.

**13. Case summary (PRS-01-02/04-20):** L.G. from S. submitted a complaint in which she claims that on September 6, 2004, as a candidate for the position of a chemistry engineer for laboratory work, she came for a job interview at a trade company C.L from L., and that the conversation seriously violated the dignity of a woman. She was told that one of the conditions she must fulfill is "once or several times a year she must be willing to entertain the firm's partners from afternoon till dawn regardless of what she, her husband or family thinks ...", and quotes Mr. M.: "On these occasions, you should wear a skirt whose length of 10 cm above the knee is determined by the boss, and only the boss can wear a long skirt, because she is the boss." She was also asked to guarantee them that she will not stay pregnant in the next few years, in case she is hired, because "if she stays pregnant, all legal obligations will be met ...but as soon as she comes back to work, she will be fired."

**Measures undertaken:** After considering the complaint and attached documentation, the Gender Equality Ombudsperson obtained from the employer a report with documentation and statement commenting on the allegations from the complaint. After analyzing the report and available documentation, the Gender Equality Ombudsperson sent to the employer a warning that, during the job interview with the complainant, who was one of the candidates for the position of a chemistry engineer in laboratory, they asked her questions, made statements and listed requirements that are discriminatory. She also recommended that, when selecting candidates for job vacancies and specifying requirements, they avoid elements that would point to direct or indirect differentiation, exclusion or limitation on the grounds of sex that hinders or denies equal recognition, enjoyment or exercise of human rights of women and men in the area of employment and work, discrimination on the grounds of marital and family status, sexual harassment violating dignity of individuals, and discrimination in the area of employment and work related to job requirements. The Gender Equality Ombudsperson informed the complainant about the actions undertaken in her case.

**Outcome:** Unknown by the end of the reporting year.

## III.2. DISCRIMINATION - OTHER COMPLAINTS

**1. Case summary (PRS 01-03/04-01):** D.Š. from S. M. on M. contacted the Ministry of Family, War Veterans and Intergenerational Solidarity to complain on the procedures in health care. The complaint was passed on to the Gender Equality Ombudsperson. D.Š. complains about a physician A. R. in connection with the exercise of her pension insurance rights on the grounds of invalidity, who invited her for "coffee or a night out", adding that "today nothing comes for free", and when she refused, told her "that she did not solve anything by this". She also claims that he told her that her complaint will be dismissed, which it did.

**Measures undertaken:** After considering the complaint and attached documentation, the Gender Equality Ombudsperson, with a special consent from D.Š., asked the relevant office of the Pension Insurance Bureau to submit a report and documentation about the case in question. After analyzing the available documentation, the Gender Equality Ombudsperson could not draw a conclusion about the possible influence of the physician's behavior, which is described in the complaint as sexual harassment, on exercise of rights in the procedure and the fact that so far D.Š. did not complain about experts' work to the Office nor reported sexual harassment, has made it difficult to consider and determine that discrimination occurred. When the Gender Equality Ombudsperson informed D.Š. about this, she sent an addition to the complaint, including relevant documentation, in which

she complains about her previous physician I. N. who, when extending her sick leave, mentioned that D.Š. sold a house and got a huge compensation from her former form, and that she has money now, and when D.Š. explained to her that this money was spent on building a new house, they even ran up a debt, after which the physician terminated her sick leave and told D.Š. that "she can take her medical record elsewhere". D.Š. was also rude to her when she came for her medical documentation, saying that "she will not let her retire", and that her new physician is V. P., who is kind, but to which D.Š. has to travel 27 km instead of 6. After changing the physician, she claims that there were huge problems with the medical committee in Č., since the members know the physician N. and remember her and her complaints very well. The Gender Equality Ombudsperson concluded that there is an obvious disagreement between several physicians who observe deterioration in health and the need for stationary physical therapy (dr. R., prim. dr. M., dr. L., P.) and findings and evaluation of the medical committee that does not approve of stationary rehabilitation, explaining that the "spine status is stationary for the last year, and physical therapy has not been done since May 2004". Although after the first complaint it was difficult to consider and determine the existence of sexual harassment and discrimination, the Gender Equality Ombudsperson now concluded that the complainant's claims could be true. There is a possibility that, because she reported the discrimination, D.Š. suffers damaging consequences, which is contrary to Article 2 of the GEL, that is, that she is discriminated against as a woman in the exercise of her fundamental health care rights, and access to health care services, in accordance with Article 6 of the GEL and Article 12, para. 1 of the Convention on Elimination of All Forms of Discrimination against Women. That is why the Gender Equality Ombudsperson informed the Ministry of Health Care and Social Welfare about the case, asking them to investigate all controversial claims, and inform her about their findings and actions undertaken. She also recommended them to take any other measures within their jurisdiction and inform her about it. The complainant was also informed about the action undertaken by the Gender Equality Ombudsperson.

**Outcome:** The Ministry of Health Care and Social Welfare informed the Gender Equality Ombudsperson that it has requested the Health Insurance Bureau to carry out a procedure and inform the Ministry about what had been done.

**2. Case summary (PRS 10-01/04-02):** D. Č. from P. submitted a complaint about the discrimination and harassment she experienced with other women during her stay at a prison hospital, in which she describes a series of events from the moment she was arrested to the arrival at the prison hospital. The complaint focuses on the discriminatory conditions and treatment in the hospital, because of which the complainant was "destroyed by what she saw and experienced". She stresses that all the women are accommodated in the same division, regardless of the seriousness of crime and punishment: a foreign women without an interpreter, a mentally retarded sick woman, psychically ill woman, a 9-months pregnant woman. Treatment and injections are given without asking for reasons and sometimes against the physician's advice, which results in double treatment. Sanitary infrastructure, that is, the toilet, is shared by male patients. The complainant witnessed scenes in which patients prostitute themselves for cigarettes, for every visit to the toilet and shower you have to ask "the bosses", which are all males (she waited for 30 minutes to defecate because the men were "free", and she had a colon and intestine operation and cannot wait), that the guard "boss" R. often beats up a tied up female patient. When they complain or object, the female prisoners are punished - they are not allowed to watch TV, harassed and beaten (but it is a well-known fact that pregnant women and epileptics are not beaten). The complainant says that she wrote to the female warden twice, "but received no reply and reaction, except for ridicule by the boss R."

**Measures undertaken:** After considering the complaint and attached documentation, the Gender Equality Ombudsperson requested from the institution a report with documentation and asked to comment on the allegations from the complaint. She received the requested documents after several repeated requests and fast-track procedures. After analyzing the allegations and data from the report and available documentation, the Gender Equality Ombudsperson concluded that the principle of gender equality has been violated, that is, gender discrimination occurred, and on the basis of Article 22, para. 1 of the GEL sent a warning in which she stressed the following:

- regarding the accommodation of patients and prisoners, the hospital did not take into account their legal status, criminological and other aspects and special needs of the program of serving prison sentence, diagnosis and current phase of medical treatment, which endangers the psychological and physical health of prisoners and shows disrespect for the human dignity of the patients during their stay in the hospital,

- the complainant and other patients were not provided with basic hygienic conditions, not only in terms of separate sanitary infrastructure, that is, toilets and bathrooms, maintenance of basic hygiene in the room, but also in connection with securing female and not male guards that receive the calls to take the women to the toilet,
- the complainant and other patients from her room were obviously exposed to humiliation, without any respect for fundamental human dignity, which resulted in repression and inappropriate limitation of the fundamental rights of the patients and prisoners,
- the complainant received no reply on her written complaint, which has in addition been "lost", and the head of the relevant department informs the warden that the complaint was not submitted because "they checked in the registration log that she contacted no one",
- the head of the hospital did not take any action, that is, could not take any action (because of the "lost" complaint, business trip, obvious lack of information flow and possibility of gaining a true and regular insight into the situation) to prevent the discrimination against and harassment of patients.

The Gender Equality Ombudsperson recommended that, before the announced adaptation and expansion of the hospital, the institution undertakes all necessary measures to implement the existing regulations, with the aim of securing conditions for the protection of female patients, and to inform her about the planned and executed measures. Having in mind the complexity and delicacy of the problem, the Gender Equality Ombudsperson informed the relevant ministry to encourage it to take action within its jurisdiction. The Gender Equality Ombudsperson also informed the complainant about the actions taken.

**Outcome:** Unknown by the end of the reporting year.

### III.3. DISCRIMINATION IN THE AREA OF WORK AND EMPLOYMENT - JOB ADVERTISEMENTS

Discrimination in the area of work and employment in the public and private sector is prohibited, in terms of criteria and requirements for selection of candidates in any sphere of work or branch of industry and at all levels of professional hierarchy (Article 13, para. 1 of the GEL).

When announcing job vacancies, the advertisement must clearly specify that persons of both sex can apply for the position (Article 13, para. 2 of the GEL).

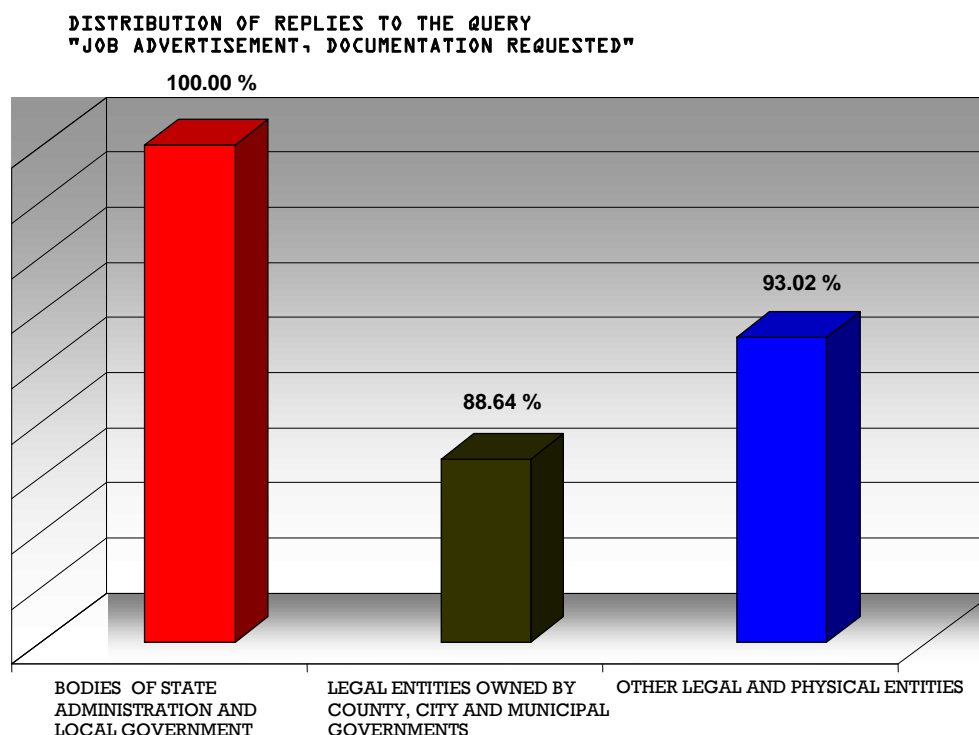
The Gender Equality Ombudsperson has from June to December 2004, on a sample collected from daily newspapers *Vjesnik*, *Večernji list*, *Jutarnji list*, *Novi list*, *Slobodna Dalmacija*, *Glas Slavonije*, *Šibenski list*, *Dubrovački list* and *Dnevnik* and from *The Official Gazette*, analyzed 162 cases of advertising job vacancies in which the title of the position was specified exclusively in the male gender.

The advertisements did not in any way, especially not with a special note, specify that persons of both sex can apply for the position, which is a violation of the provision on gender equality.

That is why she sent a total of 162 warnings about the violation of the GEL to all advertisers (that are legal entities). In addition, for the purposes of the analysis of the implementation of the GEL, she asked them to submit legal documents on the basis of which they announced the ad and write a statement on the violation of the GEL.

Table 3 in Appendices on page 136 shows the number of sent memos "Job advertisement, documentation requested" and received replies.

Graph 4.



The presentation of the percentage of received replies to the request of the Gender Equality Ombudsperson for legal entities from the public and private sector, including state administration bodies, to submit documentation and statement regarding the query "Job advertisement, documentation requested".

For the purposes of this report, legal entities were divided into three groups:

- bodies of state administration and local and regional government (Administrative Office of the Croatian Parliament and Government, the Office of the Gender Equality Ombudsperson, ministries, state bureaus, institutes, faculties, state administration offices in counties, county governments, municipal courts, misdemeanor courts, commercial courts, county state attorney's offices, the Croatian Chamber of Notaries);
- legal persons owned by counties, cities and municipalities (kindergartens, schools, open universities, cultural centers and county hospitals);
- other legal and physical persons (trade companies).

After analyzing 162 cases in 2004, conclusive with December 31, 2004, it has been determined that:

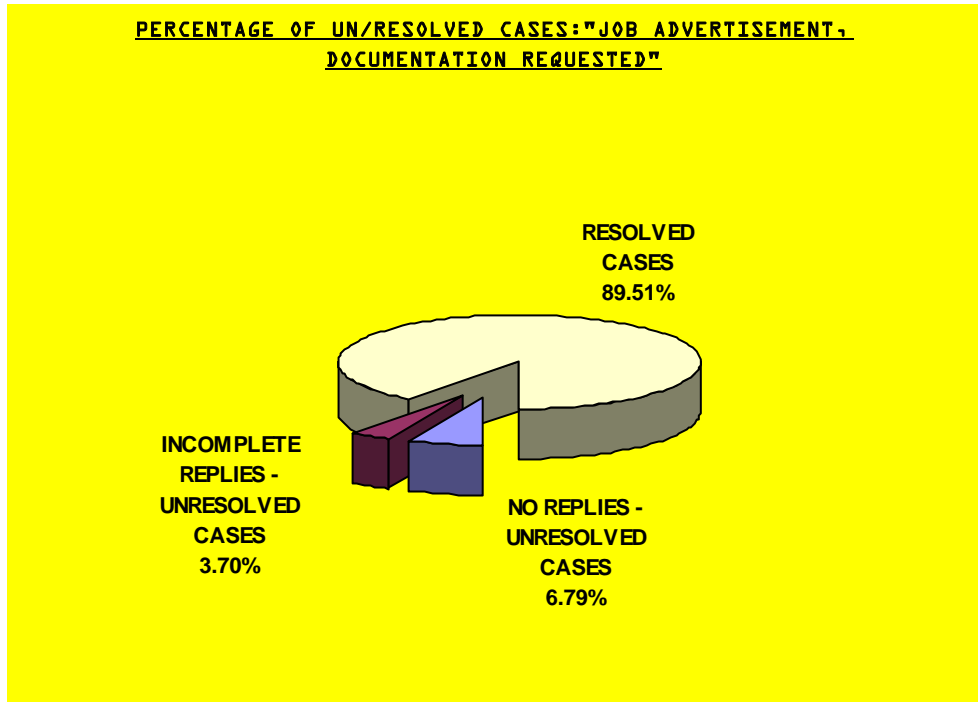
1. In 151 cases (93.21 %), legal entities sent a written reply, out of which:

1.1. In 145 cases (89.51 %), they submitted official documents on the basis of which they announced the job vacancy and wrote a statement explaining the reasons for not complying with the gender equality regulations related to employment and work.

1.2. In 6 cases (3.7 %), they submitted official documents on the basis of which they announced the job vacancy, but did not write a statement explaining the reasons for not complying with the gender equality regulations related to employment and work.

2. In 11 cases (6.79 %), they did not send a written reply.

Graph 5.



The presentation of the percentage of un/resolved cases at the request from the Gender Equality Ombudsperson for legal entities from the public and private sector, including state administration bodies, to submit documentation and statement regarding the query "Job advertisement, documentation requested".

Examples:

**PRS 06-04/04-04:** The Ministry issued a public call for admission of **interns** into civil service. Comment: a public call is a legally prescribed procedure, that is, there is a constitutional norm on the basis of which candidates are admitted into civil service under equal conditions, to a specific position not dependent upon or defined by gender, but general and special requirements for admission into civil service, application procedure, deadlines and documents that should be submitted as a proof that the candidates has the necessary requirements for civil service. The Ministry believes that legal provisions were not violated and states that in the future it will comply with the provisions of the GEL.

**PRS 06-04/04-07:** The Ministry issued a public call for admission into civil service - for an **information technology intern, expert associate and a criminology expert**. Comment: The public calls were issued on the basis of the provisions of the Law on Civil Servants. The Ministry used the titles of the positions as defined in the Decree on the Titles of Positions and Indexes of Job Complexity in Civil Service and the Rules and Regulations on the Internal Structure of the Ministry. In the existing regulations, the titles of positions are in the male gender, which does not mean discrimination of the persons of female gender. Every public call is open to persons of male and female gender under the same conditions.

**PRS 06-04/04-12:** The Misdemeanor Court issued a public call for admission into civil service - for a **court advisor**. Comment: In the Law on Civil Servants, the term "court advisor" is used, and in accordance with this law, the Rules and Regulations about the Internal Structure of the Court were passed, and the consent of the Ministry of Justice to fill this position was obtained. Legal terminology was used in the public call. Eight candidates applied, and a person of female gender was selected. In order to comply with the recommendation of the Gender Equality Ombudsperson and the provisions of the GEL in the future, it would be useful to initiate a procedure for amending the Law on Civil Servants and, as a consequence, changes in internal regulations, which would introduce new terminology.

**PRS 06-04/04-13:** The County State Attorney's Office issued a public call for admission into civil service - for an **advisor**.

Comment: The office acted in accordance with the Law on State Attorneyship, the Internal Rules and Regulations and the Criteria for Determining the Number of Employees in the State Attorney's Offices. If the Gender Equality Ombudsperson believes that the office violated the principle of gender equality and committed gender discrimination, she should request the changes of the Law on State Attorneyship through the Ministry of Justice.

**PRS 06-04/04-23:** The Misdemeanor Court issued a public call for admission into civil service - for a **court advisor and administrative clerk - court notary**.

Comment: The Law on Courts uses the terms court employees, court advisors, judicial interns, so that these terms were also included in the Rules and Regulations on the Internal Structure of the court. Moreover, such practice is usual when announcing public calls in judicial institutions. None of the applicants interpreted this as an indicator that only persons of the male gender are invited to apply. Furthermore, five persons applied for the position of court advisor, four of them women, whereas for the position of administrative clerk - court notary only women applied.

**PRS 07-03/04-06:** Primary school announced a job vacancy for the position of **teacher and pedagogue**.

Comment: The school violated Article 13, para. 2 of the GEL, committing gender discrimination in the area of employment. But, this was a result of a mistake, not of deliberate goal not to comply with the law. The school does not have a rulebook on job systematization, and the Ministry of Science, Education and Sport sends a *print* list of employees each months, in which the position or job is in male gender: school secretary, Croatian teacher, pedagogue, religious educator, cook, janitor etc., and refers to both sexes.

**PRS 07-03/04-23:** A kindergarten announced a job vacancy for the position of **psychologist**.

Comment: The title of the position was taken from the Rules and Regulations on the Internal Structure of the kindergarten, is a technical term and refers to all interested applicants, regardless of their sex. There has been an oversight, but it did not result in discrimination, because four professors of psychology applied for the job. They will harmonize their official documents with the provisions of GEL by amending the internal rules and regulations.

**PRS 08-03/04-08:** A joint-stock company announced a job vacancy for the position of **director**.

Comment: If they intended to invite only persons of a specific sex, they would have stated that in the ad. This is a new regulation that has so far not been reviewed in specialized periodicals, so that other subjects as well do not apply it without the purpose of committing gender discrimination. In the future, they will specify in job advertisements for vacancies that persons of both sex can apply and at the next assembly, the company will change the provisions of the Statute in accordance with the GEL.

**PRS 08-03/04-23:** A limited liability company announced a job vacancy for an **financial accountant and driver**.

Comment: The company employs less than 10 people and is not obliged to have Working rules and regulations and Rulebook on job systematization. The advertisement was written in good faith and precisely because it does not clearly specify that persons of both gender can apply, it allows persons of both sexes to apply. The observations of the Gender Equality Ombudsperson will be taken into account in the future.

**PRS 08-03/04-24:** A limited liability company announced a job vacancy for an **accountant**.

Comment: The title of the position does not prove gender discrimination, because the profession is in male gender in Croatian. A woman who finished a vocational school in economics is addresses as "ekonomist" in the employment record and graduate degree. The readers did not interpret the ad as the Office of the Gender Equality Ombudsperson interpreted it, because 99 % of applicants were women. In addition, out of 10 employees in the company, 8 are women, which shows that they do not discriminate on the grounds of gender in the employment process, especially when we take into account that most of the persons with necessary skills for accountants are women, whereas men mostly choose other business vocations.

**PRS 08-03/04-33:** A company announced a job vacancy for a **financial manager** (male gender) and **business secretary** (female gender).

Comment: The goal of the advertisement was not to encourage any direct or indirect discrimination in the area of employment and work, which could potentially lead to a less favorable position of one sex. It was announced on the basis of the company's decision and the right of representation of the management prescribed by the Law on Trade Companies. Both sexes are equally represented and have equal rights in the company, which is an indicator of a very decisive and clear attitude of the employer towards gender equality. Persons of both sexes applied for the position of the financial manager, while these titles of positions are common in the business sector.

**PRS 08-03/04-67:** A joint-stock company announced a public call for a **supervisor** and **assistant supervisor**.

Comment: In accordance with our recommendations, they announced the advertisements again in a non-discriminatory form. So far they were guided exclusively by the Labor Law, which defines a female and male employee as workers, and all company's official documents use the legal and grammatically appropriate form. According to the Croatian Language Grammar (Barić, Lončarić, Malić), "(...) the agent falls within the group of nouns that are expressed in the male gender" and "(...) nouns that designate the agent are mostly formed with suffixes -ač, -ar (...)".

**PRS 08-03/04-68:** A limited liability company announced a job vacancy for the position of **engineer, clerk and installation worker**.

Comment: For every vacant position that the company announces, persons of any sex, religion, race and age can apply. As a trade company whose shares are owned by physical persons they are absolutely free and autonomous in selecting workers that meet the requirements for certain jobs. As far as the wording used in the advertisements is concerned, the company believes that this is not a matter of compliance with the Gender Equality Law, but more a question of grammatical and language barriers in the Croatian language. They believe that "javna bilježnica"/female notary sounds funny and that "javni bilježnik" is grammatically and linguistically more convenient. In judiciary, the advertisements do not refer to female/male judges, but to judges in general, with the intention of grammatical precision. That is why they believe that the GEL should be harmonized with linguistic and grammatical barriers, after which it would be possible to sanction violations.

The Office also classified as "closed" those cases in which, because of the specific features of the job (job difficulty and field work), only men were employed:

**PRS 08-03/04-35:** A limited liability company announced a job vacancy for the position of **electrical technician**.

Comment: When announcing the job vacancy to the Croatian Employment Office, they listed M/F as "special conditions", which leads us to conclude that they do not discriminate against women in employment. The Office sent 13 persons for the job interview, all of them men. In the last 15-20 years, no women applied for the maintenance and repair jobs. These workers must lift up and down scales that can hold 1, 3 or 5 tons and handle weights of 20 kg; they need to handle two or three times weight of 2 or 3 tons. This is why they do not intend to employ women and did not specify that both sexes can apply for the job.

**PRS 08-03/04-41:** A joint-stock company announced a job vacancy for workers: **construction manager, associate for representation, construction supervisor, crane operator etc.**

Comment: The construction company employs the equal number of persons of both sexes. Unfortunately, there are not many female candidates. For example, there are no persons of female sex on the job market for construction managers, machine operator, masons etc. The fact that the work is done outdoors on construction sites across Croatia is the main reason why there are so few job applications by persons of female sex.

**PRS 08-03/04-30:** A limited liability company announced a job vacancy for **baker and assistant baker**.

Comment: The advertisement does not imply that they are looking for persons of male sex only. This conclusion does not reflect the facts. But, since the work is physical, performed at night and in difficult conditions, and for years it has been done by men, leading to the use of terminology such as pekar and pomoćni pekar only in male gender. Moreover, they have the position of female



secretary ("tajnica") and wonder whether there is a legal entity in Croatia in which the tasks of the secretary could be done by a male person and will they be required to mention in the ad that persons of male sex can also apply? How to advertise jobs that can be performed only by men or only by women? They think that this causes unnecessary complications, because the advertisement would look aesthetically and stylistically problematic (even funny), more expensive and less clear.

Legal entities that did not send the requested internal documents issued a written statement:

**PRS 06-04/04-34:**

Employment of civil servants is regulated by the Law on Civil Servants that, as a special law, covers the legal issues related to the rights and obligations of civil servants. This Law stipulates what a public call should include. Since the article in question does not mention that the public call or advertisement must clearly specify that persons of both sexes can apply for the job, state administration bodies do not include that in their calls. Since this Law is currently being amended, the Gender Equality Ombudsperson has the opportunity to propose appropriate changes to the Law on Civil Servants.

## CONCLUSION

The data show that, out of 162 cases in 2004, legal entities failed to deliver the requested documentation or comment in 17 cases (10.49 %), out of which in 11 cases (6.79 %) legal entities failed to do it even after the Gender Equality Ombudsperson issued a request for urgent procedure, although they are obliged to give all necessary information within 15 days of receiving the request (Article 24 of the GEL).

All legal entities from the group of "bodies of state administration (legislative, executive and judiciary branch) and bodies of local and regional government" delivered general acts on the basis of which they issued the analyzed ads and submitted a written comment on the reasons why they failed to comply with gender equality regulations in the area of employment and work.

1. When announcing job vacancies, none of the legal entities complied with the provision from Article 13, para. 2 of the GEL. It is important to note that even the state administration bodies do not comply with this legal provision.

2. For 145 cases resolved in 2004, legal entities **sent the requested official documents** on the basis of which they announced the job vacancy (Statute, Collective Agreement, Working rules and procedures, Internal rules and regulations, Rulebook on internal structure and working procedures, Rulebook on internal organization and systematization, List of positions with indexes of job complexity and so on) and **wrote a statement** in one of the following ways:

2.1. advertisements/public calls are based on the provisions from laws and by-laws that regulate the scope of work of the legal entity in question, and which use terminology of jobs and position mostly in the male gender as the generic gender used in texts of legal communication;

2.2. in all certificates of completed education (diploma and certificate of final exam), terminology used is in the male gender and is announced in public media, which is linguistically correct;

2.3. advertisers consulted language experts of both sexes and determined that the male gender in titles of subjects, vocations and professions is semantically neutral, and the female gender is semantically marked;

2.4. the text of the announced public call/advertisement does not specify that only persons of a specific sex can apply (for example, they do not require completed army training);

2.5. on the bulletin boards of the Employment Office, it is not specified that persons of both sexes can apply;

2.6. advertisers were not aware of the provision from Article 13, para. 2. of the GEL, which stipulates that it should be explicitly stressed that persons of both sexes can apply and that they will comply with the provision in the future and adjust their by-laws accordingly;

2.7. the persons who applied for the job did not notice any gender discrimination, because they received applications from persons of both sexes.

3. After the warning of the Gender Equality Ombudsperson, some legal entities annulled the advertisement and issued a new one, which complied with the provision from Article 13, para. 2 of the GEL, whereas some acted in this way in their future advertisements (for other job vacancies).

4. Legal entities whose main office is located abroad (in EU countries) and have registered offices in Croatia often issued job vacancies for both sexes (in male and female gender) after the Gender Equality Ombudsperson's warning.

5. The Gender Equality Ombudsperson warned legal entities that there are two correct ways to announce job vacancies:

a) to explicitly state that persons of both sexes can apply for the job, or

b) to specify the vacant position in both the male and female gender (which is the most common practice in Europe).

6. The Gender Equality Ombudsperson suggested to the legal entities to, in order to implement the principle of equal treatment of men and women in employment and equal opportunities for men and women in employment, start harmonizing their legal acts with the GEL, applying the policy of gender mainstreaming, specifying all job positions and vocations in both grammatical genders, regardless of the grammar used in laws adopted before the GEL.

This does not refer to exceptions from discrimination ban listed in Article 2a, para. 1 of the GEL, when the nature of the job and the working conditions are such that justify the discrimination and differentiation between employees in terms of their sex.

7. Finally, it should be noted that some state bodies and media always use both male and female gender correctly for state officials (for example, for the Vice-president of the Government, because she is woman), whereas the Rulebook of the Croatian Government uses male gender for the President, Vice-President, Minister and Secretary.

8. The Gender Equality Ombudsperson believes that the Croatian Government and relevant ministries should propose to change the laws adopted before the GEL, in order to harmonize their provisions with Article 13, para. 2. of the GEL. However, such orientation does not prevent the Gender Equality Ombudsperson from calling upon the legal entities and state bodies to comply with the GEL provisions when announcing job vacancies.

9. The titles of vocations and professions from the National Classification of Professions and titles of jobs from the National Classification of Jobs should be harmonized with Article 13, para. 2 of the GEL.

### III.4. REVIEW OF THE ELABORATION OF EU EMPLOYMENT GUIDELINES WITHIN THE 2004 NATIONAL ACTION PLAN FOR EMPLOYMENT OF THE REPUBLIC OF CROATIA

The National Action Plan of Employment in the Republic of Croatia (hereinafter NAP) is based on the elaboration of 10 EU employment guidelines for member countries in 2003. It is a result of our country's desire to join the EU in as short period of time as possible. It was developed by the Croatian Employment Office and contains an overview of the issue and measures from all fields related to the labor market.

Experts from the ministries, trade unions and employers, as well as other local and international experts took part in the drafting of this plan. The plan was adopted by the Croatian Government and Parliament in the form of a *statement* on the program of measures and labor market system in the upcoming years.

*The main goal* of the plan is to influence the processes of long-term unemployment, having in mind the existing transition towards a market economy. Another urgent issue is the high-level of covert unemployment and insufficient use of employees within existing job system, which in the long-term hinders the conditions for the increase of competition (p. 4). There is a need for *reforms on the labor market*, so one of the objectives of this plan is "to improve the efficiency of the labor market in Croatia, to increase employment and decrease unemployment, and to facilitate the accession to the EU" (p. 5). This will not be possible without the modernization of the *institutions* of the labor market.

*The key principles* are based on **avoiding** the adoption of **new regulations, institutions and public spending** so that the solution should be sought in the reform of existing procedures. The indicators of success espoused by the European Employment Strategy will also be used for the evaluation of results of the NAP.

*The key measures* are those that are strategically most urgent, followed by *extremely desirable measures* that are not as urgent and *desirable measures* that are important for middle-term planning, that is, as part of the development policy..

Modern labor markets require a well-educated labor force, adjustable and innovative, motivated and well-governed. New approaches to organization and job performance are also sought. However, the labor market in Croatia is seen as lacking dynamics, with low level of mobility (the number of people changing jobs is low). The motivation of employees is also low, young people have difficulty finding employment, rates of activity are low and rates of unemployment are high, and there is the issue of long-term unemployment, which is hard to get out of.

The plan stresses the importance of *education and professional training*, that is, restructuring of educational processes and institutions according to market demands.

Although Croatia is a specific example, in the demographic sense, it follows European trends, so that the number of people with working capacity is on the decrease, the dependency on others is high (the number of people without working capacity in relation to those with working capacity), all of which places the system of public finances under a lot of pressure, so that the plan estimates that the labor market will undergo changes towards different forms of work with flexible working hours.

Long-term unemployment is most common in the categories of older workers, which make the majority of registered long-term unemployed people with non-competitive, obsolete professions and vocations, low adjustability and passivity in job search. These persons do not find jobs easily and most often stay unemployed for the long-term.

The lack of employees with flexible working hours, lack of investment into employee training, underdeveloped culture of life-long education and low mobility are main characteristics of the labor force, which as such cannot meet the demands of the modern labor market.

That is why the NAP is trying to emphasize the need to change the educational system, prevent long-term unemployment and activate unemployed persons more intensively. In the chapter on implementation and funding, it is stressed that there will be no additional public spending, but that the existing funds will be redirected to key areas "with the aim of reforming the existing organizational structures". In addition, certain measures will be subject to pilot studies.

Although the policy of equality is covered by only one guideline, as in plans of other European countries, we believe that it is necessary to briefly present all ten guidelines and proposed measures, due to the economic position of the Republic of Croatia and the high rate of unemployment.

The plan was developed on the basis of the following guidelines:

### **EU Guideline 1 - Active and preventative measures for the unemployed and inactive**

The guideline is based on determining the services for the unemployed in terms of needs identification, counseling and support in job search. According to this guideline, every unemployed person should be offered a new start before reaching 6 months of unemployment in the case of young people and 12 months of unemployment in the case of adults in the form of training, retraining, work practice, a job, or other employability measure. It is expected that by 2010, 25% of the long-term unemployed will participate in an active measure in the form of training, retraining, work practice, or other employability measure.

The Croatian NAP focused on the unemployability of youth because of the high level of unemployment.

Key measures involve institutions such as the Croatian Employment Office and Ministry of Economy, Labor and Entrepreneurship. The Croatian Employment Office needs to implement an active employment policy through directing and monitoring unemployed persons, especially those that have been unemployed for a period longer than 12 months, evaluation of implemented measures and creating and implementing models of financing active employment measures.

Extremely desirable measures are improvement of the organizational structure and information system of the CEO. Depending on the funds available, there are plans to organize a seminar and co-finance employment of persons who have been unemployed longer than 6 months, that is, 12 months for persons over 25.

A series of desirable measures is focused on targeted subsidies for employment, education and training, support to local partnerships between employers, unions, educational institutions and other institutions, creating a network of center for professional orientation, counseling and information etc.

### **EU Guideline 2 - Job creation and entrepreneurship**

This guideline is focused on simplifying and reducing administrative and regulatory burdens for business start-ups and SMEs and for the hiring of staff, as well as facilitating access to capital. The guideline also emphasizes the need for promoting education and training in entrepreneurial and management skills.

Key measures include the need for simplifying the registration process for small and middle-size businesses, because they are the most dynamic part of the business sector, with a job opening rate of around 6% (which is three times more than the state sector). There is also the need to speed up

the resolution of employment disputes because a dynamic employment market demands flexibility of employing and cutting down the labor force in accordance with the law. It is interesting that other measures stress the importance of entrepreneurial and business education and training, that is, acquiring entrepreneurial skills as early as in the course of secondary education.

### **EU Guideline 3 - Addressing the change and promoting adaptability and mobility in the labor market**

This guideline promotes removing obstacles to geographic mobility and occupational mobility (free access to all job vacancies for all job seekers in member states), as well as diversity of contractual and working arrangements, a better balance between work and private life and between flexibility and security, and innovative and sustainable forms of work organization, which support productivity and quality at work.

The NAP stresses that Croatia has more strict regulations on the labor market and that most employment contracts are concluded for a fixed period of time (75%). Employers do not employ workers part-time, presumably because of the Law on Pension Insurance, which until recently did not include the possibility of old-age pension for part-time employees (this is now possible, with the latest amendments and changes to the law).

There are no key measures in this areas, whereas other measures refer to evaluating the effects of new legal regulations on flexibility in the period of 3-5 years and analyzing the reasons why employers abstain from part-time employment arrangements. There is also the need to harmonize these employment regulations with the Council of Europe Directive from 1997 (NAP, p. 18).

### **EU Guideline 4 - Promoting development of human capital and lifelong learning**

Member States will implement lifelong learning strategies, including through improving the quality and efficiency of education and training systems. An integral part of this guideline is the provision that at least 85% of 22 year olds in the European Union should have completed upper secondary education. Also, the European Union average level of participation in lifelong learning should be at least 12.5% of the adult working age population (25-64 age group).

The NAP stresses the uncompetitiveness of the labor force in Croatia in this area. As little as 13 % of the population have completed higher education, which is around 8% lower than the European average (20%). (NAP, p. 19)

The key measures try to direct secondary education programs from narrow, vocational profiles towards profiles that are based on general skills with the aim of increasing the flexibility of professions, reexamining the system of preparing primary school pupils for secondary education. In addition, development of vocational training program through applying more advanced experiences is recommended.

Among desirable and extremely desirable measures, there is a series of recommendation for creating a system of counseling, education and training of drop-outs, that is, encouraging various forms of individual learning and personal development programs, that is, it is recommended to build a network of institutions that will support various training programs.

Adult education is the most neglected and underdeveloped part of the Croatian educational system. The adult education policy should be an integral part of employment policy. It is necessary to carry out the reform of vocational training and educational system (determine professional standards) to meet the needs within and outside the formal educational system. It is also necessary to create a coherent legal and institutional structure for the reform and tripartite model of financing education (individuals, employers, the government).

It is very important to note that one of the extremely desirable measures is the need to finance education and training of long-term unemployed persons.

### **EU Guideline 5 - Increasing labor supply and promoting active ageing**

This guideline emphasizes the importance of increasing *the effective average exit age from the labor market by 5 years by 2010 (estimated at 59.9 in 2001, p. 23).*

In addition, it is important to promote active ageing, notably by fostering working conditions conducive to job retention, such as access to continuing training, recognizing the special importance of health and safety at work, innovative and flexible forms of work organization.

The demographic ageing of the Republic of Croatia is evident from the fact that between 1991 and 2001 the percentage of persons over 65 years of age increased from 11.6% to 15.6%. In 2001, there were around 17.8 % of persons in the age group 50 - 65 (NAP, p. 23). In times of high unemployment rate, this guideline is *not a priority*, if there is a high level of unemployment among persons over 50. However, this will change in the next decade, since it is expected that older persons will stay economically active for a longer period of time.

The measures stress the importance of legally regulated gradual transition from work to retirement after the legally determined minimal age. There are possibilities for volunteer work in public services, preventing discrimination and it is important to create active measures for finding employment for older workers.

It is important to note that among the desirable measures, there are programs for promoting self-employment with the aim of "integrating unregistered economic activity into the official economy" (p. 24) and programs "Using experience for profit", which should encourage employers to employ older workers.

#### **EU Guideline 6 - Gender equality**

The guideline generally suggests reducing the gender gap in employment and unemployment rates and pay. The role of the social partners is crucial in this respect, since the gender gap requires analyzing and addressing various aspects of social life (upbringing, education, employment).

The EU policy will approach this problem by "addressing the underlying factors of the gender pay gap, including *sectoral and occupational segregation, education and training, job classifications and pay systems, awareness raising and transparency.*"

Reconciling work and family life will be achieved through the provision of care services for children and other dependants, encouraging the sharing of family and professional responsibilities and facilitating return to work after a period of leave. Member States will provide childcare by 2010 to at least 90% of children between 3 years old and the mandatory school age and at least 33% of children under 3 years of age.

The Croatian NAP puts an emphasis on the following important facts for the position of women: women account for 45.5% of total employed persons (data from 2001), in 2003, the employment rate for women was 37.1% (50.7% for men), low level of representation at positions of leadership in state administration bodies and public sector, less than 30 % of women in private businesses, and a high percentage of women in industrial, commercial and office jobs that require less expertise. (p. 25) Croatia adopted appropriate legislation that forbids direct and indirect gender discrimination (Labor Law, The Official Gazette, 114/03), that is, guarantees equal conditions and criteria of employment and work, equality of pay, career advancement possibilities, possibilities of access to vocational training. It is noted that the effects of legal provisions are not yet visible, but there are recommendations about legal remedies for discrimination. The stability of legal institutions is one of the preconditions for securing women's rights, but the NAP stresses that Croatia is lagging behind in this respect because, for example, there are no adequate laws protecting the individual's rights on a normative level, judiciary is inefficient, and there are few educated attorneys familiar with the EU laws.

Regarding childcare facilities, they were reduced during the period of transition.

Key measures are related exclusively to the field of legislation (violating the right to equality), introduction of the standard of identification, that is, court protection from various forms of discrimination in employment as well as developing a strategy for harmonizing national legislation. There are plans to broaden the legal regulations on social security and ensure court protection and compensation.

Extremely desirable measures include research on the causes for the gender gap on the labor market, evaluation of trends and three-year assessment of participation of women on the labor market and analysis of childcare facilities.

Among the desirable measures, there is a need for a media campaign, reconciliation of family and professional life (creating conditions for return to the labor market), the need to encourage women's entrepreneurship, proposing measures to attract more women to non-traditional jobs, introduction of programs for single mothers, who are at the greatest risk from unemployment and social exclusion.

In addition, the NAP addresses the problem of developing programs for "improving and applying the knowledge and abilities during maternity leave", offering counseling services for professional orientation and planning and targeted programs of acquiring additional skills for women.

The indicators of success are shifts in employment rates for men and women, pay gap and professional structure according to gender.

The key institutions for implementing these measures are the Ministry of Economy, Labor and Entrepreneurship and the Committee for Gender Equality, as well as the Croatian Employment Office, which monitors employment trends and gender gaps for the purposes of its annual report.

#### **EU Guideline 7 - Promoting the integration and combating the discrimination against people at a disadvantage in the labor market**

This guideline refers to various social groups facing particular difficulties on the labor market, such as early school leavers, low skilled workers, people with disabilities, immigrants, and ethnic minorities, by developing their employability, increasing job opportunities and preventing all forms of discrimination.

The analysis shows that people with disabilities account for close to 10% of the total population, and that there are 8.0% of them among women. Croatia is specific in relation to other European countries since it has the smallest percentage of fully employed people with disabilities (7.4%), whereas others are users of the social welfare system, although there is a system of quotas according to which employers are obliged to employ one handicapped person in every 50 employees. There are 40 % of registered unemployed women with disabilities (unskilled, and long-term unemployed). In 2002, within the framework of the program "A Chance for Us Too" carried out by the Croatian Employment Office, 120 persons took part during the first 18 months.

Measures include planning counseling for unemployed persons and evaluating the efficiency of the quota system as two key guidelines. Among the desirable and extremely desirable measures, there are: participation of persons with disabilities in active policy measures, help in overcoming difficulties in communication and movement, revising the educational system and improving the system of professional rehabilitation of adults with disabilities.

#### **EU Guideline 8 - Making work pay through incentives to enhance work attractiveness**

Member States will "reform tax and benefit systems and their interaction with a view to eliminating unemployment, poverty and inactivity traps, and encouraging the participation of women, low skilled workers, older workers, people with disabilities and those furthest from the labor market in employment." In addition, they will reduce the tax burden on low paid workers, reflecting national circumstances.

Croatia collects the highest percentage of GNP through benefits (13.6%), but total taxes and benefits for employment are relatively low. There are no measures in this area because changes in regulations usually have a negative effect on employment, because employers are reluctant to employ new people if they cannot assess what will be the effects.

#### **EU Guideline 9 - Transforming undeclared work into regular employment**

Member countries will implement broad actions and measures to eliminate undeclared work, which combine simplification of the business environment, removing disincentives and providing appropriate incentives in the tax and benefits system, improved law enforcement capacity and the application of sanctions.

Estimates show that the contribution of official economy decreased from the 1990s, but it accounts for around 7% of GNP for various reasons: introduction of VAT, statistics system, stabilization of commercial system dealing with retail, arrival of foreign firms, changes in the state image etc. (NAP, p 32)

The key measures are focused on monitoring and assessing the scope, causes and effects of undeclared work and activating the Ministry of Finances through "incentives, amnesties and heavier fines" and the Ministry of Economy, Labor and Entrepreneurship for preventing such practices.

#### **EU Guideline 10 - Addressing regional employment disparities**

This guideline consists of promoting favorable conditions for private sector activity and investment in regions lagging behind and ensuring that public support in regions lagging behind is focused on investment in human and knowledge capital, as well as adequate infrastructure.

The NAP identified the underdeveloped regions (rural, borderline, regions in big industrial crises, mountain regions and islands), some of which already enjoy other state incentives. The key measures include activation of multi-agent strategy of business development, as well as networking with regional institutions, that is, local partnerships between employers, unions, public (educational) institutions and NGOs with the aim of collecting resources. Some of the desirable measures related to the development of human resources (seminars, additional training, espousing environmentally friendly methods of soil cultivation) mention as their target groups women, entrepreneurs in agricultural regions, young agricultural workers, people with disabilities living in rural areas etc.



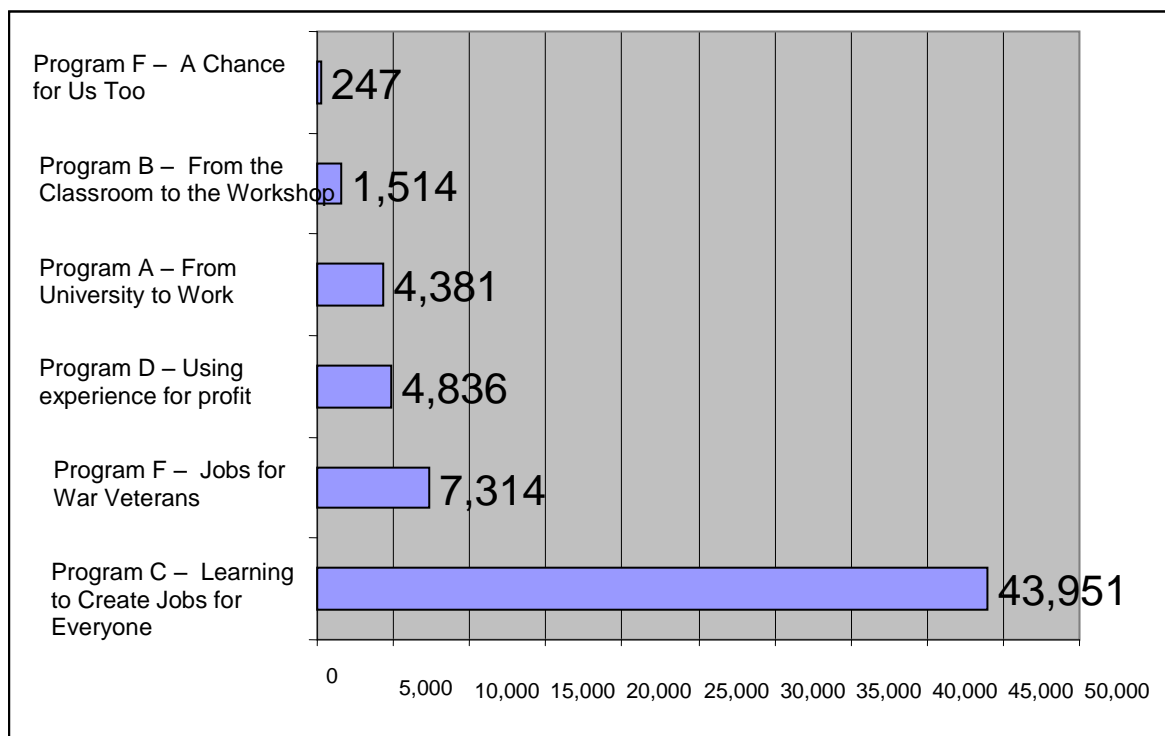
**RESULTS OF EMPLOYMENT INCENTIVES CREATED SO FAR BY THE CROATIAN EMPLOYMENT OFFICE AND MINISTRY OF ECONOMY, LABOR AND ENTREPRENEURSHIP**

So far concrete measures for stimulating employment of specific social groups were implemented by two institutions: the Croatian Employment Office and the Ministry of Economy, Labor and Entrepreneurship. The Croatian Employment Office had no special employment incentives for women.

A series of incentives of the CEO is still active, until new measures are adopted within the new action plan. The programs for which we present data were implemented from March 1, 2002 to October 31, 2004:

- Program A - "From University to Work" - young people with university education up to 27 years of age, who graduated in average time, and have not completed internship;
- program B - "From the Classroom to the Workshop" - young people with vocations and crafts, without work experience, who have been unemployed for at least 6 months or will finish school during the current year;
- Program C - "Learning to Create Jobs for Everyone" - C1. for employment of persons up to 30 years of age without work experience as interns, which includes persons with secondary education, as well as college and university graduates and C2 - familiarization with the job that involves employment of all persons who have been registered as unemployed for at least 30 days regardless of their previous work experience, age or level of education;
- Program D - "Using Experience for Profit" - women over 45 and men over 50, who have been unemployed for at least 6 months;
- Program E - "A Chance for Us Too" - persons with disabilities that have been established before they reached 15, other disabled people and persons with an aggravating employability factor;
- Program F - "Jobs for War Veterans" - veterans from the Homeland war, children and widows of dead veterans.

**Figure 1**  
**The number of persons employed through employment incentives from March 1, 2002 to October 31, 2004**



Source: The Croatian Employment Office, reply to a query

A total of 62,243 persons were employed through these special programs, most of them in Program C - "Learning to Create Jobs for Everyone" (43,951), Program F - "Jobs for War Veterans" (7,314) and Program D - "Using Experience for Profit" (4,836).

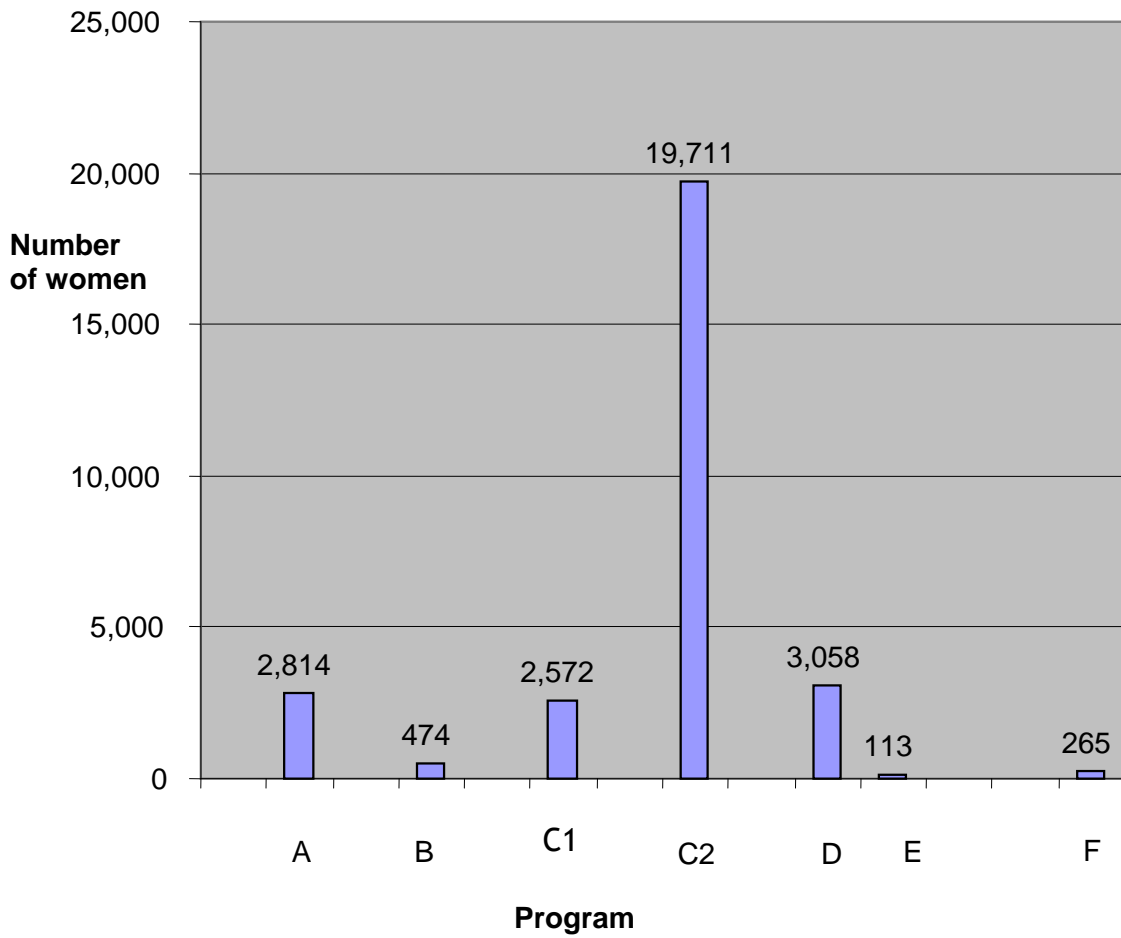
Out of 62,243 persons, there were **29,007 women (46.6%)**.

Women were mostly employed through the following programs (Figure 2):

- C2 - "Learning to Create Jobs for Everyone"      **19,711 (51%)** out of 38,733 persons
- D - "Using Experience for Profit"                      **3,058 (63.2%)** out of 4,836 persons
- A - "From University to Work"                      **2,814 (64.2%)** out of 4,381 persons
- C1 - "Learning to Create Jobs for Everyone"      **2,572 (49.3%)** out of 5,218 persons
- B - "From the Classroom to the Workshop"        **474 (31.3%)** out of 1,514 persons
- F - "Jobs for War Veterans"                          **265 (3.6%)** out of 7,314 persons
  
- E - "A Chance for Us Too"                              **113 (48.8%)** out of 247 persons

**Figure 2**

The number of women employed through special programs by October 31, 2004



**Table 4**  
Number of person employed through employment incentives by education and gender

Program		No school education completed	Primary school	Secondary three-year technical school or vocational school	Four-year high school	College	University, academy etc.	Total
Program A From University to Work	Total	0	0	0	0	0	4,381	4,381
	Women	0	0	0	0	0	2,814	2,814
Program B From the Classroom to the Workshop	Total	0	0	1,514	0	0	0	1,514
	Women	0	0	474	0	0	0	474
Program C1 Learning to Create Jobs for Everyone	Total	0	0	0	3,139	31	2,048	5,218
	Women	0	0	0	1,530	14	1,028	2,572
Program C2 Učenjem do posla za sve	Total	134	342	4,641	30,196	380	3,040	38,733
	Women	57	93	2,302	15,258	159	1,842	19,711
Program D Using Experience for Profit	Total	40	133	687	3,115	114	747	4,836
	Women	17	74	484	2,010	59	414	3,058
Program E A Chance for Us Too	Total	0	1	14	216	3	13	247
	Women	0	1	3	103	2	4	113

Program F	Total	27	121	1,368	5,055	175	568	7,314
Jobs for								
War	Women	2	4	31	183	4	41	265
Veterans								
Total	Total	201	597	8,224	41,721	703	10,797	62,243
	Women	76	172	3,294	19,084	238	6,143	29,007

Source: The Croatian Employment Office, reply to a query

According to the level of education, the majority of women have:

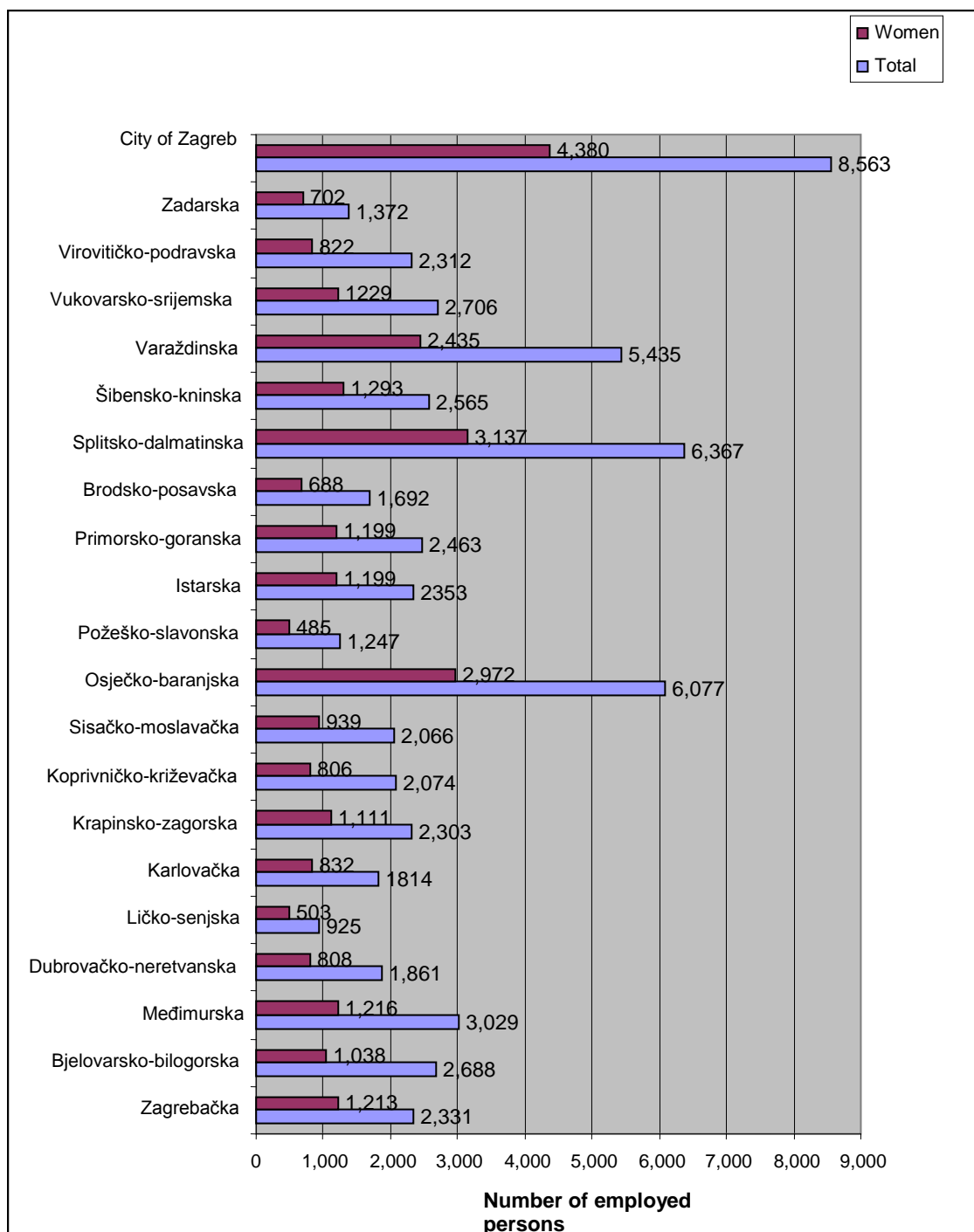
- 1) **completed four-year high school** (19,084 or 45.7%), and most of them were employed in
  - C2 - 15,258 (50.5%)
  - D - 2,010 (64.5%)
  - C1 - 1,530 (48.7%)
- 2) **completed university or academic education, graduate or post-graduate studies** (6,143 or 56.9% women, most of them employed in programs:
  - A - 2,814 (64.2%)
  - C2 - 1,842 (60.6%)
  - C1 - 1,028 (50.2%)
- 3) **secondary three-year technical or vocational school** (3,294 or 40.1% of women in the following programs:
  - C2 - 2,302 (49.6%)
  - D - 484 (70.5%)
  - B - 474 (31.3%)

The smallest number of women were those without completed education or with only primary school (248), as well as women with college (238).

Only 113 women were employed in Program "A Chance for Us Too" for persons with disabilities and aggravating employability factor.

**Figure 3**

**The number of women employed through employment incentives by counties**



Source: CEO, reply to a query

Regarding employment of women by counties, most of them were employed in the City of Zagreb 4,380 (51.2%) out of the total of 8,563 persons, then Splitsko - dalmatinska 3,137 (49.3%) and Osječko - baranjska 2,972 (48.9%).

The smallest number of women was employed in underdeveloped counties with weak economy: Ličko - senjska, Zadarska, Brodsko - posavska, Virovitičko - podravska, around 800 women respectively.

**Table 5**  
**The number of employed women by counties**

County	Total, women and men	Total of women	A	B	C1	C2	D	E	F
Zagrebačka	2,331	1,213	98	45	134	774	153	0	9
Bjelovarsko-bilogorska	2,688	1,038	40	17	63	820	91	0	7
Međimurska	3,029	1,216	48	7	95	986	62	13	5
Dubrovačko-neretvanska	1,861	808	108	9	115	473	91	1	11
Ličko-senjska	925	503	17	1	12	408	61	0	4
Karlovačka	1,814	832	57	19	68	565	103	4	16
Krapinsko-zagorska	2,303	1,111	35	11	89	925	46	3	2
Koprivničko-križevačka	2,074	806	24	18	74	641	39	4	6
Sisačko-moslavačka	2,066	939	37	27	77	639	139	1	19
Osječko-baranjska	6,077	2,972	143	25	156	2,223	392	0	33
Požeško-slavonska	1,247	485	31	5	70	350	19	1	9
Istarska	2,353	1,199	143	16	102	828	104	5	1
Primorsko-goranska	2,463	1,199	326	18	128	546	168	1	12
Brodsko-posavska	1,692	688	41	10	18	519	84	0	16
Splitsko-dalmatinska	6,367	3,137	272	43	258	2,162	363	9	30
Šibensko-kninska	2,565	1,293	58	11	78	1,009	121	2	14
Varaždinska	5,435	2,435	118	36	203	1,954	103	14	7
Vukovarsko-srijemska	2,706	1,229	27	1	14	992	176	0	19
Virovitičko-podravska	2,312	822	33	6	73	657	42	0	11
Zadarska	1,372	702	84	19	35	468	81	0	15
City of Zagreb	8,563	4,380	1,074	130	710	1,772	620	55	19
Total	62,243	29,007	2,814	474	2,572	19,711	3,058	113	265

Source: The Croatian Employment Office, reply to a query

As we already mentioned, most women were employed in programs C2, D and A - now, let us see in which counties.

In Program C2 "Learning to Create Jobs for Everyone", most of the women were employed in the City of Zagreb - 1,772, Varaždinska county - 1,954 and Osječko - baranjska county - 2,223.

In Program D "Using Experience for Profit", most of the women were employed in the City of Zagreb - 620, Osječko - baranjska county - 392 and Splitsko - dalmatinska county - 363.

In Program A "From University to Work", most of the women were employed in the City of Zagreb - 1,074, Primorsko - goranska county - 326 and Splitsko - dalmatinska county - 272.

Since 2004, the Ministry of Economy, Labor and Entrepreneurship has been financing entrepreneurship programs. The requests for financing could be submitted in 11 programs. The final evaluation of projects from 2004 is still not available, but we can present the ratio of submitted and approved requests.

**Table 6.**  
**Projects of the Ministry of Economy, Labor and Entrepreneurship, preliminary data for 2003 and 2004**

Project title	Number of requests	Incentives approved to women
1. Women's entrepreneurship 2004	700	355
2. Additional skills in small businesses 2004	8	7
3. Incentives to owners of small businesses who participate in the education of youth 2004	73	48
4. Traditional crafts 2004	120	106
5. Entrepreneurship beginner" 2004	120	-
6. Cooperatives 2004	-	No requests by women's cooperatives
7. New technologies 2004	38	14
8. Joint product 2004	3	3
9. Domestic product 2004	36	25
10. Final product 2004	24	7
11. Youth entrepreneurship 2004	44	36
TOTAL	1,166	518

Source: Ministry of Economy, Labor and Entrepreneurship, reply to a query

Although the data are preliminary, the table shows that the most productive areas for employment of women were Women's entrepreneurship and Traditional crafts, in which a total of 466 incentives was approved. We were also informed that in 2003, in the Program of credits to women and youth, implemented in cooperation with local governments, 400 credits in the amount of 37,000,000 kunas were approved and allocated from the total fund of 62,410,000 kunas.

In addition, the web pages of the Ministry feature a special link for women [www.zaposlena.hr](http://www.zaposlena.hr). The pages are not yet fully functioning.



## SOME CHARACTERISTICS OF UNEMPLOYMENT OF WOMEN IN THE REPUBLIC OF CROATIA

One of the characteristics of the period of transition is that women's unemployment increased much more slowly than men's, due to the fact that women accounted for the majority of the economic sector, which started with the restructuring process much later.

Table 7 - Unemployment 1990 - 2003

YEAR	AVERAGE			
	Total	Chain index	Women	Chain index
1990	160,617	114.8	91,376	-
1991	253,670	157.9	133,061	145.6
1992	266,568	105.1	141,320	106.2
1993	250,779	94.1	138,375	97.9
1994	243,324	97.0	130,483	94.3
1995	240,601	98.9	124,232	95.2
1996	261,023	108.5	129,556	104.3
1997	277,691	106.4	137,284	106.0
1998	287,762	103.6	149,309	108.8
1999	321,866	111.9	169,140	113.3
2000	357,872	111.2	188,502	111.5
2001	380,195	106.2	203,405	107.9
2002	389,741	102.5	212,987	104.7
2003	329,799	84.6	189,721	89.1
Nov 2004	312,786	-	183,541	-

Source: [www.hzz.hr](http://www.hzz.hr)

Since the beginning of 1990s, the average number of unemployment of women was on the steady increase and reached the highest level in 2002, that is, 212,978 or 54.6% (see Table 9). Unemployment rates for women have been constantly increasing since 2000: 52.7% - 2000, 53.5% - 2001, 54.7% - 2002 and 57.5% - 2003, although in 2003 the total unemployment rate decreased for the first time.

In 2003, the rate of registered unemployment fell from 22.3% in 2002 to 19.1%. (Annual Report 2003, p. 9) The descending trend continued in 2004, so that by the end of November 2004, there were 312,786 registered unemployed people, out of which 183,541 women. The unemployment rate for women was 58.7%, in comparison with 41.3% for men.

### *Duration of unemployment*

As we can see in Table 10, in 2003, only around 40 % of both men and women found a job within 12 months of unemployment, whereas as much as 43.6% of women and 41.9% of men waited 1 to 5 years.

**Table 8**  
**Duration of unemployment (on December 31, 2003)**

Duration of unemployment	Total	Women	%	Men	%
12 months or less	133,375	75,433	40.5	57,942	43.8
1-2 years	51,454	30,379	16.3	21,075	15.9
2-3 years	39,817	23,639	12.7	16,178	12.2
3-5 years	45,472	27,241	14.6	18,231	13.8
5-8 years	30,266	18,201	9.8	12,065	9.1
more than 8 years	18,300	11,388	6.1	6,912	5.2
<b>TOTAL</b>	<b>318,684</b>	<b>186,281</b>	<b>100.0</b>	<b>132,403</b>	<b>100.0</b>

Source: Annual Report of the Croatian Employment Office, p. 94

*Structure of unemployment women by age and region*

Regarding age of the unemployed persons, there were no significant changes in 2003. The majority of registered unemployed persons belonged to the age group over 50 (20.3%), and the smallest number of unemployed persons could be found in the age group between 15 and 19 (6.5%) (www.hzz.hr)

Young people in the age group **20-24** lead the way in unemployment statistics in 2003 (48,883 persons), followed by the age group **25-29** (40,679) and age group **45-49** (40,438). (Annual Report of the CEO, p. 95) Among these, there are many women. (see Table 11)

Table 11 shows that most of the unemployed women belong to the following age groups:

- **20 - 24** 28,259 (most of them in Krapinsko - zagorska (67.46%), Međimurska (63.51%) and Zagrebačka county (62.64%))
- **25 - 29** 26,076 (most of them in Zadarska (70.84%), Zagrebačka (70.02%) and Ličko senjska county (69.66%))
- **45 - 49** 24,553 (most of them in Istarska (75.24%), Primorsko - goranska (67.74%) and Zagrebačka county (66.86%).)

At the end of 2003, the average unemployment rate on the national level was 18.2%. the regional unemployment rate decreased in all counties, although the level of unemployment was unequally distributed by regions. In 13 counties, unemployment was higher than the average national level and in 8 counties it was lower; the highest unemployment rate was registered in Vukovarsko - srijemska (35.3%), Šibensko - kninska (32.1%), Sisačko - moslavačka (30.6%), Virovitičko - podravska county (30.5%) etc., whereas under average employment rate (under 18.2%) was registered in Zagrebačka, Koprivničko - križevačka, Međimurska, Varaždinska, Primorsko - goranska, Krapinsko - zagorska county, City of Zagreb and Istarska county. (Annual Report 2003, p. 11). If we analyze data on unemployment rate for women by counties, we can see that on the national level the highest unemployment rate for women was registered in Istarska (65.27%), Splitsko - dalmatinska (62,15%), Zadarska (61.37%) and Zagrebačka county (60.97%).

It should be noted that there are "big differences in employment of women living in rural areas and women in urban areas", because the percentage of women in active population is 35-42% in rural areas and 45-47% in urban areas, which does not reflect the real situation (women work in agriculture, but their employment is not registered because only one member of the family homestead is registered as employed, in most cases, the husband (or male person)).

Table 9 - Unemployed persons by age and county (on December 31, 2003)

County	Total Women %	15-19 years	20- 24	25- 29	30- 34	35- 39	40- 44	45- 49	50- 54	55 - 59	60 and more
Zagrebačka	13,513 60.97	864 60.42	2,093 62.64	1,551 70.02	1,240 73.55	1,354 70.31	1,369 65.60	1,889 66.86	1,982 52.17	970 24.95	201 9.45
Krapinsko - zagorska	5,701 56.55	331 56.8	802 67.46	553 68.72	460 68.7	512 64.65	660 56.82	945 60.74	927 47.03	432 16.17	79 13.92
Sisačko - moslavačka	18,556 56.62	1,205 50.21	2,636 55.50	2,121 63.93	2,047 68.69	2,230 65.96	2,250 59.07	2,424 56.19	2, 115 49.17	1,149 33.51	379 23.48
Karlovačka	13,484 60.14	690 51.01	1,706 62.13	1,441 67.59	1,324 69.26	1,545 66.99	1,740 63.39	2,164 62.71	1,864 54.40	782 31.97	228 20.61
Varaždinska	10,836 54.98	942 51.17	1,878 59.96	1,248 62.74	1,064 63.91	1,088 60.48	1,243 56.32	1,426 56.80	1,220 47.79	587 20.27	140 12.14
Koprivničko - križevačka	7,758 53.18	675 52	1,476 54.40	926 59.07	839 63.05	752 58.78	773 54.08	940 57.13	810 46.79	459 22.66	108 14.81
Bjelovarsko - bilogorska	11,587 51.37	916 55.35	1,922 56.61	1,435 58.05	1,288 60.33	1,316 55.47	1,320 51.06	1,397 49.54	1,162 42.43	670 20.60	161 12.42
Primorsko - goranska	18,440 63.2	1,029 49.95	2,624 59.15	2,484 66.14	1,891 70.97	1,865 71.69	2,056 70.04	2,418 67.74	2,556 64.44	1,279 38.39	238 21.01
Ličko - senjska	3,154 59.23	180 40	427 60.89	379 69.66	344 72.09	343 69.39	407 63.39	451 57.65	348 55.75	216 31.94	59 10.17
Virovitičko - podravska	10,112 54.03	753 54.45	1,883 54.33	1,323 61.38	1,057 65.47	1,187 58.29	1,193 54.23	1,209 51.94	908 43.39	461 28.85	138 23.91
Požeško - slavonska	5,742 56.78	456 57.9	942 61.04	711 66.24	644 66.15	645 62.48	609 53.86	676 58.43	623 47.99	329 24.01	107 18.69
Brodsko - posavska	16,139 57.13	1,001 58.14	2,370 57.3	1,993 65.83	1,822 66.41	1,931 63.08	1,940 60.57	2,055 56.74	1,611 48.73	979 31.56	437 24.26
Zadarska	12,725 61.37	532 51.13	1,427 61.04	1,506 70.84	1,519 73.07	1,742 68.83	1,629 62.06	1,650 62.79	1,592 55.72	880 35.91	248 16.13
Osječko - baranjska	32,646 56.51	2,397 48.89	5,662 56.11	4,251 61.68	3,641 66.05	3,842 64.11	3,709 60.66	3,864 57.56	3,196 49.41	1,684 29.22	400 16
Šibensko - kninska	12,084 57.54	563 45.12	1,595 51.85	1,387 61.43	1,377 67.18	1,625 68.8	1,607 62.85	1,558 58.86	1,445 53.15	722 35.04	205 14.15
Vukovarsko - srijemska	20,897 55.16	1,449 53	3,415 53.56	2,619 59.87	2,392 64.34	2,664 61.04	2,481 57.64	2,449 57.29	2,058 48.83	1,103 30.01	357 15.13
Splitsko - dalmatinska	42,829 62.15	2,354 48.77	6,295 56.24	6,555 64.67	6,191 69.15	5,966 71.0	5,077 66.24	4,659 63.66	3,722 58.25	1,643 35.85	367 24.25
Istarska	6,632 65.27	215 47.44	780 60.39	715 69.23	590 75.42	734 71.53	790 71.39	1,058 75.24	1,111 60.07	523 33.27	116 19.83
Dubrovačko- neretvanska	9,023 59.71	313 45.69	1,175 56.6	1,332 60.06	1,090 67.98	1,129 69.26	1,130 64.25	1,214 63.26	1,014 56.71	500 34	126 14.29
Medimurska	7,253 59.16	796 56.03	1,406 63.51	897 63	688 65.41	640 65.63	692 62.86	936 62.93	743 54.11	347 23.34	108 9.26
City of Zagreb	39,573 58.97	2,286 54	6,369 60.07	5,252 64.89	3,954 66.01	3,907 65.37	3,925 62.96	5,056 62.34	5,200 58.02	2,833 31.45	791 22.12
TOTAL Women % women	318,684 186,281 58.45%	19,947 10,387 52.1%	48,883 28,259 57.8%	40,679 26,076 64.1%	35,462 23,961 67.6%	37,017 24,430 65.9%	36,600 22,605 61.8%	40,438 24,533 60.7%	36,207 19,433 53.7%	18,458 5,661 30.7%	4,993 936 18.8%

Note: The number above refers to total unemployment, and the number below shows the percentage of unemployed women (on December 31, 2003)  
 Source: Annual Report 2003 of the CEO, p. 95

### *Structure of women's unemployment*

It is very important to analyze the structure of women's unemployment. Data show that most of the unemployed women have completed secondary education (28.6%), are skilled workers (28.1%), have primary education (17.2%), are unskilled workers (19%), whereas there are very little women with college education (3.2%) and university education (3.8%). (Annual Report 2003, p. 17)

**Table 10**  
**Average number of unemployed persons by skills in 2003**

Skills	Total	Women	Women (%)	Men	Men (%)
Unskilled	60,707	36,089 (40.6%)	19.0	24,618 (59.5%)	17.6
Low skilled and primary education	59,551	32,688 (54.9%)	17.2	26,863 (45.1%)	19.2
Skilled	108,735	53,381 (49.1%)	28.1	55,354 (50.9%)	39.5
Secondary education	78,683	54,195 (68.9%)	28.6	24,488 (31.1%)	17.5
College	10,315	6,111 (59.2%)	3.2	4,204 (40.8%)	3.0
University education	11,808	7,257 (61.5%)	3.8	4,551 (38.5%)	3.3
Total	329,799	189,721 (57.5%)	100.0	140,078 (42.5%)	100.0

Source: Statistical information 2004, State Institute for Statistics, p. 31

Most of the unemployed men have jobs that require skilled workers (39.5%). However, unemployed women have a better organizational structure than men and account for the majority of those with secondary education, college and university.

### **CONCLUSION AND RECOMMENDATIONS**

The transition to market economy inevitably resulted in unemployment as an integral part of the economic cycle, although it existed during the socialist regime as well.

In the period of transition, employees lose the privilege of "ownership over their workplace", are completely unprepared for the new liberal labor market and react flexibly to new conditions.

The high unemployment rate and job insecurity, as well as fear of losing job have become a reality for the most of the labor force. At the same time, the unavoidable process of joining the mechanisms of the global market is taking place, revealing the low level of competitiveness of the Croatian market and labor force.

After the last census, the collective myth about the high level of education of Croatian labor force was destroyed, because it was discovered that, by European standards, Croatia is lagging behind in the area of education as well. Data from the last census show that the percentage of highly educated workers is small in comparison with European states and that the majority of population completed secondary education. Thus, the unemployment rate for women is highest among women with secondary education, whereas there are not many unemployed women with higher education, that is, these women find employment most easily.

Regarding the labor market dynamics, that is, finding and losing employment, possibilities are very limited - once you lose employment, it is very difficult to find a new job. Inadequate educational and skill structure of the unemployed, poor knowledge and expertise management in relation to workplace requirements are main characteristics of the unemployed.

At the same time, there is a need to transform employment. Although it is the most important thing, the labor force cannot count on safe and permanent full-time employment, with clearly defined tasks and patterns of career advancement. Instead, the trend is flexible employment, which includes self-employment, fixed-term employment, part-time employment and temporary and seasonal employment.

Since 2002, the first positive trends have been observed: the average number of unemployed persons started to fall down, but in spite of this, unemployment rates for women are on the increase.

In order to reduce unemployment, the Croatian Government proposed special employment incentives. We learned that through the measures for stimulating employment implemented by the Croatian Employment Office from March 1, 2002 to October 31, 2004 29,007 women were employed. Most of them completed four-year secondary education, university studies or three-year vocational or technical secondary school. The majority of them were employed in the City of Zagreb, Splitsko - dalmatinska and Osječko - baranjska county, and the smallest number of them found employment in Ličko - senjska, Zadarska, Brodsko - posavska and Virovitičko - podravska county. During 2004, the Ministry of Economy, Labor and Entrepreneurship implemented a special program for stimulating entrepreneurship. Their results showed that so far 355 requests submitted by women were approved and financed through the program Women's Entrepreneurship.

The analysis of measures proposed in the National Action Plan, which should promote employment, showed that all of them are part of an *integral approach* to labor market reform. Some of the main problems are long-term unemployment and youth unemployment, especially considering the transitional processes taking place in Croatia.

Adopted measures have their own direct and indirect effects on employment of women. Only Guideline 6, Gender Equality, refers specifically to women, and is a component of national action plans of other European countries. This guideline opens up the possibility of developing programs for employment of women in the years to come.

Key measures from Guideline 6, Gender Equality, are focused exclusively on legal regulations, that is, the Labor Law (The Official Gazette, 114/03), which bans gender discrimination in employment and work, pay, career advancement and education. It is still unknown how this Law will be implemented in case of gender discrimination and what actions can be undertaken in case of law violations and discrimination against persons seeking employment. Key measures clearly stress that "there are still no standards for *identifying various forms of discrimination* in employment and mechanisms for their elimination, including court protection". The legal framework has been instituted, which is positive and certainly crucial.

The guideline calls for an efficient strategy for harmonizing the national Gender Equality Law, which explicitly bans discrimination in employment and work. Discrimination is banned in the public and private sector, including state institutions, and applies to job requirements, criteria and conditions for the selection of candidates, advancement in professional hierarchy, access to education, working conditions, including equality of pay, all rights derived from work and on the basis of work, membership and work in various associations of workers or employers, that is, any

other professional organizations. The Law states that, when advertising job vacancies, it must be clearly specified that persons of both sexes can apply for the position.

Gender equality regulations have a long tradition in developed European countries, whereas the Gender Equality Law was passed in July 2003. It is very important, as mentioned in the NAP, to create and maintain the stability of organizations that ensure democracy, the rule of law, respect for human and minority rights because Croatia is still lagging behind in meeting these criteria.

It is clear that there are not enough data collected to propose adequate measures, so that the extremely desirable measures in Guideline 6 are related to the data that should be gathered through research (trends and differences on the labor market, cost and range of childcare facilities). One of the desirable measures is the need for a media campaign directed to awareness-raising. The proposed campaign is general in character because the public is completely unaware of this issue. Other desirable measures aim at reconciling family and professional lives of women in the sense that they are enabled to return to the labor market and that programs targeted at single mothers are introduced. The good thing is that one of these measures is the need to promote women's entrepreneurship. As far as education is concerned, the proposed measures should support engagement of women in non-traditional occupations, and acquiring additional skills. Programs such as "improving and applying knowledge and abilities during and after maternity leave" are somewhat more ambiguous.

Key institutions for the implementation of Guideline 6 are the Ministry of Justice, Committee for Gender Equality and the Ministry of Economy, Labor and Entrepreneurship.

Desirable measures related to Guideline 10 concerning regional differences is the need to ensure the development of human resources in rural areas through education, market research and development, management and implementation of new methods of management in agriculture, and among the target groups are entrepreneurs, young agricultural workers, environmentalists, people with disabilities and women.

Although EU Guideline 8 "Making work pay through incentives to enhance work attractiveness" mentions women as target groups in the sense that Member States will develop adequate measures aimed at reducing the number of poor workers, that is, that there is a need to revise and adjust tax and benefit systems with the aim of eliminating unemployment, poverty and inactivity traps, and to promote involvement of women, low skilled workers, people with disabilities and those furthest from the labor market in employment, the NAP does not mention women in any one of the measures. There are no key measures elaborated in this guideline. It is said that the situation of low-paid workers "should be considered by an expert group with the aim of finding the solution, having in mind the fact that further tax reductions will not help poor workers who do not pay taxes" (NAP, p. 30)

It can be concluded that, although there is a guideline that refers directly to reducing gender discrimination on the labor market, no key measures in the NAP involve programs for promoting women's entrepreneurship, although it is mentioned in Guideline 6 (that is, less important measures). Guideline 1 mentions most disadvantaged groups in the labor market (long-term unemployed and young people), but does not recognize women as a special target group. EU Guideline 3 "Addressing the change and promoting adaptability and mobility in the labor market" recommends reconciliation of work and private life, but measures proposed in the NAP fail to give adequate recommendations because, as we already said, possibilities of part-time employment have not been researched.

This analysis shows that the proposed measures will lead us to the right path to reducing the high unemployment rate for women, but much remains to be done for the measures to yield concrete results, because until recently equality, discrimination and segregation on the labor market were not understood as important problems.

Discrimination against women on the labor market in Croatia is not researched enough. Although there are general data on employment of women by sectors and unemployment, there are still no reliable statistical indicators of pay gap. There are a few surveys that show that women are

underpaid in relation to men on same positions. The State Institute for Statistics still does not disaggregate pays by gender.

Considering the poor entrepreneurship culture in Croatia and unfavorable economic possibilities, no wonder that the measure of promoting women's entrepreneurship is mentioned only in the guideline on gender equality.

Analysis of the range of child care facilities is extremely important because it is one of the most important areas in the national actions plans of European countries. Croatia lacks data in this area, although the Minister of Science, Education and Sport recently estimated that 40% of pre-school children are accommodated in pre-school institutions.

The traditional treatment of women can be changed through a well-grounded media campaign, but it is much more important to implement equality standards through the educational system, in which the Ministry of Science, Education and Sport should have the key role.

The question we should ask ourselves is: Has gender equality been downplayed until more important questions are resolved, such as reducing unemployment (without taking into account the issue of gender equality)? When answering this question, we should have in mind that Republic of Croatia for the first time formulated a document that EU Member States have been developing for several years now. For the first time guidelines on gender equality were adopted and measures that should be implemented by various institutions are being elaborated. This is the first document showing that Croatia is sensitive to gender equality in employment and recognizes that special efforts are needed to achieve, under favorable conditions, equal participation of as many women as possible in the labor market.

The new measures that would be in accordance with the action plans of other European countries cannot be implemented due to financial reasons (financing special programs) and legal framework (for example, intervention into new forms of employment in terms of working hours).

The following measures from action plans of EU member countries were not stressed enough in the Croatian NAP:

a) analytical measures

- statistics on women's labor force for various purposes (professional structure on all levels, organization of work and salaries)

b) educational measures

- professional orientation and lifelong learning programs, trainings and professional development specifically for women
- promoting education of women for professions of the future (new technologies), in which they are underrepresented, especially in higher education
- launching school programs for eradicating traditional career choices for girls and boys
- educational seminars for unions, employers and professional bodies with the aim of promoting gender equality

c) measures related to stimulating employment and organization of work

- measures for stimulating employment of women in areas with a high level of unemployment
- pilot projects on introduction of more flexible forms of work organizations

d) social measures related to child care

- stimulating preschool and school programs that enable women to easily integrate into the labor market

e) media campaigns and information

- targeted media campaign that will change values and promote lifelong learning programs
- media campaigns promoting (female) entrepreneurs and entrepreneurship in general
- using the Internet in overall presentation of programs and possibilities for employing and informing women in general

d) measures aimed at promoting cooperation with social partners

- cooperation with NGOs on raising women's awareness and creating conditions for promoting the entrepreneurship culture and launching new projects encouraging women's entrepreneurship and self-employment

e) elaboration of legislation with the aim of promoting equality on the labor market.

## PART FOUR

### IV.1. VIOLENCE IN THE FAMILY - COMPLAINTS

According to Article 1 of the Convention on Elimination of All Forms of Discrimination against Women, the term "discrimination against women" means any difference, exclusion or limitation on the basis of gender with the effect or intention to prevent or endanger women's recognition, enjoyment or exercise of human rights and fundamental freedoms in the political, economic, social, cultural, civic or other sphere, regardless of their marital status, on the basis of equality of women and men.

According to the General Recommendation 19 of the UN Committee for Elimination of All Forms of Discrimination against Women, which monitors the implementation of the Convention, the definition of discrimination includes gender-based violence directed towards women because they are women, and which disproportionately affects women, and implies acts or attempts of physical, psychological or sexual violence.

According to Article 6 of the GEL (The Official Gazette, 116/03), discrimination on the grounds of sex is any normative or real, direct or indirect, differentiation, exclusion or limitation on the grounds of gender that hinders or denies recognition, enjoyment or exercise of human rights of women and men in political, educational, economic, social, cultural, civic and any other sphere of life.

The Law on Protection From Violence in the Family (The Official Gazette, 116/03) defines violence in the family, the persons who are considered as family members in the sense of this Law, ways how to protect family members, and type and purpose of misdemeanor sanctions.

According to Article 215a of the Criminal Code (The Official Gazette 110/97, 27/98, 50/00, 51/01, 105/04), any member of the family who, by committing violence, abuse or especially insolent behavior, puts another family member into a humiliating position will be punished by three months to three years of imprisonment.

In 2004, the Gender Equality Ombudsperson devoted a significant amount of time to considering complaints submitted by victims of domestic violence about the inefficiency of state institutions dealing with protection from violence in the family.

These are the results of the analysis of cases of domestic violence considered by the Gender Equality Ombudsperson:

**1. Regarding recognition of violence**, centers for social welfare and police, apart from cases of physical violence (physical force or assault), in which an injury occurred and appropriate medical documentation exists, still fail to acknowledge other forms of violence, although Article 4 of the Law on Protection from Violence in the Family defines violence in the family as:

- any use of physical force or coercion violating a person's integrity,
- any other behavior of a family member that can result in risk or threat of physical and psychological pain,
- causing a feeling of fear or danger for one's life or violation of dignity,
- physical assault regardless of whether injury occurred or not,
- verbal attacks, insults, name-calling, and other forms of cruel harassment,
- sexual harassment,
- stalking or other forms of harassment ,
- unlawful isolation or limitation of the freedom of movement or communication with third persons,
- damaging or destroying property or an attempt to do so.

In addition, violent behavior is often interpreted as marriage or lovers' quarrel and disagreement , that is, as a private matter over which the state has no jurisdiction.



Moreover, some centers for social welfare fail to connect violence in relations between adult family members, most often parents, with violence against children. For example, in one case, in which it was without any doubt established that the father committed violence against the mother of the children, the Center states in its report that **"it was established ... that under-aged children have never been exposed to violence, except as witnesses of their parents' conflict"**. When exposure to violence in relations between adult family members, Article 114, para. 2 of Family Law (The Official Gazette, 116/03) is defined as one of the grounds for establishing that the parent abuses or denies his or her parental responsibilities, duties and rights, which is a reason enough to deny him or her his right to parental care, we cannot speak of indirect witnessing, but a form of psychological violence against children.

The Centers for Social Welfare can receive information about the existence of violence in the family long before any serious consequences arise - at least in mediation in divorce proceedings, if no sooner, which is conducted by several experts, including a psychologist.

Apart from the well-known lack of human resources in these centers, mediation procedures should not be led by only one expert, most often legal experts, and reduced to administrative statements and conclusions based on them.

In most complaints, the analysis of submitted documentation showed that mediation procedures in centers were mostly led by legal experts, because the documentation does not contain findings of psychologists or notes on joint conclusion. They also fail to mention violence, and if more serious physical violence occurs after the procedure has ended, it is usually established that the violence lasted for years and that the consequences would be much less serious if it was recognized earlier and relevant bodies acted in accordance with their authority.

When violence is recognized, the centers often fail to differentiate the victim and the abuser, even if there are preconditions to do so, and same measures and procedures are applied to them both. For example, certain centers for social welfare order legal measures (warning, supervision of parental care) to both parents and report both parents for neglect and abuse of children, and in some cases the police reports both spouses, that is, both the victim and the abuser.

**2. Reporting violence:** When the social welfare worker, psychologist, social pedagogue or educator has information about violence in the family, it is as a rule not reported, although everyone is obliged to report violence to the police or relevant municipal state attorney's office, about which they gained knowledge in the course of their job, and **in spite of the fact** that failure to report is a misdemeanor sanctioned according to Article 19 of the Law on Protection from Violence in the Family.

In case they gain knowledge about violence in the family, centers are at best content to know that, for example, the violence was reported by the hospital and believe that they are not obliged to do it as well.

Judging from the submitted complaints, the police often intervenes when receiving information about violence and makes an official note. Only in case the victim reports the violence, the police passes it on to the state attorney's office or investigates it further before passing it on to the state attorney's office.

In many cases, the police states in their notes or reports that "no elements of civil disorder or violent behavior were established" and that "no elements of misdemeanor or criminal acts were found". After several "unsuccessful interventions", the victim stops calling the police. In these same cases, after a more serious violent act occurs or after the victim files an official complaint, the procedure establishes existence of long-lasting violence.

**3. Proofs of violence:** Centers for social welfare and police often think that they do not have enough evidence to file an official motion to initiate misdemeanor proceedings. They do not take the victim's statement seriously enough, unless the abuser himself confirms the victim's claims. The

centers do not use their experts enough, especially psychologists who can recognize and confirm existence of violence in the family, that is, effects of this violence, and do not use them as expert witnesses in trials.

Centers for social welfare as a rule look for firm evidence of violence, forgetting that to report violence according to Article 5, para. 2 of the Law on Protection from Violence in the Family it is sufficient to gain knowledge about its existence and that they are obliged to react immediately and with due diligence and initiate proceedings in line with their broadly defined authority.

**4. Violence as a misdemeanor - protection measures:** When the police files a motion to initiate misdemeanor proceedings, it does not always suggest protection measures, sometimes justifying it with absence of all implementing regulations for the protection from violence in the family.

The purpose of protective measures is to prevent violence in the family, ensure health and safety of the victim and eliminate circumstances that encourage or contribute to new misdemeanors, because without protection measures, the victims of domestic violence cannot be provided with adequate protection.

As Article 16, para. 2 of the Law on Protection from Violence in the Family states that only two protection measures are ordered upon official duty, mandatory psychosocial treatment and taking away objects used or intended for committing the misdemeanor, it is very important to propose ordering protective measures.

**5. Violence as a criminal act:** Violent behavior in the family can be sanctioned as a criminal act as well. However, although Article 215a of the Criminal Code states that a family member who, by committing violence, abuse or especially insolent behavior, puts another family member into a humiliating position, will be punished by imprisonment from 3 months to 3 years, according to submitted complaints and available statistical data, it is evident that the police rarely decides to report it as a criminal act. It seems that the practical criteria acceptable for prosecuting violence as a criminal act are frequent or severe violence in the family.

We note that the Criminal Code defines a family more narrowly than the Law on Protection from Violence in the Family. The Gender Equality Ombudsperson believes that violence in the family as a form of discrimination should not be treated as a misdemeanor, but only as a criminal act, but until different regulations are passed, it is necessary to apply the existing ones in a timely fashion.

**The adoption of the National Strategy of Protection from Violence in the Family 2005-2007 (adopted by the Croatian Government on December 9, 2004 at the suggestion of the Ministry of Family, War Veterans and Intergenerational Solidarity) has a special role in fighting against violence in the family and helping the victims.** The Gender Equality Ombudsperson took part in the development of this strategy as a member of the working group, which accepted two of her suggestions: to examine the consistency of current Croatian legislation related to family issues, criminal acts and misdemeanors, health care and social welfare from the perspective of violence in the family and harmonize it with basic international regulations and to produce a report and propose possible legal amendments and changes. The Gender Equality Ombudsperson is the implementer of a number of measures to prevent violence in the family, as determined in the strategy.

**6. Consequences of violence in the family:** Although there are not enough research on effects of violence in the family, it is a well-known fact that victims of long-lasting violence who were not protected early enough, suffer serious psychological consequences and effects in terms of their parental rights, employment etc.

Centers for social welfare fail to take into account these consequences in reaching their decisions and there are more and more cases in which depression of the victim and other behavior typical of long-lasting victims of domestic violence is interpreted as lack of interest and care for the children, and decide that the children should live with the father (his parents), leaving to parents to arrange when will the mother visit them (even in cases of husband's violence and seriously disturbed

relations), and are not efficient in preventing the father from manipulating with the children and turning them against the mother, so that mother/victims of violence cannot establish any contact with the children.

## Conclusion

After the initial absence of reactions and delays on the part of the institutions, which forced the Gender Equality Ombudsperson to fast-track the procedure of submitting reports, statements and documentation, the cooperation was improved to a satisfactory level.

It is important to note that the analysis presented above was conducted on the basis of complaints submitted to the Gender Equality Ombudsperson and that it is not possible to generalize about police conduct or work of centers for social welfare.

The police is otherwise very active in providing protection in cases of domestic violence, as is evident in their statistics (for the purposes of this report, we attach the table "Domestic violence - current situation and numbers of interventions and measures undertaken in the Republic of Croatia from January 1, 1999 to December 31, 2004").

It is still disconcerting that centers for social welfare do not comply with explicit requests to submit the developed plan and its aims, which they are obliged to draw up for persons that contacted them for help on the basis of Article 146 of the Law on Social Welfare (The Official Gazette, 73/97) - so far we have not received any.

Since the Gender Equality Ombudsperson, due to the complex and delicate nature of the cases, asks for additional information about the measures undertaken after her warnings and recommendations, a higher level of commitment of the centers and other institutions and legal entities is visible, already after the request for the first report after the complaint, and especially after the warning and recommendation.

In cases when the party did not file a motion or filed it, but failed to file a complaint about the work of institutions, legal and physical entities, and contacted the Gender Equality Ombudsperson about possible discrimination and asked for legal and other expert help, the Gender Equality Ombudsperson talks with the party, provides legal information, explains procedures and possible outcomes, clarifies its scope of work, and the authority of other institutions of interest to the party's problem.

It is especially important to note that Croatia declared September 22 the National Day of Fighting against Violence against Women.

## ANALYSIS OF INDIVIDUAL CASES

**1. Case summary (PRS 03-02/04-09):** T. Z. from Z. complained about the work of the center for social welfare, claiming that because of their failure to react or inadequate reaction to the violence committed by her extramarital partner, she not only lost custody over children, but has no contact with them. She explains that she broke up the relationship with her partner and took their two children with her, and three years ago, the father tricked her into taking them and keeping them by force. She contacted the center for social welfare that she thought was relevant for her problem, but the other center, in the place of residence where the father of the children is falsely registered, decided that the children should live with the father (proposing contacts with the mother once a week with prior agreement) and stated that she as a mother did not take part in the proceedings, and did not answer their calls because she believed they are not relevant for her case and doubted their impartiality because of their "connections" with the father. She also says that she cannot agree with the children's father on anything. He prevented her contact with the children in various ways, and the center for social welfare did nothing about it. She became depressed, which the center interpreted as a lack of interest for children and parental disability. She claims that she would agree that the children live with the father if she had unobstructed contacts with the children and if she were convinced that he is a good parent, but he is not fit to be a father because he is never at home and turns the children against their mother.

**Measures undertaken:** The Gender Equality Ombudsperson, in accordance with her legal authority, requested from the center to submit reports, entire documentation and comment the complainant's claims. Since the submitted reports and attached documentation did not contain any information about the center was aware of the violence in the family, an additional report and documentation were requested and received. The Gender Equality Ombudsperson concluded that the center for social welfare, because it failed to react or reacted inadequately to the information about violence in the family hindered and prevented the exercise of human rights of the women victim of violence, primarily her parental rights. The center accepted the situation that was a result of violence - the fact that children are with the father - and interpreted the woman's depression and other behaviors characteristic for a victim of long-lasting domestic violence as lack of interest in and care for children. That is why the center did not do everything within the scope of its authority, that is, it did not allow the complainant as the mother and victim of long-lasting domestic violence to exercise her rights to equal and joint parental care, even contacts with children. The center did nothing to make sure that the contacts between the mother and children are really maintained, and did not examine the reasons why they are not being exercised (although it was aware of that), although it had the possibility to re-examine the decision about custody, and completely ignored the mother's right to participate in other aspects of parental care. That is why the Gender Equality Ombudsperson, on the basis of Article 22, para. 1 of the GEL, send to the center for social welfare a warning about violations against the GEL and recommendation to inform her about implemented and planned measures, and informed the complainant about this.

**Outcome:** After the warning, the center informed the Gender Equality Ombudsperson about measures taken (supervision over custody was ordered, and expert witness was requested to testify in the case) and planned increased monitoring of the case to determine further family law and other legal measures.

**Note:** The case is a positive example of how an institution reacts to the warning of the Gender Equality Ombudsperson, which obviously resulted in recognizing the connection between domestic violence and discrimination.

**2. Case summary (PRS 03-02/04-18):** I. D. from Z. complained about the work of the center for social welfare and police in protecting her from her husband's violence, as well as in mediation procedures before divorce and custody decision until the divorce is final. She explains that she took the children and left her husband because of his violence. He refused to give her the children's belongings and medical documentation and she got no help from the police. She also says that procedures in the center are too lengthy, that they did not inform the police when her husband beat up his daughter from previous marriage, and that the center did not want to help her with getting child benefit.

**Measures undertaken:** After considering the complaint and attached documentation, the Gender Equality Ombudsperson has requested from the center and police the report, documentation and comment on the complainant's allegations. Only after several warnings and requests for fast-track procedures, the center and police complied with the request.

**Outcome:** After analyzing the documentation, the Gender Equality Ombudsperson concluded that the complainant's requests were adequately processed (although less so after the complaint to the Gender Equality Ombudsperson, of which she informed the center) by the center and police. This information was also passed on to the complainant.

**3. Case summary (PRS 03-02/04-27):** N. B. from G. asked for help and intervention in the protection and exercise her rights. She claimed that she has run away from her husband because of direct physical threat and that for years she has been exposed to various forms of psychological and physical violence in the presence of children, that she did not complain to anyone for fear of his reaction and isolation, that because of the unplanned escape, she failed to take identification documents with her, and that only the oldest of the five children ran after her and managed to escape with her. She also said that the children are a source of profit for her (social welfare and child benefits), and that he did not allow her to use contraception, blackmailing her with children, that she left the children with the father only temporarily, and that he can take care of them temporarily with the help of her aunt living near by, especially if he knows he is being supervised, and asked for help in exercising her right to get custody of all her children.

**Measures undertaken:** Since the complainant did not complain about procedures and possible discrimination committed against her by bodies of state administration, units of local and regional government and other public authority bodies, their employees and other legal and physical persons, in accordance with Article 21, para. 2 of the GEL, and having in mind the complexity and

delicacy of the case, N.B. was provided with professional and legal help in contacting relevant institutions. Several institutions were asked to ensure temporary accommodation, including the center for social welfare in the area of residence of the complainant's cousin, with whom she will temporarily stay until accommodation is provided (reception and all necessary help were arranged) and the center in N. B.'s place of residence, which the Gender Equality Ombudsperson contacted in writing as well.

**Outcome:** The relevant center sent a report and documentation to the Gender Equality Ombudsperson that shows that, after the intervention made by the Gender Equality Ombudsperson the center undertook a series of measures and activities aimed at solving N. B.'s family situation, from the mediation procedures during which parents agreed that all the children will live with the mother until the divorce is final, regulating temporary accommodation of mother and children in an institution for women victims of domestic violence, redirecting financial support, issuing a temporary decision on child custody, to informing the relevant police station about psychological and physical abuse committed by the husband in order to establish the elements of a criminal act.

**Note:** The Gender Equality Ombudsperson took preventive measures with the aim of protecting the victim of domestic violence and came upon full and admirable cooperation by the centers for social welfare in the place of residence and the area in which the party intended to stay temporarily, and institutions for accommodation of victims of domestic violence.

**4. Case summary (PRS 03-02/04-06):** G. N. from B. complained about problems with her extramarital partner, his violent behavior and absence of police reaction. In direct conversation, she claims that they live as partners since 2000, that they do not have joint children, that she has a child from her first marriage, that she bought his house from him because of his debts, paid the bank and transferred the property to herself, after which he kicked her out of the house and brought another woman. She adds that the police did not want to react or report his violent behavior, but after the Gender Equality Ombudsperson advised her to report the violence herself, she did it, and the police did it too.

**Measures undertaken:** Since the complainant did not file a complaint about police conduct, the complainant was advised on what to do in direct conversation and provided with legal information on the phone.

**Outcome:** The complainant informed the Gender Equality Ombudsperson that her partner was issued a restraining order, which, as the relevant center for social welfare said to her, was the first protective measure of restraining order issued in the area.

**Note:** In this case, the police did not report the violence itself, but only after the party submitted her complaint.

**5. Case summary (PRS 03-02/04-22):** I. R. from S. asked for protection from a violent husband. She lives with her husband, child and husband's sister, the husband keeps her in isolation, insults her and threatens to kill her, but she does not dare inform the center for social welfare and police. She asked the Gender Equality Ombudsperson not to use her home address in any way, because she is afraid of her husband.

**Measures undertaken:** The Gender Equality Ombudsperson sent to I. R. another memo in which she explains her scope of work and difficulties in case of anonymity, to which I.R. explicitly asked the Gender Equality Ombudsperson not to intervene - before any intervention, she would have to leave the house, town and workplace. In a phone conversation, I. R. was informed about all institutions that can protect her against violence (accommodation with the child in shelters, protective measures, misdemeanor and criminal proceedings, procedures in the center for social welfare and judicial proceedings for child custody and divorce etc.), and was referred to the Office of the Gender Equality Ombudsperson if she needs help with the decision and measures,

**Outcome:** Unknown by the end of the reporting year.

**Note:** I. R. wanted to keep her job, and knowing that she could not get adequate protection, postponed the decision about leaving and initiating necessary procedures.

**6. Case summary (PRS 03-02/04-14):** A. M. from M. complained about the work the center for social welfare and police have done to protect her and her three children from her husband's violence, which has been going on for 3-4 years now. The husband is a war veteran and heavy drinker, he turned the children against her by forbidding them to eat the food she cooks, speak to her, dress in clothes she buys and forcing them to write ugly things about her, to open the windows

when she comes in, as if she will infect them, turning them against one another and turning them into abusers. She also says that the procedures in the center were conducted by an inexperienced social worker, and that he did not allow her to have contacts with children. Her opinion is that he needs help, and she and her children need urgent protection.

**Measures undertaken:** On the basis of her authority, the Gender Equality Ombudsperson requested from the relevant center and police directorate a report, entire documentation and comment on the complainant's allegations. Since it is not obvious from the report and documentation that the center had information about violence in the family or undertook any measures, the Gender Equality Ombudsperson sent a warning and request for additional report and documentation, which were obtained after several interventions and requests for fast-track procedures. The Gender Equality Ombudsperson concluded that the center for social welfare had knowledge about violence in that family for at least a year and a half before A. M. requested protection from her husband, that the center undertook some measures from the Family Law (warning to the parents, supervision over parental care, in cooperation with the police station criminal charges against both parents for the criminal act from Article 213 of the Criminal Code - neglect and abuse of a child or minor), but too late and not to a sufficient extent, against both parents, and suggested to the center recommendations on the basis of Article 22, para. 1.

**Outcome:** Unknown by the end of the reporting year.

**7. Case summary (PRS 03-02/04-24):** D. K. from Z. accompanied by her sister asked for legal and other expert help in solving her family situation, primarily because of physical abuse she endures by her parents and her extramarital partner "who organized her life from dusk till dawn with chores, as a machine", using her for all household duties, and describing her as an incapable and stupid person who has no right to think, feel and talk. She says she shares household with her parents, that she has become depressed, listless, without energy to do anything, even talk about her problem.

**Measures undertaken:** D. K. was given counseling help, and although she did not submit a written complaint, a precautionary conversation was conducted.

**Outcome:** The complainant left the family community, that is, her parents and partner; details unknown.

**8. Case summary (PRS-03-02/04-07):** D. H. from J. complained that, because of threats and coercion and other forms of violence committed by her husband and various pressures from others, she fears for her safety and safety of joint under-aged children, about which the center for social welfare is informed.

**Measures undertaken:** The Gender Equality Ombudsperson, on the basis of her legal authority, requested from the center and police directorate the report, entire documentation and comment on the complainant's allegations. The Gender Equality Ombudsperson concluded that the center for social welfare had knowledge about possible violence in the family, but failed to take action. That is why, on the basis of Article 22, para. 1 of the GEL, the Gender Equality Ombudsperson sent to the relevant center for social welfare a warning and recommendation to urgently inform her about undertaken measures.

**Outcome:** In accordance with the recommendation, the Center for Social Welfare informed the Gender Equality Ombudsperson that the husband was warned about using verbal or any other form of violence as a solution to family problems, of which the Gender Equality Ombudsperson informed the complainant.

**Note:** Only after the center for social welfare was warned by the Gender Equality Ombudsperson, employees recognized the husband's behavior (psychological coercion) as one form of violence in the family, and undertook specific measures.

**9. Case summary (PRS-03-02/04-04):** LJ. Š. from Z. submitted a complaint in which she claims that because of her husband's and his mother's violence she left the marriage, rented her own flat, and left her two children, aged 6 and 11, with them, until she creates the conditions for them to live with her, since she is without a job or income. She says she left the children in their best interest, but temporarily, because she thought that the conditions at their father's and grandmother's house were not threatening,. However, this was seen as a negative thing and the father was given custody over children in the mediation procedures. Because of long-lasting abuse and humiliation, and helplessness of her situation, without children, job or place to live, at one moment she tried to kill herself, which was an additional argument against her. In the meantime, as she was getting on her

feet, found a job and apartment, the husband refused to let her have contact with the children and turned them against her, "ridiculing her in front of them", so that the oldest girl resists her mother. Since she now meets all the criteria for taking care of the children, L.J. Š. claims that she submitted to the center a request for a new decision on child custody, because she thinks that the father never took care of them, that he is always out of the house and that his mother takes care of them, and adds that manipulation, exclusion of the mother from their lives and creating a bad image of her is not in the best interest of the children.

**Measures undertaken:** The Gender Equality Ombudsperson, on the basis of her legal authority, requested from the center and police directorate the report, entire documentation and comment on the complainant's allegations. It is obvious that the center for social welfare had information about violence in the family, but did not undertake measures to protect family members, because of which the Gender Equality Ombudsperson sent them a warning and, since the family relations are still complex, recommended that they urgently inform her about what has been done, of which she also informed the complainant.

**Outcome:** In accordance with the recommendation, the center for social welfare informed the Gender Equality Ombudsperson about measures undertaken, for example, that the parents were referred to the School for Better Parenthood.

**Note:** Even after the warning and recommendation, the Center for Social Welfare failed to recognize the effects of long-lasting exposure to violence in the family. The conflict between the parents and presence of children during their arguments had effects on the complainant and under-aged children, because she and other family members were not given protection from violence. The complainant, apart from suffering from serious psychological consequences and experiencing difficulties in communication with the children, is also being limited in her right to parental care.

**10. Case summary (PRS-03-02/04-11):** S. D. from Z. submitted a complaint in which she describes the forms of physical and psychological violence committed everyday by her husband in the presence of their joint under-aged children. She claims that they have 3 children, aged 5,7 and 14, that, with the help of the police, during summer vacations, she ran away to M. to her parents with the two younger children and that she is afraid to return to Z. She adds that the Center for Social Welfare and the police are familiar with her case.

**Measures undertaken:** The Gender Equality Ombudsperson, on the basis of her legal authority, requested from the center and police directorate the report, entire documentation and comment on the complainant's allegations. After analyzing the obtained documentation, the Gender Equality Ombudsperson concluded that the center had information about possible violence in the family, but undertook no measures to protect family members. That is why, on the basis of Article 22, para. 1 of the GEL she sent a warning to the Center for Social Welfare, and since the family relations continue to be complex, recommended the center to urgently inform her about what has been done, of which she also informed the complainant.

**Outcome:** In accordance with the recommendation, the Center informed the Gender Equality Ombudsperson that, after they carefully considered the warning and recommendation, they will act upon the given warning and inform the Gender Equality Ombudsperson about measures undertaken. The police filed criminal charges against M.D. to the Municipal State Attorney's Office for the criminal act of violent behavior in the family described in Article 215.a of the Criminal Code and criminal act of neglect and abuse of a child or minor described in Article 213 of the Criminal Code, because of his behavior towards the children A., L. i T.

**Note:** The Center had information about violence in the family for years, but did not report or take any measures until the Gender Equality Ombudsperson intervened, and the police had no prior information about the violence and reacted immediately after the Gender Equality Ombudsperson informed them about it.

**11. Case summary (PRS-03-02/04-16):** P. N. from Z. submitted a complaint in which she claims that her husband has been a heavy drinker for 20 years, that in the last eight years the situation is unbearable, that her and her two full age daughters have become his hostages, and that he destroys them psychologically, physically and materially (physical assaults, insults, throwing object around the house, drinking to unconsciousness etc.).

**Measures undertaken:** The Gender Equality Ombudsperson, on the basis of her legal authority, requested from the center and police directorate the report, entire documentation and comment on the complainant's allegations. After analyzing the obtained documentation, the Gender Equality Ombudsperson concluded that the center had information about possible violence in the family, but

undertook no measures to protect family members. That is why, on the basis of Article 22, para. 1 of the GEL she sent a warning to the Center for Social Welfare, and recommended the center to urgently inform her about what has been done, stressing that failure to undertake adequate measures for protection from violence in the family results in discrimination against the victims, predominantly women, on the grounds of gender, and prevents them from exercising their rights in various spheres of life, which is a violation of Article 6 of the GEL. The Gender Equality Ombudsperson informed the complainant about the measures undertaken.

**Outcome:** In accordance with the recommendation, the Center for Social Welfare informed the Gender Equality Ombudsperson that they did everything within their power, but they cannot undertake further measures without the cooperation of both marriage spouses.

**Note:** The Center for Social Welfare did not recognize the existence of long-lasting violence in the family even after the warning and recommendation.

**12. Case summary (PRS-03-02/04-28):** The Ministry of Family, War Veterans and Intergenerational Solidarity passed on to the Gender Equality Ombudsperson a complaint by B. N. from O., with the complainant's consent. She claims that she is a victim of violence in the family committed by her husband and says that she has had enough of "slapping, beating, insults, abuse, furniture breaking, turning off the power and phone", and that she is afraid of reporting it to the police because the husband beat her so many times that she had to ask for medical help. The complainant did not attach any documentation.

**Measures undertaken:** The Gender Equality Ombudsperson, on the basis of her legal authority, requested from the center and police directorate the report, entire documentation and comment on the complainant's allegations. The police directorate submitted a report in which they claim that police officers have so far not intervened in the case of B. N. from O., but that they have, on the basis of the Gender Equality Ombudsperson's request, obtained from the Center all available documentation and will undertake measures accordingly in order to determine the elements of misdemeanor or criminal act. After analyzing the obtained documentation, the Gender Equality Ombudsperson concluded that the center had information about possible violence in the family, but undertook no measures to protect family members. That is why, on the basis of Article 22, para. 1 of the GEL she sent a warning to the Center for Social Welfare, and since the family relations continue to be complex, recommended the center to urgently inform her about what has been done, of which she informed the Ministry of Family and complainant.

**Outcome:** In accordance with the warning and recommendation, the Center informed the Gender Equality Ombudsperson that they informed the police station and Municipal State Attorney's Office about possible violence in the family, and suggested one or more protective measures in accordance with Article 16 of the Law on Protection from Violence in the Family.

Police officers filed a motion to the Misdemeanor Court for initiating misdemeanor proceedings against M. N. for committing the misdemeanor from Article 4 of the Law on Protection from Violence in the Family against his wife B. N. and filed a complaint to the Municipal State Attorney's Office for the criminal act of violent behavior in the family, described in Article 215 of the Criminal Code.

**Note:** The Center for Social Welfare was aware of the long-lasting violence, but reported it to the police and Municipal State Attorney's Office only after the Gender Equality Ombudsperson's warning and recommendation.

**13. Case summary (PRS-03-02/04-21):** E. J. from P. submitted a complaint in which she describes the forms of physical and psychological violence committed against her by her husband. She says that they have 4 joint under-aged children and that the husband has been beating her during the whole marriage. In 2002, he beat her so badly that she ended up in a hospital and underwent an operation. After that, she filed for divorce, has called the police numerous times because of harassment, but everywhere she turns she faces delays, postponements etc., while her ex-husband is bragging that he has protection everywhere. That is why she believes that relevant institutions failed to give her adequate protection, although during divorce proceedings the Center for Social Welfare was aware of the emotional and physical abuse committed by her husband. The complainant attached the appropriate documentation to support her allegations.

**Measures undertaken:** The Gender Equality Ombudsperson, on the basis of her legal authority, requested from the center and police directorate the report, entire documentation and comment on the complainant's allegations, which was obtained after the request for fast-track procedures. The Police Directorate in its report claims that police officers have filed a complaint to the relevant



Municipal State Attorney's Office against I. J. because of the criminal act of violent behavior in the family, as described in Article 215a of the Criminal Code, and criminal act of grievous bodily harm, as described in Article 99, para 1 of the CC against his wife E.J. On March 18, 2003 the State Attorney's Office rejected the complaint explaining that E. J. used the legal right not to testify, and I. J. plead silence, so that the medical document and discharge from hospital are only proofs of grievous bodily harm, and do not prove that the injuries were inflicted by the suspect I. J. After analyzing the obtained documentation, the Gender Equality Ombudsperson concluded that the center had information about possible violence in the family, but undertook no measures to protect family members. That is why, on the basis of Article 22, para. 1 of the GEL she sent a warning to the Center for Social Welfare. The Gender Equality Ombudsperson informed the complainant about the warning and recommendation sent to the center and pointed out that victims of violence in the family have to be actively involved in solving the problem - to report the violence and process it (testimony in court), in order to secure protection and safety of persons exposed to violence, and eliminate circumstances that encourage violence. In the future, when reporting the violence to the police, she must always insist that the complaint is processed. The complainant as a damaged party, in case police officers do not file a motion to initiate misdemeanor proceedings to the misdemeanor court, on the grounds of Article 112, para. 1 and Article 170 of the Misdemeanor Law (The Official Gazette, 88/02), she can file a motion herself.

**Outcome:** In accordance with the warning and recommendation, the Center informed the Gender Equality Ombudsperson about measures undertaken.

**Note:** The Center for Social Welfare was aware of the long-lasting violence in the family, but it undertook certain measures for protection from violence in the family only after the warning and recommendation by the Gender Equality Ombudsperson.

**14. Case summary (PRS-03-02/04-32):** M. M. from L. submitted a complaint in which she claims that the center for social welfare refused to allow her as a mother to maintain contact and communication with her under-aged child, because of the negative influence of the child's father, and did nothing to protect her from violence in the family. The complainant did not attach any documentation.

**Measures undertaken:** The Gender Equality Ombudsperson, on the basis of her legal authority, requested from the center and police directorate the report, entire documentation and comment on the complainant's allegations. In its report, the Police Directorate claims that police officers intervened 11 times in family M.; on 9 occasion, no elements of misdemeanor or criminal act were found; in one instance, the intervention led to filing a motion to initiate a misdemeanor procedure against M.M. and B.M. because of a misdemeanor described in Article 118 of the Family Law, of which the center for social welfare was informed; and in one instance, police officers reported M. M. to the relevant state attorney's office for committing a criminal act of violation of the obligation to support her son A.M. described in Article 209, para. 2. of the Criminal Code, of which the Center for Social Welfare was informed. It is clear from the obtained documentation that the complainant has contacted the center with the aim of establishing contact with her under-aged child. The Gender Equality Ombudsperson concluded that the center did not do enough and/or take adequate measures to, for the purpose of a healthy development of the under-aged child, allow the complainant (mother) the right to equal parental care for the under-aged child. That is why, on the basis of Article 22, para. 1 of the GEL, the Gender Equality Ombudsperson send a recommendation to the Center, in which she stresses that they are obliged to ensure the principle of equal parental care, in order to promote the principle of gender equality and prevent discrimination on the grounds of sex and family status, that is, to allow M. M. contacts with her under-aged child in accordance with the provisions of the Family Law, that they are obliged to take measures for protection and prevention of violence in the family in accordance with the Law on Protection from Violence in the Family and Law on Social Welfare, and that the employees of the center are obliged to report to the police or relevant state attorney's office the violence they received information about in the line of their duty by suggesting one or more protective measures for the prevention of violence in the family, and to ensure necessary protection of health and safety of persons exposed to violence, and eliminate circumstances that encourage or contribute to repeated acts of violence. Since the relations between former spouses remain complex, the center was recommended to urgently inform the Gender Equality Ombudsperson about measures undertaken, of which the complainant was informed as well.

**Outcome:** In accordance with the recommendation, the Center sent to the Gender Equality Ombudsperson a report on measures undertaken, in which they claim that they have re-examined the family situation and undertook measures in accordance with the recommendations.

**15. Case summary (PRS-03-02/04-01):** LJ. Ž. from B. submitted a complaint in which she claims that she and her mother were exposed to constant psychological and physical violence in the family committed by her husband, who lives in the same house, owned by her mother, and all of this is happening in the presence of a joint under-aged child aged 10. She says that, in the period between September 11, 2003 and December 28, 2003, police officers intervened 7 times, and during one intervention, the police officer said to the complainant that the "police is not authorized to act unless she divorces him", and that the husband is currently in prison and will soon get out, so that they are afraid of what he might do, because he probably blames them. The complainant attached documentation.

**Measures undertaken:** The Gender Equality Ombudsperson, on the basis of her legal authority, requested from the center and police directorate the report, entire documentation and comment on the complainant's allegations. In its report, the police department claims that the police officers intervened 9 times, and each time the intervention resulted in filing a motion to the misdemeanor court against M. Ž. for the misdemeanor described in Article 118 of the Family Law, that is, in Article 4 of the Law on Protection from Violence in the Family. As M. Ž. repeats violence, a motion for criminal proceedings was filed to the relevant state attorney' office for committing a criminal act of violent behavior in the family described in Article 215 of the Criminal Code against his wife Lj. Ž. After examining the motions for misdemeanor proceedings, it has been established that the police officers did not use their power to file a motion for ordering protective measures, as stipulated in Article 16, para. 1 of the Law on Protection from Violence in the Family.

In the meantime, the complainant again contacted the Gender Equality Ombudsperson and complained that they had not yet received adequate protection, and that misdemeanor proceedings were initiated before the relevant misdemeanor court. The husband was punished with a fine and imprisonment, but nothing has been enforced yet. The Gender Equality Ombudsperson again sent a request to the relevant police department, in which she claims that certain measures were undertaken for the purpose of protection the life, rights and safety of the complainant and her family, and certain measures for protection from violence in the family, but no all possibilities were used, as defined in provisions of the Law on Protection from Violence in the Family and Law on Police (arrest and apprehension). She adds that filing a motion for initiating misdemeanor proceedings because of violence in the family (solution that existed in the old Family Law) is not always enough to effectively prevent violence if not accompanied by requests for ordering one or more protective measures. The police department makes an addition to the report by saying that claims made by LJ. Ž. in the complaint were examined and that, out of 9 interventions in family Ž., in 8 of them, elements of violent behavior in the family on the part of M. Ž. were found, but on these occasions legal conditions for his arrest and detention were not begin met, because the accused stopped with the misdemeanor and calmed down, and police officers concluded that there is no risk that he will repeat the misdemeanor. During each intervention, the misdemeanor judge was informed as well, who ordered that M. Ž. is not to be brought before the misdemeanor judge for hearing, but that the motion for initiating misdemeanor proceedings be filed in regular procedure. As far as suggesting one or more protective measures to the misdemeanor court, they note that in one instance, the protective measure of restraining order was suggested, but the court disagreed, and they add that the Rules and Regulations on Enforcement of Protective Measures in over which the police have authority, according to the Law on Protection from Violence in the Family (The Official Gazette, 27/04, from March 3, 2004, effective on March 11, 2004), and that before that time, they did not elaborate the implementation of certain protective measures (and all misdemeanors were committed before these rules and regulations were adopted, because of which measures were not suggested). The Gender Equality Ombudsperson sent a recommendation to the relevant police department, in which she claims that they did not use up all available possibilities and authority deriving from the provisions of the Law on Protection from Violence in the Family, because they had no reason not to enforce the Law on Protection from Violence in the Family effective on July 30, 2003 and suggest protective measures, and recommends, in order to achieve the principle of gender equality and prevent discrimination on the grounds of gender, family status and effective protection from violence in the family, in this concrete case and all other similar cases, that they file a motion to the misdemeanor for ordering one or more protective measures, which would prevent violence in the family, ensure necessary protection of health and safety of the

person exposed to violence, and eliminate circumstances that contribute to or encourage new misdemeanors, and since the relations in family Ž. are severely disturbed, the police department was asked to inform the Gender Equality Ombudsperson about measures undertaken, of which she informed the complainant.

**Outcome:** The complainant wrote to the Gender Equality Ombudsperson and informed her that the situation in the house has in the meantime significantly improved, because the misdemeanor ordered protective measures to M. Ž., which, along with the weekly supervision of police officers, finally brought peace in their house. In accordance with the recommendation, the police station informed the Gender Equality Ombudsperson about the enforcement of protective measures and noted that they received a memo from the misdemeanor court, in which on the basis of the final ruling of the misdemeanor court, the police is ordered to enforce the following protective measures on Ž. M.: restraining order, prohibition of harassment or stalking the person exposed to violence and moving from the apartment and house or any other housing premises. They report that the Plan for the Enforcement of Protective Measures and evaluation of the threat to the victim of violence were developed, which elaborate on the conduct of police officers for the purpose of fully protecting the victims of violence, and conduct in cases of violations of protective measures.

**16. Case summary (PRS-03-02/04-17):** I. R. from P. submitted a complaint in which she claims that since June 2002, she has been exposed to violence in the family, emotional and physical abuse resulting in grievous bodily harm, enforced sexual intercourse and dangerous threats by her former extramarital partner T. Š., a policeman. During the partnership, the violence in the family was witnessed by her under-age daughter, and violence, physical abuse and threats continued even after the partnership ended. The complainant believes that she was not given adequate protection because the abuser was a police officer employed in the same police station that should protect her. The complaint was accompanied by documentation.

**Measures undertaken:** The Gender Equality Ombudsperson, on the basis of her legal authority, requested from the center and police directorate the report, entire documentation and comment on the complainant's allegations, which was in the end obtained after a request for fast-track procedure. After analyzing the allegations from the complaint, reports and available documentation, the Gender Equality Ombudsperson concluded that the police officers undertook certain measures to protect the complainant's life, rights and safety and certain measures for the protection from violence in the family: by going on numerous interventions, reporting the abuser because of the criminal act of violent behavior in the family, receiving and transferring to the state attorney's office complaints because of the criminal acts of threat and rape, temporarily suspending the police officer, and filing a motion for disciplinary procedure against him. However, it is clear from the documentation that police officers did not protect T. Š., although the facts indicated possible domestic violence and violent behavior in the family. That is why the Gender Equality Ombudsperson sent a recommendation to the police department, in which she requests that the victim is provided with immediate and timely protection. The Gender Equality Ombudsperson informed the complainant about this, saying that T. Š. was ruled guilty and sentenced before the municipal court for the criminal act of violent behavior in the family described in Article 215.a of the Criminal Code, and that the criminal proceedings are monitored by the police department, and that when the ruling become final, T.Š. will be dismissed from the police force in accordance with Article 124, para. 1, point 3 of the Law on Police.

**Outcome:** Unknown by the end of the reporting year.

**Note:** The case shows how severe consequences can be for the victim if the police does not undertake measures for protection from violence in the family on time, especially when the abuser is a police officer.

**17. Case summary (PRS 03-02/04-20):** R. V. from V. requested legal and other expert help. She claims that the Center for Social Welfare and police did nothing to protect her and her children from the violent behavior of her husband and children's father, which abuses her from the beginning of marriage. The mediation procedure before divorce was completed twice in the Center for Social Welfare, and in 2002, she filed for divorce before the relevant municipal court, but had to drop it under pressure from the husband. She notes that police officers intervened several times, and during those interventions, the police filed no complaints. Since she lives in a small community in which her husband is a person of influence, she doubts that the police are partial, especially when she was told during one intervention that "women only want money". She claims that she is employed, and her husband is a successful small business owner, and that she is financially

dependent on her husband, which the husband often points out. All this makes her position more difficult, and she feels helpless and lacks courage to change something. She attached the documentation.

**Measures undertaken:** After a conversation with R. V. and analyzing the documentation, the complainant was informed that, on the basis of Article 21, para. 3 of the GEL, she can again contact the Gender Equality Ombudsperson in case of violations of the provisions of the GEL. She was given legal advice in connection with protection from violence in the family.

**Outcome:** The complainant informed the Gender Equality Ombudsperson that for the time being she does not want to contact the office because her health has taken a turn for the worse.

**18. Case summary (PRS 03-02/04-12):** V. S. from Z. asked for legal and other expert help. She claims that for a longer period of time she has been exposed to violence in the family by her husband, and that the situation has worsened since her husband found out she plans to file for divorce. During the marriage, she bought the apartment with her husband, in which she lives, but the husband gave the apartment to his brother, and that he threatens her that if they divorce, she will have no rights to the apartment. With a physical disability of 80% and illness, she cannot work, and feels insecure and fears that without adequate protection of relevant institutions she will not be able to protect herself and her child, and asks for help with court representation in divorce and division of property procedures.

**Measures undertaken:** After a conversation with V. S. and analysis of documentation, she was given legal advice in connection with protection from violence in the family and was referred to Croatian Bar Association for free legal aid. She was informed about the cases in which, on the basis of Article 21, para. 3 of the GEL, she can contact the Gender Equality Ombudsperson because of violations of the GEL.

**Outcome:** V.S. informed the Gender Equality Ombudsperson that the Croatian Bar Association appointed her a lawyer who will represent her in divorce procedures, but not division of property procedures, and that the first judicial hearing has already been scheduled.

**19. Case summary (PRS-03-02/04-8):** N. P. from D. submitted a complaint in which she claims that she has been exposed to long-lasting violence in the family and serious threats by her ex husband, that they divorced in 2001, but he continued to live in the same house (complainant on 1<sup>st</sup> floor, and ex husband on the ground floor). She lists numerous irregularities in the conduct of police officers during interventions, that they did not treat her and her ex-husband equally, that she has been systematically beaten by her husband, and that often she did not request police protection to avoid negative consequences for the children.

**Measures undertaken:** The Gender Equality Ombudsperson, on the basis of her legal authority, requested from the center and police directorate the report, entire documentation and comment on the complainant's allegations. The police department submitted its reports and documentation on two occasions, in which they claim that police officers intervened several times in family P. after phone calls by former marriage spouses who accused one another of violence, fights, psychological abuse etc., and that interventions many times resulted in filing a complaint against both spouses to the misdemeanor court. The center for social welfare was informed about each intervention. The report was accompanied by documentation that support the claims from the report. After analyzing the obtained reports and documentation, the Gender Equality Ombudsperson concluded that the police undertook measures for the protection from violence in the family and intervened numerous times, filed complaints for initiating misdemeanor proceedings for violence in the family, and that the ex-husband contacted the police more often than her, and his claims were mostly processed, of which she informed the complainant, stressing that, in the future, when she reports violence in the family to the police, she always requests filing a motion to the misdemeanor court for initiating misdemeanor proceedings. The Gender Equality Ombudsperson advises the complainant to, in case the police officers did not file a motion for initiating misdemeanor proceedings to the court, as a damaged party, on the basis of Article 112, para. 1 and Article 170 of the Law on Misdemeanors (The Official Gazette, 88/02) she can file a motion to the misdemeanor court for initiating misdemeanor proceedings for violence in the family. The Gender Equality Ombudsperson contacted the relevant Center for Social Welfare and requested measures within their authority.

**Outcome:** Unknown.

#### IV.2. VIOLENCE - OTHER COMPLAINTS

**1. Case summary ( PRS 03-04/04-1):** M.B. from T. submitted a complaint about the work of police officers in which she claims that in a preliminary inquiry she was discriminated against as a woman, because, due to prejudices of police officers about drunk women and her familiarity with the possible perpetrator, they made numerous mistakes that led to the rejection of the complaint.

The complainant says that she filed a complaint in the police station against N.M. for the criminal act of rape, and that the relevant state attorney's office rejected it with the explanation that there are no evidence that N.M.'s behavior contained important elements of the criminal act of rape. She also says that material evidence, swabs and samples were taken in the hospital and kept by the police for possible expert testimonies, that is, the state attorney's office received only blood and urine tests proving alcohol levels, and not swabs and samples proving rape, and that is the reason why the complaint was rejected. The complaint was accompanied by documentation.

**Measures undertaken:** The Gender Equality Ombudsperson, on the basis of her legal authority, obtained from the Police Directorate and Department of Crime Police a report. After considering the allegations from the complaint and the report, as well as other data from the available documentation, the Gender Equality Ombudsperson concluded that the complainant was discriminated against on the basis of gender, as defined in Article 6 of the GEL, because the discriminatory treatment by the police resulted in limiting and excluding M.B.'s right to a procedure that would investigate her claims about the rape. According to Article 186, para. 6 of the Law on Criminal Procedure (The Official Gazette, 62/03- full text), the police on the basis of collected information, put together a complaint accompanied by objects, drawings, reports, documents about measures and acts, official notes, statements and other material that can be useful for successful proceedings. According to Article 196 of the same law, the police can, if there is a risk of postponement before inquiry is initiated, conduct a search and determine necessary expert testimonies (except autopsy and exhumation of the body) to collect information that are relevant for initiating criminal procedures. For that reason, the Gender Equality Ombudsperson, on the basis of Article 22, para. 1 of the Law, sent to the police station through the Police Directorate and Department of Crime Police a warning in which she stressed that:

- the police station, taking in the course of preliminary investigation necessary samples from M.B. and N.M., that is, swabs, blood and urine samples, in circumstances that require urgency, conducted a selection of samples, obtaining only the findings of blood and urine (subsequently submitted as an addition to the special report), whereas for all other traces and swabs no expert testimony was requested, that is, it was not considered necessary to obtain results and opinion of an expert,
- the results of swabs collected in a gynecological exam, because of the nature of things and type of criminal acts, present "other materials" according to Article 186, para. 5 of the Law on Criminal Procedure and the police is obliged to submit them to the state attorney's office along with other documents and collected information, for the purpose of making an informed decision,
- the police station, by establishing only the alcohol level of the parties, in advance turned the investigation from traces of possible rape to drunkenness of the parties, instead of collecting findings and opinions for all materials, in order to collect all information potentially significant for initiating criminal proceedings,
- the police officers treated M. B. on the basis of their prejudices about drunk women and paid no attention to collecting all information relevant for initiating proceedings for the criminal act of rape; as a result, M. B. was not able to exercise her rights to a procedure that would investigate her claims about rape, which is a violation of Article 6 of the GEL. The Gender Equality Ombudsperson recommended to police officers that, in cases of reported rape, they pay special attention to collecting all information relevant for initiating criminal proceedings, starting from the description of the criminal act of rape according to the Criminal Code, international conventions and agreement demanding equality of women and men and banning gender discrimination, which Croatia signed. She stressed the implementation of the Convention for Elimination of All Forms of Discrimination against Women (CEDAW), as a legally binding mechanism for achieving true equality of men and women, which in Article 1, under the definition of discrimination against women, and according to the explanation from the General Recommendation of the CEDAW Committee no. 19 about violence against women, includes sexually based violence directed against women because they are women, which affects mostly women, and includes acts and attempts to use physical, psychological or sexual violence. She pointed out Article 2 of the Convention, according to which State Parties are obliged to refrain from engaging in any act or practice of discrimination against women and to ensure that public authorities and institutions shall act in conformity with this obligation; and Article 5, which obliges State Parties to take all appropriate measures to modify the social and

cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women. The Gender Equality Ombudsperson informed the relevant ministry about the warning and recommendation.

**Outcome:** Unknown by the end of the reporting year.

**Note:** The case shows that prejudices about the consent or resistance to sexual intercourse given by a drunk woman in case of a known rapist can lead to irregularities in police work and discrimination against the victim.

#### IV.3. ANALYSIS OF MOST FREQUENT REQUESTS AND QUESTIONS FROM CITIZENS BY PHONE

During the reporting period, the Gender Equality Ombudsperson was contacted by phone by many citizens and asked different questions. They were provided with legal counsel and/or guidelines on how to protect her rights or were given an explanation as to why the Gender Equality Ombudsperson is not authorized for their case. Most of these queries were registered - on average, there were about 10 phone queries a week.

Analysis of most typical queries:

1. I.R. from G., woman, Sisačko-moslavačka county, married, mother of one under-aged child aged 2, employed as a clerk, secondary education, phoned from her workplace several times asking for help and advice in connection with the violent behavior of her husband; she lives in a small community and is afraid to contact anyone and ask for help; she would leave him and take the child with her, but he might look for her, so that she is not safe with her relatives or in the workplace. The party was informed about the following options: to report the husband's violent behavior to the police and ask for protection from violence, to contact the relevant center for social welfare for possible divorce and protection from violence in the family, and to contact existing shelters for victims of domestic violence in case of necessity.

2. M.Š. from K., woman, Karlovačka county, divorced mother of two under-aged children who live with her after the divorce, employed as a physician, higher education, worries about the behavior of her ex-husband who requests from the Center for Social Welfare to change the decision on custody over children and files various complaints against her and her care for children. She wants to know how to protect herself. The party was informed about an important principle of the Family Law, that parents are equal in their exercise of parental care, and that her ex-husband and father of the children, although the children do not live with him, is entitled to submit requests and initiatives in connection with parental care and exercise of certain aspects of parental care, but must take care not to endanger the rights and interests of his children.

3. M.O. from V., woman, Zagrebačka county, born in 1956, married for 21 years, clerk by profession, unemployed, two joint under-aged children aged 14 and 16, asks for legal and other expert help. She says that the relevant center for social welfare and police did nothing to protect her and their joint children from violent behavior of her husband and the children's father, which has been violent from the beginning of the marriage. The party was informed that, on the basis of Article 21 para. 3 of the GEL, she can contact the Gender Equality Ombudsperson in case of violations of the provisions of the same law. She was also familiarized with the scope of work of the Gender Equality Ombudsperson, and as the party could not decide to directly submit a complaint, she was given specific legal advice for protection from violence in the family.

4. Z.V. from V.G., man, Zagrebačka county, married, his wife has an under-aged child from a former extramarital partnership who lives with them. He has a question about a child support procedure before the relevant court that has been going on for 3 years now, and during which time the alimony payer (former extramarital partner) does not pay child support and claims he will pay it when the court decides it. The party was provided with legal advice.

5. V.P.P., woman, City of Zagreb, divorced, economist by profession, mother of two under-aged children, claims that in September 2003 she divorced her husband by a ruling of the Municipal Court in Z., but the ex-husband refuses to leave the apartment in her ownership. Her mother and two

under-aged children also live in the apartment (the court decided that children should live with the mother).

6. M.E. from K., woman, Karlovačka county, calls in connection with her daughter Ž.P. from K., and expresses her dissatisfaction with the way the Center for Social Welfare regulated the contacts of her 5-year old child and the father.

7. E.M. from R., woman, Primorsko-goranska county, divorced mother of an under-aged child, claims that she was discriminated against in the court proceedings about the ownership of the flat between her and her ex-husband, who in the end got the flat. As the case is in jurisdiction of the court, the party was explained why the Gender Equality Ombudsperson is not authorized to act.

8. J.P. from Z., woman, Zadarska county, married mother of two under-aged children, employed, inquires about divorce and paying child support. The party was provided with legal advice.

9. M.K. from S., woman, City of Zagreb, wants to know how to protect herself from violent behavior of a person she has an extramarital affair with. On several occasions, she requested protection from the police, but does not know if the police did anything. The party was informed that, unfortunately, the Law on Protection from Violence in the Family does not apply to her case, but was explained that she can report the behavior of her ex partner that implies any criminal act or misdemeanor prosecuted upon official duty to the relevant state attorney's office or police. At her request, the police is obliged to inform her about what has been done, and in case she believes she has been discriminated against by police officers, she can contact the Gender Equality Ombudsperson in writing.

10. M.Š., woman, City of Zagreb, married, no children, employed, has questions about divorce and violence in the family. She was provided with legal advice on how to protect herself from violence and report violence in the family.

11. P.I., woman, City of Zagreb, asks whether her employer can terminate her fixed-term employment during her sick leave for keeping pregnancy. The party was informed that, according to the Labor Law, the employer cannot terminate a permanent employment contract, but a fixed-term employment contract expires on the date prescribed in the contract. In any case, it makes sense to question the justifiability of a fixed-term employment contract, having in mind that this contract is to be concluded in special circumstances, and whose termination is determined in advance by objective reasons justified by deadline, completion of work or a specific circumstance.

12. R.N., woman, City of Zagreb, divorced, employed, claims she feels insecure and frightened because she was attacked in her own shop. She is not satisfied with police conduct during crime scene investigation, that is, with how the police officers treated her, considering that she is a woman attacked by a known man, who has a prior history of several criminal acts and convictions. The party was informed that she can contact the Gender Equality Ombudsperson in writing, if she believes she was discriminated against by police officers.

13. V.C. from O., woman, Osječko-baranjska county, employed mother of one child, claims she has recently returned to work from maternity leave and the employer terminated her employment contract due to business reasons. The party was provided with legal advice.

14. S.P. from P., woman, Istarska county, employed as a math teacher, claims that the school principal harasses her at work. The party was informed that she can contact the Gender Equality Ombudsperson in writing, if she believes that she was discriminated against.

15. T.P. from O., woman, Primorsko-goranska county, claims that the employer terminated her employment contract after she returned from maternity leave. The party was informed that she can file a complaint about the employer's decision, so that, if needed, she can ask for court protection.

#### IV.4. TRAFFICKING IN HUMANS

Trafficking is a special type of violence whose victims are predominantly women.

The National Committee for Prevention of Trafficking in Humans was founded on May 9, 2002 by a decision of the Croatian Government (The Official Gazette, 54/02), and the Decree on amendments and changes to the Decision on the Founding of the National Committee for Prevention of Trafficking in Humans (The Official Gazette, 41/04) stipulates the founding of the Operational Team and Working Group for Prevention of Trafficking in Children.

The implementation is the responsibility of the Office for Human Rights of the Croatian Government, where the Secretariat of the National Committee is located, and the Head of the Office is also the National Coordinator.

The President of the National Committee for Prevention of Trafficking in Humans is the vice-president of the Government and the Minister of Family, War Veterans and Intergenerational Solidarity Jadranka Kosor.

At the session of the Croatian Government held on December 15, 2004, the National Program of Prevention of Trafficking in Humans 2005-2008 and the 2005 Operational Plan for Prevention of Trafficking were adopted.

The cooperation between the National Committee and NGOs (for example, PETRA - NGO Network of Croatia for Fighting against Trafficking in Women and Children, which raises public awareness of this issue) includes prevention and education, as well as identifying cases of trafficking, informing the victim about her rights, psychosocial help and support, work in shelters and accommodation centers, and help in the victim's recovery.

Table 11

THE NUMBER OF IDENTIFIED VICTIMS OF TRAFFICKING<sup>4</sup>

	2002	2003	First 9 months of 2004
Croatian residents	2	2	5
Residents of Bosnia and Herzegovina	0	1	2
Residents of Cameroon	0	1	0
Residents of Morocco	0	0	1
Residents of Moldavia	3	1	2
Residents of Romania	0	0	3
Residents of Russian Federation	0	1	0

<sup>4</sup> Official records of the Ministry of Internal Affairs of the Republic of Croatia.



Residents of Slovenia	0	1	0
Residents of Serbia and Monte Negro	0	1	2
Residents of Ukraine	2	0	2
No citizenship	1	0	0
<b>Total 33</b>	<b>8</b>	<b>8</b>	<b>17</b>

## PART FIVE

### V. ADOPTION OF OPERATIONAL PLANS FOR THE PROMOTION AND ESTABLISHMENT OF GENDER EQUALITY, PROTECTION OF EMPLOYEE DIGNITY - INTRODUCTION

In 2004, for the purpose of monitoring the implementation of the Gender Equality Law and other regulations related to gender equality, the Gender Equality Ombudsperson, in accordance with Article 21, para. 1 of the GEL, contacted in writing the state bodies, predominantly state-owned legal entities and legal entities predominantly owned by units of local and regional government to establish the following:

(1) did they adopt an operational plan for promoting and achieving gender equality in accordance with Article 11 of the GEL and submitted it for approval to the Office for Gender Equality of the Croatian Government (Article 18 and 30 of the GEL);

All state bodies, legal entities with public authority and legal entities predominantly owned by the state or units of local and regional government were obliged to develop this plan and submit it for approval to the Office for Gender Equality of the Croatian Government within a year from the date on which the GEL came into force, that is, July 30, 2004;

(2) do the acts they are obliged to adopt and apply contain provisions about the protection of employee dignity (collective agreement, work regulations or agreements between the workers' council and employer);

The Law on Amendments and Changes to the Labor Law (The Official Gazette, 114/03) brought significant conceptual novelties with the aim of harmonizing the Croatian Labor Law with the EU legislation, among other things, in the sense of strengthening anti-discrimination measures. Provisions on discrimination ban and protection of employee dignity in the same Law are applied to all legal entities that implement it directly and all civil servants on the basis of Article 2, para. 2 of the Law on Civil Servants (The Official Gazette, 27/01).

The new anti-discrimination approach in work and employment obliges all above mentioned legal entities to:

- address issues in connection with discrimination ban in a general document,
- determining the discrimination ban policy,
- appointing an advisor

- transferring the burden of proof to the employer
- responsibility for the damage resulting from the violation of the discrimination ban etc.

The procedures and measures for protecting employee dignity are described in Article 30, para. 3 of the Labor Law (revised text, The Official Gazette, 137/04), and when applying this provision on civil servants, it is possible to arrange them by a collective agreement.

Discrimination ban must include prohibition of discrimination on the grounds of sex.

(3) the total number of employees employed on the basis of fixed-term and permanent employment contract, disaggregated by sex.

## **V.1. ADOPTION OF OPERATIONAL PLANS FOR THE PROMOTION AND ESTABLISHMENT OF GENDER EQUALITY, PROTECTION OF EMPLOYEE DIGNITY - STATE BODIES**

In August 2004, immediately after the expiration of the deadline defined in Article 30 of the GEL (July 30, 2004), the Gender Equality Ombudsperson contacted in writing the following state bodies: ministries (14), central state offices (4) and organizations of state administration (8)<sup>5</sup> requesting information about the adoption of operational plans and implementation of regulations on protection of civil servants' dignity. The analysis of these 26 cases by December 31, 2004 showed the following:

1. In 17 cases (65.38 %), state bodies replied in writing:

1.1. In 2 cases (7.69 %) state bodies were in full compliance with the GEL (Article 11), but after July 30, 2004, that is, after the legally defined deadline (Article 30 of the GEL).

In this cases, state bodies state the following:

**PRS 06-01/04-01:** In a document dated September 15, 2004, they report that they are in the final phase of developing the Operational Plan for the Promotion and Establishment of Gender Equality, that they comply with the Collective Agreement for Civil Servants (The Official Gazette, 92/2004) and submit requested information about the total number of employees employed for a fixed term and permanently, disaggregated by sex. After the request for fast-track procedure, they report that the Plan has been developed and submitted on December 9, 2004 to the Office for Gender Equality of the Croatian Government for prior approval.

**PRS 06-01/04-23:** After the second written warning in a document dated December 15, 2004, they report that the Operational Plan was adopted and submitted to the Office for Gender Equality of the Croatian Government for prior approval as early as August 17, 2004, adding that the Office did not send them the approval to date. At the same time, they submitted the decision on appointing the person responsible for receiving and resolving complaints related to the protection of civil servants' dignity.

1.2. In 15 cases (57.69 %), state bodies did not comply with the GEL (Articles 11 and 30). State bodies reported that they did not adopt operational plans and that they will do so as soon as possible.

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<sup>5</sup> The data on state bodies that the Gender Equality Ombudsperson contacted in writing in 2004 and that are mentioned in this part of the report, are based on the Law on Structure and Scope of Work of Central Bodies of State Administration (The Official Gazette, 199/03 and 30/04), which was in effect in August 2004.

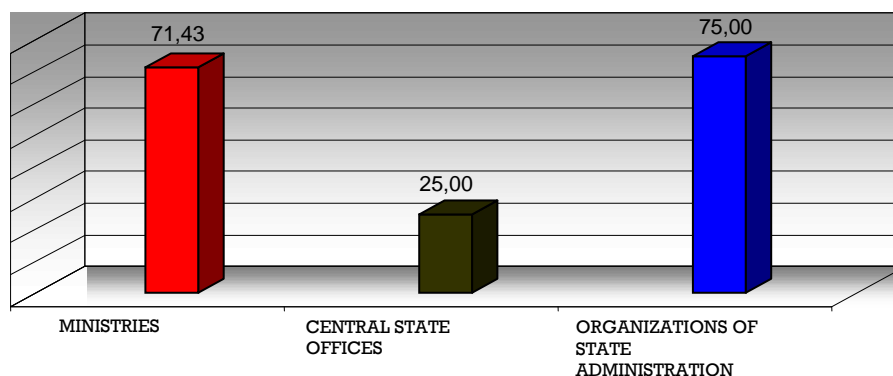
Regarding the protection of employee dignity, most of them observe that the Collective Agreement for Civil Servants (The Official Gazette, 92/2004) they apply does not refer to protection of employee dignity, as well as any other current regulation, apart from the Labor Law. The requested data on the total number of civil servants employed for a fixed term or permanently disaggregated by sex were submitted.

2. In 9 cases (34.62 %), state bodies did not reply.

Table 12 in Appendices presents the number of replies by state bodies, that is, central bodies of state administration received by December 31, 2004 at the request of the Gender Equality Ombudsperson to submit information about operational plans and protection of civil servants' dignity.

**Graph 6**

**DISTRIBUTION OF THE NUMBER OF REPLIES FROM CENTRAL BODIES OF STATE ADMINISTRATION**



The percentage of replies received at the request of the Gender Equality Ombudsperson to submit information about operational plans and protection of civil servants' dignity

**Conclusion**

Out of 26 cases in 2004, state bodies did not submit the data in as many as 24 cases (92.31 %) within the deadline for applying relevant regulations.

It is especially disturbing to know that 9 state bodies (34.62 %) did not do it even after requests for fast-track procedures, although they are obliged to provide the Gender Equality Ombudsperson with all the necessary information within 15 days after receiving a request (Article 24 of the GEL).

That is why 24 cases are documented as unresolved and will be dealt with in 2005.

The protection of civil servants is regulated only in the Labor Law and the procedure and measures for protection of their dignity (Article 30, para. 3 of the Labor Law, The Official Gazette 137/04 - revised text) should be determined by a collective agreement or other documents.

**V.2. ADOPTION OF OPERATIONAL PLANS FOR THE PROMOTION AND ESTABLISHMENT OF GENDER EQUALITY, PROTECTION OF EMPLOYEE DIGNITY - PREDOMINANTLY STATE-OWNED LEGAL ENTITIES**

In June 2004, a month before the deadline defined in Article 30 of the GEL (July 30, 2004), the Gender Equality Ombudsperson contacted in writing 134 predominantly state-owned legal entities asking for information about adoption of operational plans and implementation of regulations on protection of employee dignity. The analysis of these 134 cases by December 31, 2004 showed the following:

1. In 87 cases (64.93 %), predominantly state-owned legal entities replied in writing:

1.1. In 52 cases (38.81 %) predominantly state-owned legal entities were in full compliance with the GEL (Article 11) and Labor Law.

They report that they adopted the operational plans and submitted them to the Office for Gender Equality of the Croatian Government for prior approval and attached documents that define protection of employee dignity and data on the total number of employees employed for a fixed-term or permanently, disaggregated by sex.

For example:

**PRS 06-03/04-09:** In a document date July 26, 2004, the legal entity submitted only the analysis based on (1) gender structure for different jobs, (2) educational gender structure of employees, (3.) gender structure of management, (4.) the number of employees employed for a fixed-term or permanently, disaggregated by sex (a total of 3184), and attach rulebooks/agreement on protection of employee dignity individually for each company. However, the representative of Joint Businesses ltd. claims that they have no reason to develop an operational plan. After the second written warning in a document dated November 8, 2004, they report that they developed the plan and submitted it on November 8, 2004 to the Office for Gender Equality of the Croatian Government for prior approval.

1.2. In 35 cases (26.12 %) predominantly state-owned legal entities did not fully comply with the GEL (Article 11), whereas they fully apply provisions of the Labor Law.

They state that they did not adopt operational plans and will do so as soon as possible, and submit documents that define the protection of employee dignity and data on the total number of fixed-term and permanent employees disaggregated by sex. At the same time, predominantly state-owned legal entities employing less than 20 employees, drawing upon Article 123 of the Labor Law, on the basis of which they are not obliged to adopt Working Rules and Regulations, cite this as the reason why they do not have a document defining protection of employee dignity and operational plan.

Examples:

**PRS 06-03/04-34:** In a document dated July 7, 2004, the legal entity states that they did not adopt an operational plan and asks us to send them a copy of operational plan and preliminary analysis, and submit a document in which they define protection of employee dignity and data on the total number of fixed-term and permanent employees disaggregated by sex (479). Even after a written warning, they did not inform us whether they adopted the plan and submitted it to the Office for Gender Equality of the Croatian Government.

**PRS 06-03/04-01:** In a document dated July 15, 2004, they state that they did not adopt an operational plans. They did not study legal regulations because they had no conflicts. At the same time, they ask for help in developing and implementing the operational plan and submit a document defining protection of employee dignity and data on the total number of fixed-term and permanent employees disaggregated by sex (2,279). Even after a written warning, they did not inform us whether they adopted the plan and submitted it to the Office for Gender Equality of the Croatian Government.

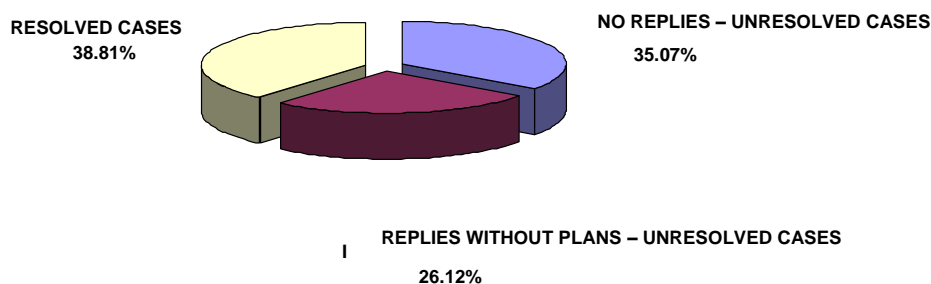
**PRS 06-03/04-51:** In a document dated July 12, 2004 they state that they did not adopt an operational plan or have a document defining protection of employee dignity, justifying this by drawing upon the provisions of Article 123 of the Labor Law, on the basis of which they are not obliged to adopt Working Rules and Regulations since they employ less than 20 employees. They submitted data on the total number of employees of fixed-term and permanent employees disaggregated by sex, a total of 10 employees and 2 members of the management board. Even after

a written warning, they did not inform us whether they adopted the plan and submitted it to the Office for Gender Equality of the Croatian Government.

2. In 47 cases (35.07 %), predominantly state-owned legal entities failed to reply in writing.

### Graph 7

**PERCENTAGE OF RESOLVED AND UNRESOLVED CASES: OPERATIONAL PLANS, PROTECTION OF EMPLOYEE DIGNITY, DOCUMENTS AND DATA - REQUESTED**



### ADOPTION OF OPERATIONAL PLANS FOR THE PROMOTION AND ESTABLISHMENT OF GENDER EQUALITY AND PROTECTION OF EMPLOYEE DIGNITY - PREDOMINANTLY OWNED LEGAL ENTITIES

#### V.2. Conclusion

Out of 134 cases in 2004, predominantly state-owned legal entities failed to submit all requested data in 82 cases (61.19 %) within the legally defined deadline.

We are especially concerned by the fact that 47 legal entities (35.07 %) did not do it even after requests for fast-track procedures, although they obliged to provide the Gender Equality Ombudsperson with all necessary information within 15 days after receiving the request (Article 24 of the GEL). That is why 82 cases are documented as unresolved and will be dealt with in 2005.

The analysis of above-mentioned cases shows that the Office for Gender Equality of the Croatian Government, which provides professional help in implementation of the GEL and other gender equality regulations (Article 18 of the GEL), needs to take a more active approach to its duties and obligations. The above mentioned statements and views are characteristic of most replies sent by entities that did not develop operational plans.

Also, replies by predominantly state-owned legal entities employing less than 20 employees show that obligations from the Labor Law are no different from obligations from the GEL, because operational plans are equated with working rules and regulations.

These conclusions are also based on numerous daily phone queries from predominantly state-owned legal entities on how to develop operational plans.

Without discussing the quality of operational plans for the promotion and establishment of gender equality, since they are developed and adopted on prior analysis of the position of women and men, we attach one of these analysis received as an attachment to the developed operational plan.

## V.2.1. APPENDIX

### ANALYSIS OF GENDER EQUALITY IN COMPANIES IN GROUP "ULJANIK"

### V.3. ADOPTION OF OPERATIONAL PLANS FOR THE PROMOTION AND ESTABLISHMENT OF GENDER EQUALITY, PROTECTION OF EMPLOYEE DIGNITY - LEGAL ENTITIES OWNED BY UNITS OF LOCAL AND REGIONAL GOVERNMENT

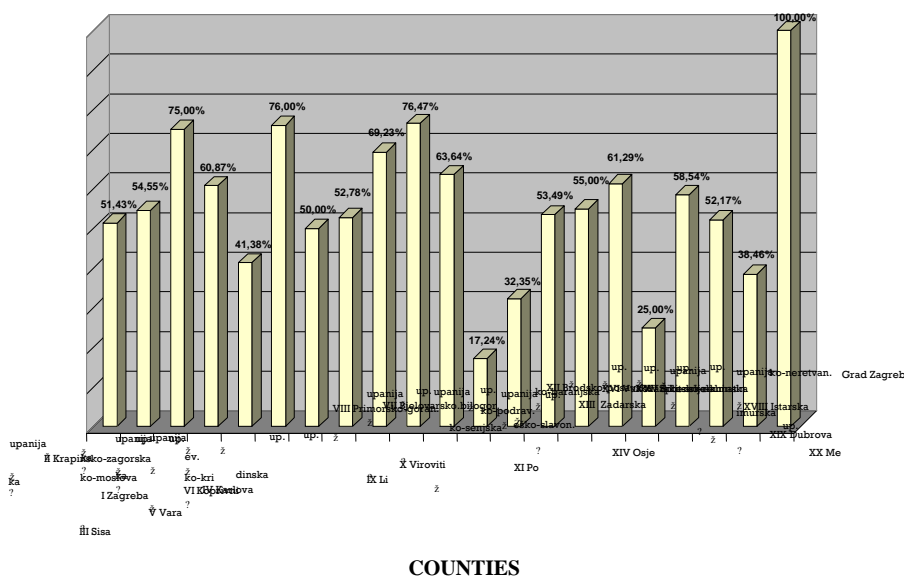
In July 2004, the Gender Equality Ombudsperson contacted in writing county, town and municipal governments by a document "Gender equality - presentation of legal basis and ways of implementation". These entities include 550 units of local government and 20 units of regional government, which were in this way individually informed about the obligations they have according to existing gender equality regulations.<sup>6</sup>

In order to contact legal entities predominantly owned by them, as well as predominantly state owned legal entities, she requested from all county, town and municipal government to provide her with necessary information.

Out of 570 requests, 287 units of local and regional government (50.35 %) replied and submitted data on 1901 legal entities in their predominant ownership.

Graph 8

#### DISTRIBUTION OF THE NUMBER OF REPLIES TO THE QUERY ABOUT DATA ON (CO) OWNERSHIP OVER LEGAL ENTITIES BY COUNTIES



% of replies received at the request of the Gender Equality Ombudsperson to submit data on (co)ownership over legal entities

Table 13. in Appendices shows the number of replies received by December 31, 2004 at the request for submitting data on (co)ownership over legal entities from all units of local and regional government.

<sup>6</sup> All data and analyses and the order of country, town and municipal government in this report are based on the Law on Counties, Towns and Municipalities in the Republic of Croatia (The Official Gazette 10/97, 124/97, 68/98, 22/99, 117/99, 128/99, 44/00, 129/00, 92/01, 79/02, 83/02, 25/03, 107/03 and 175/03).

## Conclusion

According to the above mentioned data, 283 units of local and regional government (50.65 %) failed to submit the requested data on (co) ownership over legal entities, although they are obliged to give to the Gender Equality Ombudsperson all necessary information within 15 days after receiving the request (Article 24 of the GEL) and this activity will continue in 2005.

From July 30, 2004, when the deadline defined in Article 30 of the GEL expired, to December 31, 2004, the Gender Equality Ombudsperson contacted in writing 1,901 legal entities predominantly owned by units of local and regional government after she received information on them, and requested information on the adoption of operational plans and implementation of regulations on protection of employee dignity.

The analysis of 1,901 cases by December 31, 2004, showed the following:

1. In 1,113 cases (58.55 %) legal entities predominantly owned by units of local and regional government replied in writing:

1.1. In 350 cases (18.41 %) legal entities predominantly owned by units of local and regional government fully complied with the GEL and Labor Law.

They state that operational plans were adopted and submitted to the Office for Gender Equality of the Croatian Government for prior approval, and submit documents regulating the protection of employee dignity and data on the total number of employee employed for a fixed term or permanently disaggregated by sex.

Example:

**PRS 07-02/04-188:** In a document dated December 3, 2004, an educational institution claims that it has not adopted an operational plan because special measures for public institutions in the field of education were not adopted, and submits a document regulating the protection of employee dignity and data on the total number of employee employed for a fixed term or permanently disaggregated by sex (a total of 9 employees). After the second written warning, they report that they developed the plan and submitted it to the Office for Gender Equality of the Croatian Government.

1.2. In 763 cases (40.14 %) legal entities predominantly owned by units of local and regional government did not fully comply with the GEL, although they fully applied the provisions of the Labor Law.

They report that they do not have operational plans and state that they will adopt them as soon as possible, and submit documents regulating the protection of employee dignity and data on the total number of employee employed for a fixed term or permanently disaggregated by sex.

Examples:

**PRS 07-02/04-753:** In a document dated December 16, 2004, an utility company claims that it did not adopt an operational plan and claims it will do it together with the founders - municipalities Topusko and Gvozd, and submit documents regulating the protection of employee dignity and data on the total number of employee employed for a fixed term or permanently disaggregated by sex. Even after the second written warning, they did not inform us whether they adopted the plan and submitted it to the Office for Gender Equality of the Croatian Government.

**PRS 07-02/04-232:** In a document dated December 15, 2004, an utility company reports that it did not adopt an operational plan. They regulate protection of employee dignity by a Collective Agreement from April 29, 2004, which they submitted along with the data on the total number of employees employed for a fixed term or permanently disaggregated by sex (a total of 165 employees). Even after the second written warning, they did not inform us whether they adopted the plan and submitted it to the Office for Gender Equality of the Croatian Government.

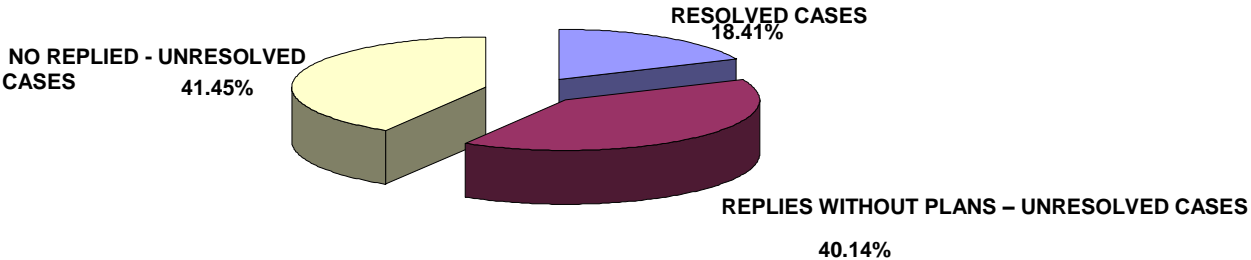
**PRS 07-02/04-1281:** In a document dated December 10, 2004, a pre-school institution reports it did not adopt an operational plan, but has consulted the relevant City Office for Education, from which it awaits further instruction, and submits only the document regulating protection of employee dignity and data on the total number of employee employed for a fixed term or permanently disaggregated by sex (a total of 104 employees). Even after the second written warning, they did not inform us whether they adopted the plan and submitted it to the Office for Gender Equality of the Croatian Government.

At the same time, they observe that students of teaching academies are traditionally women, and only recently a small number of men, and finds it impossible to create a gender balance among the teaching staff. At the same time, they evaluate as positive their experience from 2003, when within the framework of the government's incentive for employment of youth, they employed a male teacher (B.R.), whom they would gladly employ on a permanent basis if a vacancy arises.

2. In 788 cases (41,45 %) entities predominantly owned by units of local and regional government did not send a written reply.

**Graph 9**

**PERCENTAGE OF UNRESOLVED CASES: "OPERATIONAL PLANS, PROTECTION OF EMPLOYEE DIGNITY, DOCUMENTS AND DATA - REQUESTED"**



**ADOPTION OF OPERATIONAL PLANS FOR THE PROMOTION AND ESTABLISHMENT OF GENDER EQUALITY AND PROTECTION OF EMPLOYEE DIGNITY - LEGAL ENTITIES PREDOMINANTLY OWNED BY UNITS OF LOCAL AND REGIONAL GOVERNMENT**

**V.3. Conclusion**

Out of 1901 cases in 2004, legal entities predominantly owned by units of local and regional government failed to submit all requested data in 1551 cases (81.59 %) within the legally defined deadline.

We are especially concerned by the fact that 788 legal entities (41.45 %) did not do it even after requests for fast-track procedures, although they obliged to provide the Gender Equality Ombudsperson with all necessary information within 15 days after receiving the request (Article 24 of the GEL).

That is why 1551 cases are documented as unresolved and will be dealt with in 2005.

The analysis of above-mentioned cases shows that the Office for Gender Equality of the Croatian Government, which provides professional help in implementation of the GEL and other gender



equality regulations (Article 18 of the GEL), needs to take a more active approach to its duties and obligations. The above mentioned statements and views are characteristic of most replies sent by entities that did not develop operational plans.

Also, replies by pre-school and school institutions show that special measures are not different from operational plans and the Gender Equality Ombudsperson provided them with additional instructions. Legal entities predominantly owned by units of local and regional government are obliged to implement special measures if they exist, and are obliged to adopt operational plans (Article 30 of the GEL).

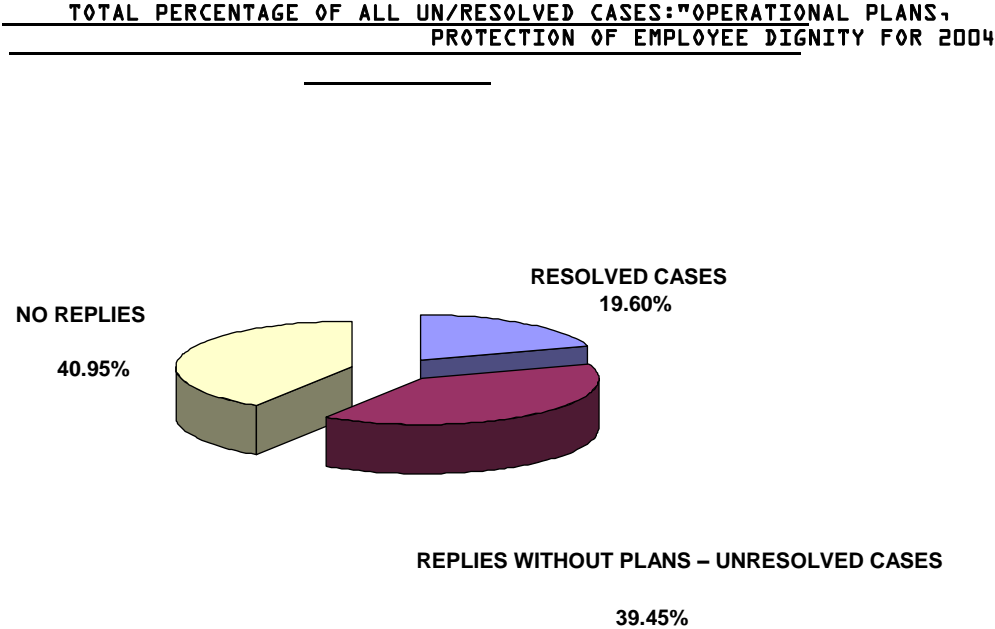
These conclusions are based on daily phone queries from educational institutions and trade companies that do not know how to conduct an analysis of the position of men and women and develop an operational plan. Many of them were pleased to learn more about these issues during county meetings with the Gender Equality Ombudsperson.

**CONCLUSION (V.1., V.2. and V.3.)**

In 2004, out of 2,061 cases related to the adoption of operational plans and protection of employee dignity, in 1,657 cases (80.40 %), state bodies, legal entities predominantly owned by the state and units of local and regional government failed to submit all requested data within the legally defined deadline. It can be said that only in 404 cases (19.60 %) they were in full compliance with the GEL and Labor Law in the sense that they adopted operational plans and documents related to protection of employee dignity that they are obliged to apply.

Table 14 and Graph 10 in Appendices show the number of replies received by December 31, 2004 from state bodies, that is, central bodies of state administration, and legal entities predominantly owned by the state and units of local and regional government at the request of the Gender Equality Ombudsperson to submit data on operational plans and protection of employee dignity.

**Graph 11**



**ADOPTION OF OPERATIONAL PLANS FOR THE PROMOTION AND ESTABLISHMENT OF GENDER EQUALITY AND PROTECTION OF EMPLOYEE DIGNITY - STATE BODIES AND LEGAL ENTITIES PREDOMINANTLY OWNED BY THE STATE AND UNITS OF LOCAL AND REGIONAL GOVERNMENT**

We can conclude that, in spite of data presented above, most relevant entities in 813 cases (39.45 %) took certain steps for adopting operational plans, although they did not complete them by December 31, 2004. These data, along with the data on cases of full compliance with the GEL and Labor Law, add up to 1,217 committed state bodies and legal entities predominantly owned by the state and units of local and regional government (59.05 %) which addressed the issue of adoption of acts related to gender equality and protection of employee dignity.

**Based on the Working Rules and Regulations submitted by state bodies and legal entities predominantly owned by the state and units of local and regional government, in 2005, the Gender Equality Ombudsperson will conduct an additional analysis, since some of them are clearly not adopted in accordance with the purpose defined by the Labor Law.**

## PART SIX

### **VI. BUDGET INITIATIVE, A RECOMMENDATION TO STATE BODIES AND UNITS OF LOCAL AND REGIONAL GOVERNMENT**

When planning, reaching or implementing any decisions, especially those that affect the budget directly or indirectly, state bodies and units of local and regional government are obliged to evaluate and assess its effects on the position of women and men, with the aim of achieving true equality between men and women (Article 3 of the GEL).

The Gender Equality Ombudsperson constantly advocates a careful analysis of the budget through generating and using public funds - on the national, regional and local level - by observing which priorities of the executive branch are committed to social aims, including gender equality because socially balanced budgets are a key precondition for achieving social justice and gender equality.

Regarding budgets, it is important to have in mind that the goal of introduction of the gender equality principle is twofold and refers to: (1) integration of the gender perspective through participation of both sexes in adoption and implementation of the budget and its democratization in order to include both votes of men and women (Article 5 of the GEL) and (2) ensuring that the contents of the budget reflect the aims of gender equality and social justice in a way that, from the social and gender perspective it allocates funds and generates income fairly (Article 3 of the GEL).

Therefore, at the beginning of September 2004, the Gender Equality Ombudsperson sent to all parties participating in the development of the state budget and local budgets a recommendation - "a budget initiative" - aimed at a fair allocation of budget funds from the perspective of gender (Article 3 and 22 of the GEL):

- to all state bodies, through the Ministry of Finances<sup>7</sup>, a written recommendation about the adoption of the state budget;
- to all counties, town and municipalities, a total of **570 individual recommendations** about the adoption of the budget of units of local and regional government 2005-2007.

Drawing upon the relevant provisions about the procedure of budget adoption from the Budget Law (The Official Gazette, 96/03), she recommended that the Proposal of the State Budget 2005-2007 and harmonization of financial plans of its users, as well as the discussion between the Minister of Finances and budget users, that is, ministers responsible for individual budget users, along with other legal conditions wherever possible, be done by taking into account the evaluation of their effects on the position of women and men, with the aim of achieving true equality between men and women. She described the state budget as a part of the macroeconomic policy that reflects the values and priorities of our society.

She sent the same recommendation to heads of counties, mayors and heads of municipalities and directed their attention to the budget as an indicator of values and priorities they advocate in their local communities.

She stresses the importance of state and local budgets on health care, education, social services and social security, on job creation and economic growth, and thus, the possibility of equal participation in all spheres of public and private life, equal statues and equal opportunities for exercise of their rights, and equal benefits from achieved results for women and men.

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<sup>7</sup> On the basis of Article 17, para. 1 of the Budget Law (The Official Gazette, 96/03), the development of the state budget is based on the assessment of economic growth and macroeconomic indicators in regulations passed by the Croatian Parliament, Government and Ministry of Finances in accordance with their authority and scope of work, that is, Article 30, para. 1 and 2 of the Budget Law, the Ministry of Finance considers the proposals and harmonizes the financial plans and creates a draft of the state budget by October 15 of the current year.

## PART SEVEN

### VII. VISITS TO COUNTIES

From July to December 2004, the Gender Equality Ombudsperson initiated and in cooperation with all heads of counties held working meetings with representatives of their county governments, as well as members of gender equality committees (if they have been founded), representatives of county, town and municipal assemblies, and legal entities predominantly owned by them or the state.

In a direct contact, the Gender Equality Ombudsperson wanted to determine the situation about the implementation of the GEL and other gender equality regulations and potential problems.

These also include the National Policy for Promotion of Gender Equality 2001-2005, because its implementation has practically stopped, although it still applies until the end of 2005. It is important to note here that the Office for Gender Equality of the Croatian Government will develop a new national policy for the promotion of gender equality, and is legally obliged to monitor its implementation. The Gender Equality Ombudsperson believes that, until the new policy is adopted, the existing one must be applied fully.

On all of these meetings, she stressed gender equality as the fundamental value of the constitutional order of the Republic of Croatia, laws and other regulations that define protection from discrimination on the grounds of gender and other equal opportunity mechanisms, drawing special attention to problems in their implementation. That is why, by answering directly to specific questions from representatives of different counties, she informed them about their obligations in implementation of the GEL.

#### I. Zagrebačka county

Date of the visit: December 22, 2004

The working meeting held in the premises of the county government was attended by: dr. Mirjana Mataušić - Pišl - county head deputy, Vesna Fabijančić-Križanić - secretary of the county assembly, Krunoslav Pilik - representative of the Administrative Office for Economy, Ivanka Dreta - representative of the expert service of the county head and government, Ivana Šajković - representative of the Regional Development Agency of the Zagrebačka county, Miran Škera - representative of the State Administration Office of Zagrebačka county, Snježana Žunec - representative of the Administrative Office for Health Care and Social Welfare and Andrea Galić - representative of the Institute for Physical Planning.

During the discussion, the Gender Equality Ombudsperson was informed about the situation in Zagrebačka county.

The participants at the meeting claimed that, although the GEL came into force at the end of July 2007, in practice, it is not fully implemented. The topics discussed included the employment market and demands for specific changes, gender discrimination at work, and unemployment of women (the unemployment rate for women is around 60 %). The employees in the Office of State Administration in the county and local departments (county and town) should work together better, to achieve equal rights of employed women and men on the state and local level and to provide equally good services to parties on the state and local level in the county. They evaluated the role of coordinators for gender equality at the level of Office of State Administration in the county as significant and stressed the need for founding of the Gender Equality Committee for the Zagrebačka county.

#### II. Krapinsko - zagorska county

Date of the visit: November 30, 2004

The working meeting at the Open University in Krapina was attended by: Vlasta Hubicki - head of the Krapinsko - zagorska county, Alojz Malogorski - mayor of Krapina, Vjekoslav Gorup - mayor of Pregrada, Ivan Hanžek - mayor of Zabok, Milan Zubić - head of municipality Krapinske Toplice, Andrija Smetiško - head of municipality Lobar, Božidar Brenzišćak Bagola - head of municipality Hum na Sutli, Zlatko Zorić - head of municipality Konščina, Stjepan Pavliša - head of municipality Veliko Trgovišće, Milan Valent - head of municipality Marija Bistrica, Martin Pleteš - head of municipality Kraljevec na Sutli, Željko Kodrnja - head of municipality Zagorska sela, Đovani Broz - deputy head of county for economy, Ksenija Tomić - deputy head of county for social activities, Mladen Gregrović - deputy head of the outpatient clinic for Krapinsko - zagorska county, Gordana Popijač Cesar - head of the Office for Public Health of Krapinsko zagorska county, Đurđa Novosel - head of the Center for Social Welfare Donja Stubica, Vesna Kanceljak - head of the Center for Social Welfare Krapina, Mira Mikuljan - head of the Pharmacy of Krapinsko - zagorska county, Silvije Passek - deputy head of the Special Hospital for Medical Rehabilitation Stubičke Toplice, Ana Gregurović - member of the County Assembly, Dragutin Jurinjak - member of the County Government, Sonja Sente - administrative legal advisor in the Center for Social Welfare Zabok, Dubravka Sinković - secretary of the Administrative Office of Krapinsko - zagorska county, Ljiljana Malogorski - assistant secretary, Snježana Žigman - head of the Office for Physical Planning and Environment Protection, Marija Roksandić - senior officer of the Administrative Department for Economy, Ksenija Čuček - assistant to the head of the Administrative Department for Social Activities - Office for Youth and NGOs, Ivan Lamot - assistant to the head of the Administrative Department for Social Activities - Office for Education, Culture and Sport, Mladen Krušelj - advisor in the Administrative Department for Economy, Milica Skupnjak and Ivanka Stanković - assistant to the head of the Office of State Administration in Krapinsko - zagorska county, Zvonimir Tušek - information technology officer in the Administrative Office of the County and Sabina Sviben.

During the discussion, the Gender Equality Ombudsperson was informed about the situation in Krapinsko-zagorska county.

County representatives tried to found a Committee for Gender Equality as early as 2002 from parties represented in the County Assembly. The procedure is still not over. There is a need to promote gender equality proportionally with other social issues, to include women in the work of political parties, and to change public attitudes towards women in politics; to protect motherhood not only on the declarative level, but to give the local government state budget funds for building kindergartens, and town/municipal budgets allocate financial help to families that did not manage to enroll their children into kindergartens in the amount they would pay for kindergartens; to take care of an increasing number of old people households; to help women, especially middle-aged women, who lost their jobs due to bankruptcies and closing down of factories in the last decade; (particularly in the textile industry); to educate people about gender equality through all social institutions; to clarify should committees for gender equality be founded within representative bodies of local and regional government.

The conclusion of this working meeting was that all towns and municipalities should found committees for gender equality, conduct an analysis of the position of women and men and adopt action plans for promotion and establishment of gender equality (according to Article 11 of the GEL) and ensure necessary budget funds for them.

### **III. Sisačko - moslavačka county**

Date of the visit: November 17, 2004

The working meeting held in the Sisak City Hall was attended by: Ivan Šantek - deputy head of county, Ana Kurečić - president of the County Committee for Gender Equality, Darinka Žuna - deputy of the head of Forest Administration Sisak, Božo Duvnjak - member of the county government, Jelena Stepić - vice-president of the Sisak City Council, Kata Lerotić - independent administrative officer in the Office of State Administration in Sisačko - moslavačka county, Natalija Mencl - Vuljak - member of the County Committee for Gender Equality, Karolina Šimičić - independent administrative officer for social activities of the City of Novska, Marija Mačković - head of municipality Jasenovac, Ana Šarić - head of municipality Majur, Slavica Dragičević - secretary of the Council and Government of municipality Hrvatska Dubica, Antonija Boban - head of the

Administrative Department of the municipality Topusko, Nevena Basta - secretary of the Council and Government of municipality Gvozd, Željka Kardaš - vice-president of the county assembly, Daniel Pavlič - head of the Open University, Danijela Pavičić - president of the Committee for Gender Equality of Hrvatska Kostajnica, Davor Govorčinović - mayor of Hrvatska Kostajnica, Romana Herceg - employee of HE Elektra Sisak, Antun Kardašić - supervisor of legal, human resources and general affairs of HE Elektra Sisak, dr. Antonio Matoc - member of the county government, Stjepan Markanović - head of municipality Lipovljani, Josip Kozarić - head of municipality Sunja, Emil Franjević - councilman of the County Assembly and member of the County Committee for Gender Equality, Željko Adžaga - councilman of the County Assembly and member of the County Committee for Gender Equality, Tihana Rendulić - councilwoman of the County Assembly and member of the County Committee for Gender Equality, Biserka Novak - secretary of the Municipal Council and Government of Municipality Popovača, Milena Pavković - Novotni - councilwoman of the County Assembly and member of the County Committee for Gender Equality, Vesna Krnjajić - secretary of the County, Sanja Rastovčan - Butković - head of the Department for Local Government Affairs of the Office of Assembly and Government of Sisačko - moslavačka county.

During the discussion, the Gender Equality Ombudsperson was informed about the situation in Sisačko - moslavačka county.

County representatives were pleased with the fact that, out of 6 administrative bodies, four of them are managed by women. It is not known how operational plans for the promotion and establishment of gender equality are adopted. The opinion is that the low standard of living of the population has a negative effect on gender equality issues, for example: lack of childcare facilities, unfavorable position of women on the job market - especially in the private sector, lack of shelters for battered women. It is necessary to provide technical and financial help to the Committee for Gender Equality to raise awareness of all aspects of discrimination in society, and to involve media in the process. The example of Hrvatska Kostajnica was presented, in which the Committee for Gender Equality has been active since 2001, co-funding medical exams for women in certain age groups, facilities for accommodating abused women, meals for school children and accommodation of children in kindergartens).

#### **IV. Karlovačka county**

Date of the visit: November 23, 2004

The working meeting held in the County Chamber of Commerce in Karlovac was attended by: Josip Zaborski - representative of Karlovačka county, Veronika Grdić - Krijan - president of the Committee for Gender Equality of Karlovačka county, Jasna Lenuzzi, Đurđica Slavica and Carmen Borošić - members of the Committee for Gender Equality of Karlovačka county, Saša Salaj - representative of Student Home Karlovac, Ljiljana Šegavić - representative of vocational school for touristic workers Karlovac, Melita Trgovčić - representative of Outpatient Clinic Duga Resa, Marina Golubić - representative of Outpatient Clinic Ozalj, Vesna Gorić - representative of Outpatient Clinic Karlovac, Marica Dančulović - representative of the Office of State Administration in Karlovačka county, Josip Barišić - representative of the town government of Karlovac, Željko Kokotović - representative of the vocational school for industry and crafts Karlovac, Hrvojkja Božić - representative of the city government of Karlovac, Ivanka Magdić - representative of Outpatient Clinic Slunj, Slobodan Perković - representative of Outpatient Clinic Ogulin, Ljiljana Barjaković - representative of Outpatient Clinic Ogulin, Marija Kovačić - representative of General Hospital Karlovac, Jadranka Gojak - representative of the Institution for Medical Care at Home from Karlovac, Seida Savić - representative of Adriadese d.d., Kristina Luketić - representative of the City of Duga Resa, Zdenka Blašković - representative of General Hospital Ogulin, Đurđa Đurić - representative of municipality Krnjak, Blaženka Polić - representative of vocational school for forestry and woodcraft workers from Karlovac, Nikola Magdić - representative of the City of Ogulin, Milo Lulić - representative of vocational school Karlovac, Mladen Božić - representative of Gymnasium Karlovac, Marija Šestak - representative of municipality Draganić, Irena Drašković - representative of municipality Neretić, Ivana Jarmek - representative of municipality Ribnik, Mirjana Pogačić - representative of the Center for Social Welfare Karlovac.

During the discussion, the Gender Equality Ombudsperson was informed about the situation in Karlovačka county.

Karlovačka county is specific because of its areas of special state concern, poor demographic situation and overall low employment rate. The war effects slow down the solutions to many problems, including gender equality. The system of social institutions needs to improve the quality of life of families, especially women and children, and provide support to the founding of the family counseling center within the Center for Social Welfare Karlovac. The participants stressed the poor working conditions in health care (night shifts for women, inadequate schedules and salaries). The county budget includes planned expenses for the work of the County Committee for Gender Equality.

## **V. Varaždinska county**

Date of the visit: October 14, 2004

The working meeting held in the premises of Varaždinska county in Varaždin was attended by: dr.sc. Zvonimir Sabati - head of Varaždinska county, Danijel Vereš - president of the county assembly, Miroslav Korenika - parliamentary representative, Dubravka Biberdžić - president of the Gender Equality Committee of Varaždinska county, Stjepan Križanić - head of human resources in Hidroing. d.d. Varaždin, Stjepan Tumpić - deputy head of General Hospital Varaždin, Ivan Vujec - member of the Committee of the City of Varaždin, Valentina Dimitrov Novosel - member of the Gender Equality Committee, Biserka Ivek - county councilwoman, Ruža Levačić - representative of the county police department and member of the Gender Equality Committee, Vesna Koščak - head of the Pharmacy of Varaždinska county, Miljenko Plukavec - head of the Office of State Administration in Varaždinska county, Sanja Herceg - head of the Office of the Head of Varaždinska county, Petra Huzjak - representative of Radio 042, Jelena Stankus - representative of the Institute for Public Health of Varaždinska county, Danijel Bunić - director of Ivkom d.d., Mirjana Balažinec - secretary of the City of Ludbreg, Stjepan Hoen - head of municipality Trnovec Bartolovečki, Dragec Tukač - president of the Municipal Council of Breznički Hum, Anđelko Straičak - president of Municipal Council of Visoko, Silvija Ladić - representative of Varaždinska county and Barbara Antolić - deputy of the head of municipality Cestica.

During the discussion, the Gender Equality Ombudsperson was informed about the situation in Varaždinska county.

County representatives informed her about county subsidies for women entrepreneurs, for educational programs for rural women, for support to women from minority groups, especially Roma. They plan to open a shelter for abused women and other projects. The participants said that they are not clear about who is obliged to implement the GEL and adopt operational plans, and who is not. According to representatives of smaller municipalities, women are not engaged in politics or NGO sector, because this is not popular in these communities. At the same time, these representatives are aware that all women need health care and prevention, for example, for breast cancer prevention. Small municipalities have small budgets and cannot regularly fund pre-school education or any other economic and social programs, or programs promoting gender equality. The county is faced with the problem of unemployment, and the recent case of Varteks, which employs 3900 workers, 70 % of them women, shows that the potentially same number of women could easily lose their jobs. The struggle to save the company is the struggle to reduce the number of unemployed women, and the state with a 60 % unemployment rate for women should take more concrete steps to help Varteks.

## **VI. Koprivničko - križevačka county**

Date of the visit: October 26, 2004

The working meeting held in the premises of the county government in Koprivnica was attended by: Josip Friščić - head of county, Vjekoslav Flamaceta - deputy head of county, Nevenka Ivegeš - councilwoman of the county assembly, Verica Rupčić - councilwoman of the county assembly, Zvonimir Mršić - mayor of Koprivnica, Dubravka Kardaš - secretary of the City of Koprivnica, Mladen Roštan - mayor of Đurđevac, Branko Hrg - mayor of Križevci, Ana Lukačić-Lojen - secretary of the City of Križevci, Andrija Kudumija - head of municipality Ferdinandovac, Milena Radivojević - representative of the municipality of Gornja Rijeka, Katarina Pavlek - representative of the

municipality of Gola, Ivan Olujić - head of municipality Hlebine, Marijan Debeljak - head of municipality Kloštar Podravski, Stojan Papac - head of municipality Koprivnički Bregi, Mladen Vernić - head of municipality Legrad, Stanislav Tišljar - head of municipality Novo Virje, Milica Barčanec - representative of the municipality of Peteranec, Stjepan Drveni - head of municipality Sokolovac, Goran Činin-Mašansker - representative of "Glas Podravine i Prigorja" d.o.o. Koprivnica, Jovo Rojčević from "Večernji list", Željka Dragač - representative of Radio Koprivnica, Adela Sočev - representative of "Podravski list", Goranka Mežnarić - representative of "Komunalac" d.o.o. and Vesna Pribeg - representative of the county administrative department.

During the discussion, the Gender Equality Ombudsperson was informed about the situation in Koprivničko - križevačka county.

The participants evaluated that the GEL is being implemented slowly, but it creates a better position of women in the family and workplace. In the smaller municipalities, women work in agriculture, some of them in commerce, and educational needs of high school female students are not being met. The county co-funds the founding and work of family counseling centers through Crveni križ and civil society. There are more unemployed women than men. Women at cash registers in big shopping malls work throughout the winter without heating, and on Sunday and holidays. The standard of living in cities and municipalities in the county is different, some have no childcare facilities, and other families use their services free of charge. Representatives of the county, cities and municipalities want to finance programs that promote gender equality in health care, child care and other areas that are self-governed. The head of the county J. Friščić thinks this is the right help to women in entrepreneurship and political and cultural life in general. The conclusion of the meeting is that the county, its towns and municipalities are obliged to found gender equality committees and name their secretaries, and on the basis of prior analysis, to adopt an operational plan and regularly secure budget funds for it. The head of county J. Friščić immediately named M.B. as the contact person for providing help to all towns and municipalities in the implementation of this decision.

## **VII. Bjelovarsko - bilogorska county**

Date of the visit: October 28, 2004

The working meeting at the premises of Bjelovarsko-bilogorska county was attended by: Damir Bujas - head of Bjelovarsko - bilogorska county, Karmela Caparin - parliamentary representative, Ante Rade and Mladen Mohr - deputy heads of Bjelovarsko - bilogorska county, Branko Mutak, Miroslav Čačija, Zdenka Kin, Marijana Rahle, Jadranka Kruljec-Sever, Mira Kolić and Petra Jurušić - members of the county government, Jasmina Radojčić, Mate Sičaja, Stjepan Serdarušić, Đurđica, Ištefom Benšić, Andrea Prugovečki, Dubravka Kidemet and Milan Mateković - members of the Gender Equality Committee, Josip Dekalić, representatives of the Police Department of Bjelovarsko-bilogorska county, Center for Social Welfare of Bjelovarsko - bilogorska county and representatives of some companies owned by Bjelovarsko - bilogorska county.

During the discussion, the Gender Equality Ombudsperson was informed about the situation in Bjelovarsko - bilogorska county.

The participants agreed that people should be informed about the GEL and change the awareness of gender equality. As an agricultural and multicultural county, it was the first to found a kindergarten for Roma children in Croatia. County representatives expect the cooperation between the County Gender Equality Committee and Croatian Office for Employment and Center for Social Welfare. They want to organize education in the local community about all gender equality issues, and carry out the local elections on the basis of the GEL and other gender equality regulations. It has been noted that, along with housework in rural households, women have duties in family homesteads and have no time or desire to enter into politics. Equality is declarative, and not real, and men should support women's active participation in politics.

## **VIII. Primorsko - goranska county**



Date of the visit: July 9, 2004

The working meeting held in the premises of Primorsko - goranska county was attended by: Luka Denona - deputy head of county, Marinko Dumanić - president of assembly of Primorsko - goranska county, Branimir Dešković - president of the Gender Equality Committee of Primorsko - goranska county, Iva Josipović - advisor in the Administrative Department for Health Care and Social Welfare of Primorsko - goranska county, Sonja Brozović - Cuculić - mayor of Kastav, Mladena Benašin - president of the gender equality NGO "PRST", Nika Car Ph.D. - representative of Women's Action Rijeka, Ognjen Crnković - head of Office for Employment Rijeka, Dragica Jelača and Dunja Kuhar - representatives of the Center for Social Welfare Rijeka, Nena Bistričić - president of the Committee for Health Care and Social Welfare of Primorsko - goranska county, Maja Tatalović - representative of Administrative Office of the City of Rijeka, Karla Mušković - health care officer of the City of Rijeka and Jasna Blažević M.Sc. - head of Administrative Department for Education and Social Affairs of Primorsko - goranska county.

During the discussion, the Gender Equality Ombudsperson was informed about the situation in Primorsko - goranska county.

The participants assessed that gender equality has not come into being in the county and cited examples of discrimination against women in employment, politics and other spheres of life. The County Committee for Gender Equality promotes gender equality and cooperates with NGOs. The members complain about the fact that there are no union or NGO representatives in the committee, because of the Rules and Regulations of the County Assembly. Their actions are slowed down by the country, towns and municipalities, because they do not have gender equality committees. They are familiar with cases of domestic violence against both men and women. They are especially interested in problems of young scientists at faculties, education of professors about violence (how to recognize it and help victims). The county is a member of the European Region and the Committee wants to meet its obligations. The participants expressed a desire for the institution of the Gender Equality Ombudsperson to start functioning in their county through a regional office, to ensure a sufficient number of shelters for women victims of violence, to raise public awareness of cases of domestic violence, and for the NGOs to get state support. They notice that the number of unemployed women increases more than that of unemployed men, and one of the reasons is the educational system and its unequal treatment of men and women.

## **IX. Ličko-senjska county**

Date of the visit: November 26, 2004

The working meeting in the premises of Ličko - senjska county were attended by: Milan Jurković - head of Ličko senjska county, Dražen Peranić - deputy head, Ivana Đapić - president of the Committee for Gender Equality of Ličko - senjska county, Valentina Bublic and Božica Žumberić - members of the Committee for Gender Equality, Mira Antunović - representative of municipality Donji Lapac, Valentina Grahovac - president of NGO „Hrvatska žena“, Marija Pavičić - head of Croatian Health Insurance Bureau Otočac, Ana Lukanović - head of the Center for Social Welfare Senj, Ivana Đapić and Dubravka Rukavina - representative of the Administrative Office of Ličko - senjska county, Slaven Stilinović - department head of the City of Gospić, Ante Jurčić - representative of primary school "Z. Frankopan" from Otočac, Božica Šuper - representative of Office of State Administration of Ličko - senjska county, Davor Turkalj - representative of municipality Perušić, Mile Čavičar - head of municipality Plitvička jezera, Borislav Katruša - head of municipality Karlobag, Draženka Draženović - representative of Administrative Office of municipality Brinje, Stipe Mudrovčić - head of Institute for Physical Planning of Ličko - senjska county, Branimir Šimonić - head of Administrative Department for Social Affairs of Ličko - senjska county, Ankica Blažević - secretary of Ličko - senjska county, Željka Serdar - head of Administrative Department for Economy of Ličko - senjska county and Sanja Palelić - head of the Office of the County Head.

During the discussion, the Gender Equality Ombudsperson was informed about the situation in Ličko - senjska county.

The county representatives presented arguments for implementation of the GEL by citing the number of women in county executive and representational bodies (government 18.18 %, assembly 13.16 %), on leading positions in public institutions and companies, and small and middle-size businesses. The county plans funds for the functioning of the Committee for Gender Equality in the 2005 budget. They stress that there are women in political parties, but they are not active enough and do not appear on local election lists. Political parties do not have programs for the protection of family, and marginalize the issue. It is difficult to promote the principle of gender equality. The percentage of people over 65 is increasing, and the women in that age group consider themselves "too old" to enter into politics.

As a conclusion, all educational bodies with public authority were recommended to introduce gender sensitive curricula and eliminate stereotypes. The participants agreed that it is necessary to increase the number of women's votes in the decision-making process, to improve their economic status, to eliminate all forms of violence against women, and to help them reconcile their family and professional life (all-day child care facilities and schools, more man on maternity leave, promoting gender equality in the media, maintaining gender statistics, supporting civil society.)

#### **X. Virovitičko - podravska county**

Date of the visit: October 28, 2004

The working meeting in the premises of Virovitičko - podravska county was attended by: mr.sc. Antun Mihoković - deputy head of Virovitičko - podravska county, Josip Novogradec - president of the County Assembly of Virovitičko - podravska county, Josip Silvaš - member of the government of Virovitičko - podravska county, Marija Radijevac - president of the Committee for Gender Equality, Josip Silvaš - member of the government of Virovitičko - podravska county, Biljana Berda - member of the Committee for Gender Equality and head of Office for Public Finance, Ivan Horvat - secretary of Virovitičko - podravska county, Mirko Kovačević - department head of Virovitičko - podravska county, Ana - Marija Petin and Andreja Dobrostal - representatives of the Administrative Office of Virovitičko - podravska county, Zdravko Čaćinović - county union officer of SSH, Jasna Baranjec - Keserka - head of the Institute for Physical Planning of Virovitičko - podravska county, Robert Kokotaj - head of the Health Insurance Bureau Virovitica, Desa Kolesarić - president of NGO SOS phone, Željka Korlević - head of high school "M.Marulić" Slatina, Ivana Bešir - head of gymnasium in Virovitica, Marija Prokrl Bajan - head of the Center for Social Welfare Virovitica, Vera Radaš - representative of the City of Slatina, Ankica Ban - representative of Police Department of Virovitičko - podravska county, Jadranka Puzak - representative of General Hospital, Gordana Kovač - representative of vocational school, Slavic Kovač - head of Pharmacy of Virovitičko - podravska county, Marica Reider - secretary of primary school J.Vlašimsky, Vladimir Reider - head of vocational school for industry and crafts, Katarina Boljevčan - assistant to the head of the Office of State Administration of Virovitičko - podravska county, Željko Kumrić - head of the Administrative Department for Agriculture of Virovitičko - podravska county.

During the discussion, the Gender Equality Ombudsperson was informed about the situation in Virovitičko - podravska county.

The discussion showed that citizens are not familiar with their rights from the GEL and whom to contact in case of discrimination. At the same time, the current focus is protection of workers in company bankruptcies, recognizing gender discrimination and violence in the family. The Committee is interested in working conditions and education for women in their county, as well as their political status. Committees in Virovitica and Orahovica are very successful, as well as awareness-raising efforts done by NGO B.a.b.e., with which the county successfully cooperates. The Committee is particularly interested in the balance in the representation of women and men in political party bodies, especially on local election lists, and announce their lobbying efforts for the next elections.

#### **XI. Požeško - slavonska county**

Date of the visit: December 1, 2004

The working meeting held in the premises of Požeško - slavonska county was attended by: Marin Jakovljević and Tomislav Radonić - deputies of the head of Požeško - slavonska county, Zdenka

Kolarić - department head of Požeško - slavonska county, Jasenka Bešlić - head of Town Library, Vlado Vukoja - head of Student Home Požega, Pavle Bucić - head of gymnasium Požega, Predrag Livak and Tomislav Matinčić - councilmen of Požeško - slavonska county, Zlatko Jakobović - principal of primary school A. Kanižlić Požega, Miko Komadina - principal of primary school J. Kemf Požega, Antun Bamak - representative of the City of Pleternica, Manuela Zima - Čevapović - representative of gymnasium Požega, Đurđa Doković - representative of Police Department of Požeško - slavonska county, Sanja Mjertan - representative of General County Hospital Požega, Goran Thur - head of the Institute for Public Health Požega, Marija Lokner - Zanetti - representative of the City of Lipik, Ilija Bonić - representative of the Office of State Administration of Požeško - slavonska county, Dubravka Špančić - representative of the City of Pakrac, Mirjana Bilopavlović, Marina Vulinović and Ivan Opić - representatives of the Center for support and development of civil society "Delfin" Pakrac and Marija Barunović - representative of municipality Brestovac.

During the discussion, the Gender Equality Ombudsperson was informed about the situation in Požeško-slavonska county.

The participants were provided with information about who should implement and apply the GEL. They stated that, although gender equality is a fundamental political issue, as well as accession to the EU, there are many reasons why the GEL is not fully implemented. The participants agreed to form a committee that will monitor cases of gender discrimination and develop operational plans accordingly.

## **XII. Brodsko -posavska county**

Date of the visit: December 1, 2004

The working meeting held in the premises of Brodsko - posavska county was attended by: Ratimir Santić - deputy head of Brodsko - posavska county, Pero Matić - deputy mayor of the City of Slavonski Brod, representatives of Nova Gradiška, heads of municipalities, that is, their representatives, members of the Gender Equality Committee of Brodsko - posavska county, representatives of the county government, representatives of health institutions, social welfare institutions and cultural institutions, representatives of administrative bodies, Ana Broz - coordinator for gender equality in the Office of State Administration of Brodsko - posavska county.

During the discussion, the Gender Equality Ombudsperson was informed about the situation in Brodsko - posavska county.

County representatives cited statistical data and stated that the percentage of women among the unemployed is 57.3 %; 75 % among employees in primary schools, 37 % in management positions; 62 % among employees of secondary schools, 27 % in management positions; and the situation is similar in bodies of state administration, health care, culture and other areas. In „Poduzetnik I“ Program, women received 10,7 % of funds, and in „Poduzetnik II“ Program, 13,4 %. The statistics about violence in the family in 2003 shows 198 misdemeanor charges on the basis of the Law on Protection from Violence against Family, in which violence has been committed in 151 cases against women of full age, in 9 cases against under-aged women, and in 30 cases over female children; this trend continued in the first six months of 2004. In the first 9 months of 2004, there were 16 complaints filed for refusal to pay child support, 15 against fathers, and 1 against a mother. The Gender Equality Committee believes statistical data disaggregated by gender are necessary because this is the only way they can be compared and monitored. The feminization of poverty is a complex problem in local communities, which, in spite of all operational mechanisms, does not know how to solve problems. Smaller municipalities ask for help in developing operational plans because they do not have enough staff and budget possibilities to adequately promote gender equality. Legal entities owned by the local government want to educate themselves about gender equality, but claim they do not know how and where, and they think that the priority is the need to learn how to develop an analysis and operational plan for the promotion and establishment of gender equality. At the same time, it is unacceptable that trade companies in private ownership, such as one textile company in Nova Gradiška, live and work as though they are outside the system and are not willing to provide feedback about gender equality. The discussion confirmed that entities defined in Article 11 of the GEL do not have situation analyses or operational plans, and the reason is absence of concrete guidelines from the Office for Gender Equality of the Croatian Government and one

exemplary copy of these documents. The Gender Equality Committee stated that they did not receive adequate instructions from the relevant government office and that they are not clear about the role of coordinators in offices of state administration. They wanted to know how we can force the private sector to respect fundamental constitutional values and human rights, in this case, gender equality.

### **XIII. Zadarska county**

Date of the visit: December 9, 2004

The working meeting held in the premises of Zadarska county was attended by: Ivo Grbić - head of Zadarska county, Milijana Urošević and other members of the Gender Equality Committee, Olga Peša - representative of the Office of State Administration Zadar, Miljenko Peričić - representative of city government of Zadar and head of public institutions founded by Zadarska county, Josip Bralić - representative of primary school Bibinje, Tonči Vuković - principal of primary school Nin, Borio Tokić - principal of primary school Polača, Šimom Vukić - principal of primary school Privlaka, Svetko Šarić and Helena Kapović - Magaš - representative of vocational school for tourist and hotel workers Zadar, Mica Mikulić - representative of secondary school Benkovac, Marija Šoša - principal of primary school Preko, Višnja Valčić - principal of primary school Nevidane, Mirko Bili - representative of Psychiatric Hospital, Milena Čemeljić - principal of secondary school B. Kašić, Božo Došen - principal of secondary school Biograd na moru, Verica Pavin - representative of „Narodni list“, Tenta Babajko Popović - representative of Zadarski list, Vjera Grancarić - representative of vocational school V. Vlatković, Ema Ivoš Nikšić - representative of Zadar University, Josip Grzunov - representative of ŽLU Zadar.

During the discussion, the Gender Equality Ombudsperson was informed about the situation in Zadarska county.

The discussion showed that the participants expect gender equality to be promoted on all levels of government for the purpose of general economic progress. The topics were: how to recognize, report, file a motion and resolve a case of discrimination, how to protect the victim, how to deal with these issues, and how to educate about them. It was clear that the citizens were not aware of their rights on the basis of GEL, and did not know whom to contact in case of violations. The discussion confirmed the need to protect the rights of employees in companies facing bankruptcy from the perspective of gender equality, other forms of discrimination at work and the status of women within the pension system. County representatives believe that they are implementing gender equality policy and allocate funds from the budget for these issues.

### **XIV. Osječko - baranjska county**

Date of the visit: November 24, 2004

The working meeting held in the premises of Osječko - baranjska county was attended by: members of the government of Osječko - baranjska county and Committee for Gender Equality, principals of primary and secondary schools and mayors and department heads of Osječko-baranjska county.

During the discussion, the Gender Equality Ombudsperson was informed about the situation in Osječko -baranjska county.

The discussion showed that there is an interest in processing gender statistics data in the area of employment, work and pension system. The participants wanted to know whether there is a gender analysis of allocations within the 2005 State Budget. The citizens are not familiar with their rights derived from the GEL, and whom to contact in case of violations. The opinion is that the judiciary and educational system are feminized. Units of local government in their budget allocations take on the burden of the undeveloped utility infrastructure and other costs giving them priority over social and economic programs, including gender equality. Participants were interested in continuing this form of cooperation in the future.

## **XV. Šibensko - kninska county**

Date of the visit: December 8, 2004

The working meeting held in the premises of Šibensko - kninska county was attended by: representatives of the government of Šibensko - kninska county, heads of towns and municipalities, members of Gender Equality Committee of Šibensko - kninska county, representatives of companies and institutions founded by Šibensko - kninska county.

During the discussion, the Gender Equality Ombudsperson was informed about the situation in Šibensko - kninska county.

Representatives of Gender Equality Committee of Šibensko - kninska county believe that the situation in the county is favorable in comparison with the Croatian average (out of 41 members of the county assembly, 8 are women, and out of 12 members of city government, 3 are women). The problem is the closing down of large companies on the territory of Šibensko - kninska county because the majority of those who lost their jobs were women.

## **XVI Vukovarsko -srijemska county**

Date of the visit: November 24, 2004

The working meeting in the premises of Vukovarsko - srijemska county was attended by: Nikola Šafer - head of Vukovarsko - srijemska county, Zlatko Hegeduš - deputy mayor of Vukovar, Ivan Gerovac - head of municipality Andrijaševci, Marijan Belužić - head of municipality Drenovci, Antun Omazić - head of municipality Babina Greda, Ivan Grigić - mayor of Županja, Marko Tadić - head of municipality Otok, Željka Budimir - head of municipality Tordinci, Marinko Beljo - head of municipality Tovarnik, Ivica Čop - deputy head of municipality Cerna, Đorđe Vlaškalić - head of municipality Negoslavci, Đorđe Čurčić - head of municipality Trpinja, Rade Bosić - head of municipality Borovo, Zdravko Galović - head of municipality Tompojevci, Josip Lišić - head of municipality Gunja, employees of county administrative offices, Jadranka Golubić - head of Administrative Office for Local Government, Blanka Pripužić - head of Administrative Office for Social Affairs, Ivan Dominković - head of Inspectorate in Police Department of Vukovarsko - srijemska county, Antun Jelić - fire commander of Police Department of Vukovarsko - srijemska county, Zvonko Domačinović - head of Red Cross Vinkovci, Ivan Pavlović - member of city government, Ivanka Domačinović, coordinator for gender equality and other representatives of the Office of State Administration in Vukovarsko srijemska county, representatives of general hospitals, outpatient clinics, head of the Institute for Public Health, representative of old people homes, representatives of legal entities predominantly owned by the state, county, local government, representatives of primary and secondary schools and kindergartens in Vukovarsko - srijemska county, representatives of People's Libraries in Vukovarsko - srijemska county.

During the discussion, the Gender Equality Ombudsperson was informed about the situation in Vukovarsko - srijemska county.

The discussion confirmed that the participants are not familiar with the contents of operational plans for the promotion and establishment of gender equality, as well as the importance and role of coordinators for gender equality. These guidelines are developed by the Office for Gender Equality of the Croatian Government and legal entities should contact it for assistance. The participants cited examples such as a student of female sex being addressed in male gender - similar examples can be found in advertising job vacancies. It is very important to use the local media to raise public awareness of gender equality issues and not to overlook the power of local budgets to find funds for various activities. County representatives concluded that Committees for Gender Equality should be provided with partnership support, and the head of county, mayors and heads of all units of local government in Vukovarsko - srijemska county committed themselves to putting the issue of gender equality on the agenda of future sessions of their representational bodies.

## **XVII. Splitsko -dalmatinska county**

Date of the visit: November 19, 2004

The working meeting held in the premises of Splitsko - dalmatinska county was attended by: Mihovil Biočić - president of county assembly and member of the county Committee for Gender Equality, Maja Đirlić, Jadranka Polović, Mirjana Maroević, Silva Sumić, Veljan Radojković, Helena Bandalović, Ivanka Luetić-Boban and Vesna Alač - members of the Gender Equality Committee of Splitsko - dalmatinska county and Andro Ozrečić - secretary of the Gender Equality Committee of Splitsko - dalmatinska county, Barbara Kovačić - councilwoman of the county assembly, Ante Nakić - councilman of the county assembly and head of Department of General Administration of the City of Split, Maja Budrović - representative of Hvar, other mayors and department heads of Splitsko - dalmatinska county, that is, their representatives, heads of legal entities owned by Splitsko - dalmatinska county and representatives of NGOs whose goal is promotion of gender equality (Domine).

During the discussion, the Gender Equality Ombudsperson was informed about the situation in Splitsko - dalmatinska county.

Representatives of the Gender Equality Committee were not familiar with the factual data: what are operational plans, to whom they are sent, are there guidelines for their development, are there examples that can be used. These questions are related to the implementation of GEL provisions for which the Office for Gender Equality is responsible, and legal entities should contact it. Most participants agreed on the need for Gender Equality Committees on the level of counties, towns and municipalities. At the same time, some of them did not understand the constitutional and legal principles of gender equality, which brings into question individual willingness to respect GEL provisions. According to representatives of county NGOs, they expected a larger number of members of representational bodies on the county and town level (as they are relevant political subjects for promotion of gender equality in their units) on this meeting with the Gender Equality Ombudsperson.

### **XVIII. Istarska county**

Date of the visit: December 2, 2004

The working meeting held in the premises of Istarska razvojna agencija d.o.o. Pula was attended by: Ivan Jakovčić - head of Istarska county, Desanka Sarvan - head of Administrative Department for Local Government, Vesna Ivančić - secretary of Administrative Office for Assembly and Government Affairs, Sonja Grozić - Živolić - advisor of the Administrative Department for Health Care, Social Welfare and Work and the president of Gender Equality Committee of Istarska county, members of Gender Equality Committee Jadranka Černjul, Biserka Momčinović, Branka Žužić, Miriam Kervatin and Branka Lasan, Mirjana Galo - president of Gender Equality Committee of Pula, Vera Šverko - president of Gender Equality Committee of Poreč, Hani Pilat - president of Gender Equality Committee of Pazin, Eni Modrušan - head of Department for Self Government and Administration and president of Gender Equality Committee of Labin, Marinella Pokrajac - Ugrin - president of Gender Equality Committee of Rovinj, Lorella Limoncin Toth - mayor of Buje, Božo Jelovac - advisor in the Office of Mayor of Poreč, Dimitrije Sušan - head of Department for General Administration and Social Affairs of Umag, Zdenka Vratović - head of Administrative Office of municipality Bale, Denis Kontošić - president of Municipal Council of Barban, Stefan Sissot - president of Municipal Council of Brtonigla, Vlado Čikada, deputy head and Ružica Lazić - head of Administrative Office of municipality Kršan, Katica Cvek - acting head of municipality Medulin, Aldo Ritoša - president of Municipality Council of Vižinada.

During the discussion, the Gender Equality Ombudsperson was informed about the situation in Istarska county.

The discussion confirmed that the GEL is not being fully implemented in the county. Representatives of counties, towns and municipalities are satisfied with the percentage of women among the employees of bodies of local government on the territory of Istarska county, but aware that in the decision-making process, men have the dominant role. The solution is to change the titles of positions into female gender when referring to persons of female sex, on nameplates,

promote development programs for small and middle-size entrepreneurship through Istarska razvojna agencija d.o.o. Pula in cooperation with the Ministry of Economy, Labor and Entrepreneurship, negotiate investment of foreign capital in textile industry and employ more women, as well as introduce other development projects in the county. Istarska county registers an increase in employment, and there are 62% of women among the unemployed. The representatives of Gender Equality Committees are not satisfied with the communication with the town and municipal governments, or the ways programs for promotion of gender equality are financed from local budgets. All committees equally support participation of women in politics, fight against violence against women, solving health and educational issues, and increasing economic independence of women. The basic problem is the social position of women in society. When we address the problem by extending working hours of kindergartens, which are financed from local government budgets, we see that they can hardly carry out the existing 10-hour pre-school programs. These are the processes which the Gender Equality Committees monitor and for which they define priorities.

#### **XIX. Dubrovačko - neretvanska county**

Date of the visit: December 14, 2004

The working meeting held in Palača Ranjina was attended by: Ivan Šprlje - head of Dubrovačko - neretvanska county, Vedran Leleković - deputy head of Dubrovačko - neretvanska county, Jelena Gled-Burđelez - representative of the Office of State Administration of Dubrovačko - neretvanska county, Ružica Mišković - secretary of County Assembly, Marin Torić - member of the government of Dubrovačko - neretvanska county, Željko Kulišić - councilman of County Assembly, Miho Katičić - head of Office for Social Affairs of the City of Dubrovnik, Vesna Babarović - representative of Administrative Department for Social Affairs of Dubrovačko - neretvanska county, Ana Kordić - member of the government of Dubrovačko - neretvanska county and president of Gender Equality Committee of Dubrovačko - neretvanska county, Jeny Hansel - president of NGO „Deša“ and member of the Gender Equality Committee, Ivo Bratičević - union representative, Nikola Prižmić - councilman of County Assembly and member of Gender Equality Committee of Dubrovačko - neretvanska county, Marica Miletić - head of the Center for Social Welfare, representative of the Institute for Public Health, Jelica Kureš - councilwoman of county assembly and member of Gender Equality Committee of Dubrovačko - neretvanska county and Lucija Macan - member of Gender Equality Committee of Dubrovačko - neretvanska county.

During the discussion, the Gender Equality Ombudsperson was informed about the situation in Dubrovačko - neretvanska county.

The participants discussed the position and role of women in Dubrovačko - neretvanska county, who are underrepresented in county bodies (1 woman in government, 2 in county assembly). Their percentage in the number of employed persons in the county is 52.20% . Gender equality regulations are not respected and both the GEL and Croatian Constitution are not complied with. The representatives of the Office of State Administration are not clear about their responsibility in the implementation of the GEL, and they have been directed to the Office for Gender Equality of the Croatian Government. Regarding operational plans, the participants did not understand the provisions of the GEL on sanctions and responsibilities and they suggest extension of deadlines for their adoption. Provisions of the Labor Law should be changed for the benefit of easier implementation of the GEL provisions. Representatives of Gender Equality Committees are satisfied with the funds allocated from the county budget and implementation of programs. In tourism and agriculture, working conditions are poor, and in commerce, women work in large shopping centers for an average of 2,000 kunas a month, without the right to sick leave and so on. They stressed the importance of education and raising social awareness of the need to affirm women in politics, and the role of the media in raising public awareness.

#### **XX. Međimurska county**

Date of the visit: October 14, 2004

The working meeting held in the premises of Međimurska county was attended by: Josip Posavec and Marijan Vukšić - deputy head of Međimurska county, Karmela Horvat - president of County Committee for Gender Equality, Ksenija Blagus - member of government of Međimurska county, Dijana Marcuš, Maja Oreški, Natalija Ignac and Alan Resman - members of the County Committee for Gender Equality, Ivan Sokač and Željko Mihoković - representatives of County Police Department, Blaženka Novak - head of Administrative Department for Social Affairs of Međimurska county, Nada Tkalec-Borović - representative of „Elektra“ d.d. Čakovec, Marijan Novak - director of Međimurski poduzetnički centar d.o.o., Vera Tizaj - representative of municipality Donji Kreljevec, Nedžad Vejzagić - representative of municipality Belica, Franjo Bukal - head of municipality Orehovica, Franjo Makovec - head of municipality Sveti Martin na Muri, Branko Šalamon - mayor of Čakovec, Josip Srpak - representative of municipality Vratišinec, Dušanka Hlebec-Geček - representative of municipality Nedelišće, Milica Senjanin, Ana Vlah-Siladi and Đurđa Varga - representatives of Administrative Office of Međimurska county.

During the discussion, the Gender Equality Ombudsperson was informed about the situation in Međimurska county.

The participants stressed the importance of identifying and eliminating discrimination on the grounds of gender in all spheres of life in the county (political, educational, economic, social, cultural) and stated that the GEL could be implemented more efficiently. We are witnessing great and fast social changes, and many small municipalities are not able to follow them and learn about their responsibilities (including area of gender equality) due to lack of human resources. These municipalities have administrative offices with 1 employee, are located in rural areas, and the population is poor. The fact that over 900 women dies from breast cancer every year and that many of them come from rural areas where they cannot practice prevention for this and other illnesses. Representatives of police departments stress that they implement all legally defined measures to prevent violence, including domestic violence, about which they maintain official statistics. The County Committee for Gender Equality sees as one of its priorities to help towns and municipalities found their own committees, which would propose projects and programs that promote gender equality within the budget of units of local government.

## CONCLUSION

The tables that summarize the visits of the Gender Equality Ombudsperson to counties are:

Table 15, "The time-table of visits to counties July - December 2004" on page 91.

In 2004, the Gender Equality Ombudsperson visited all counties. The visit to the City of Zagreb was postponed due to objective reasons for the beginning of 2005.

Table 16, "Analysis of participants at working meetings of the Gender Equality Ombudsperson in 2004" is in Appendices.

The data show a relatively high level of participation in the meetings on implementation of the GEL and other gender equality regulations. The seriousness of the topic is also reflected in the fact that almost all heads of counties attended the meetings, and, if they did not, they sent their deputies. Moreover, the meetings were always attended by members of the county government as well as a certain number of representatives from the town and municipal government. Two meetings were not attended by representatives of county assemblies, but were attended by county government representatives, so that in a way the county assemblies were represented. The members of Committees for Gender Equality attended the meetings and contributed to their success by their presence and active involvement. Because of a large number of legal entities owned by the state, counties, towns or municipalities, the meetings were attended only by special guests whose field of work is connected with the work of the Gender Equality Ombudsperson and who are of special importance to the implementation of the GEL provisions. The only surprise is a relatively low attendance on the part of representatives of police departments, but those who came took active part in the discussions.



- table 17, "Founding of Committees for Gender Equality in counties and the City of Zagreb", on page 92.

The program of implementation of the National Policy for the Promotion of Gender Equality in the Republic of Croatia 2001-2005 (The Official Gazette, 112/01) encourages the bodies of local and regional government to promote and improve the position of women in the Republic of Croatia. With the aim of fully applying the principle of gender equality, this document defines the measures that should be undertaken, such as, in the area of institutional mechanisms, 10.3: "To promote the founding of committees in units of local and regional government".

The data in the table were provided directly from county representatives during or after the visit, and show the situation on December 31, 2004. Committees for Gender Equality were founded in 19 counties, and City of Zagreb has a Coordination for Gender Equality. Zagrebačka county is the only county that does not have an advisory or working body within the assembly or government that deals with gender equality issues.

Discussions in the counties showed a great interest of invited representatives of different institutions in the interpretation of the GEL and other gender equality regulations and getting answers to their questions.

It can be said that there were no differences in opinion on these meetings. All participants stressed the need to promote gender equality and secure the following:

- conditions for women to exercise their rights by eliminating all forms of discrimination;
- conditions for exercising special health needs of women, including sexual and reproductive health, prevention and adequate medical care;
- conditions for eradicating stereotypes and discriminatory treatment, which are a basis for violence in the family, especially against women and children;
- the position in which women in the economy can truly reconcile professional and family lives, and their own leisure time;
- measures for the participation of women in all spheres of social life, especially in rural and other smaller communities, by increasing the number of women in positions of decision-making;
- changing social awareness about women in politics by promoting gender balance; equal representation of women and men in bodies of political parties and on local election lists (as well as in parliamentary elections) proposed by political parties;
- conditions for the local media to actively promote the awareness of gender equality;
- institutional mechanisms on the level of counties, towns and municipalities by setting apart the role and functions of advisory bodies (committees) from the working bodies within representational or executive bodies.

On these meetings, some counties adopted the conclusions obliging counties, towns and municipalities to found gender equality committees and, on the basis of prior analysis, to adopt operational plans and secure regular budget funds for them.

We underline the example of Koprivničko - križevačka county, which, after the visit of the Gender Equality Ombudsperson in December 2004, developed an Operational Plan for the Promotion and Establishment of Gender Equality and submitted it to the relevant Office for Gender Equality of the Croatian Government for approval (Article 11, para. 3 of the GEL), and informed the Gender Equality Ombudsperson about it. Prior to that, the plan was submitted to the County Committee for Gender Equality for agreement. The plan is based on the analysis of the situation in the county with

a presentation of gender structure of county population, gender structure of employees in legal entities founded by the county, and the gender structure of political decision-makers on the local and regional government. It contains measures for political participation and decision-making, economy and entrepreneurship, health care, education, support to women's NGOs, announcing job vacancies, further analysis of data by gender, commemorating important dates, public appearances in local media and supervision and implementation of the measures.

During the discussions, there were many questions about the development of operational plans, and importance and role of coordinators for gender equality, which fall within the scope of work of the Office for Gender Equality of the Croatian Government (Article 18 of the GEL), to which the Gender Equality Ombudsperson referred them.

#### THE TIME TABLE OF VISITS TO COUNTIES JULY - DECEMBER 2004

Table 15

No.	COUNTY	DATE
1.	Primorsko - goranska county	July 9, 2004
2.	Međimurska county	October 14, 2004
3.	Varaždinska county	October 14, 2004
4.	Koprivničko - križevačka county	October 26, 2004
5.	Bjelovarsko - bilogorska county	October 28, 2004
6.	Virovitičko - podravska county	October 28, 2004
7.	Sisačko - moslavačka county	November 17, 2004
8.	Splitsko - dalmatinska county	November 19, 2004
9.	Karlovačka county	November 23, 2004
10.	Vukovarsko - srijemska county	November 24, 2004
11.	Osječko - baranjska county	November 24, 2004
12.	Ličko-senjska county	November 26, 2004
13.	Krapinsko - zagorska county	November 30, 2004
14.	Požeško - slavonska county	December 1, 2004
15.	Brodsko - posavska county	December 1, 2004
16.	Istarska county	December 2, 2004
17.	Šibensko - kninska county	December 8, 2004
18.	Zadarska county	December 9, 2004
19.	Dubrovačko - neretvanska county	December 14, 2004
20.	Zagrebačka county	December 22, 2004

**FOUNDING OF COMMITTEES FOR GENDER EQUALITY IN COUNTIES AND THE CITY OF ZAGREB**

Table 17

COUNTY	COMMITTEE FOR GENDER EQUALITY (DATE OF FOUNDING)
I. Zagrebačka	NOT FOUNDED YET
II. Krapinsko zagorska	From December 14, 2004
III. Sisačko moslavačka	From October 19, 2004
IV. Karlovačka	From June 4, 2002
V. Varaždinska	From October 10, 2002 <sup>8</sup>
VI. Koprivničko križevačka	From November 26, 2004
VII. Bjelovarsko bilogorska	From July 17, 2003 <sup>9</sup>
VIII. Primorsko goranska	From November 15, 2001 <sup>10</sup>
IX. Ličko senjska	From October 13, 2004
X. Virovitičko podravska	From September 26, 2002
XI. Požeško slavonska	From December 6, 2004
XII. Brodsko posavska	From June 12, 2002
XIII. Zadarska	From October 17, 2004 <sup>11</sup>
XIV. Osječko baranjska	From June 7, 2004
XV. Šibensko kninska	From October 28, 2003
XVI. Vukovarsko srijemska	From December 16, 2004
XVII. Splitsko dalmatinska	From November 10, 2004
XVIII. Istarska	From January 19, 1999
XIX. Dubrovačko neretvanska	From February 26, 2002
XX. Međimurska	From October 25, 2002
City of Zagreb	From November 26, 2002 <sup>12</sup>

<sup>8</sup> As a statutory working body of the county assembly.

<sup>9</sup> As a statutory working body of the county assembly.

<sup>10</sup> As a statutory working body of the county assembly.

<sup>11</sup> As a statutory working body of the county assembly.

<sup>12</sup> The City of Zagreb has the Coordination for Gender Equality as a working body of the Town Assembly.

## PART EIGHT

### VIII.1. PROMOTING THE PRINCIPLE OF GENDER EQUALITY IN EDUCATION

In the context of European integration, the EC thinks that it is necessary to incorporate European legislation into national laws, and one of the relevant areas are gender roles and stereotypes (change of behavior, attitude, norms, values connected to gender roles in society through education, media, culture, sport etc.)

According to Council of Europe experts, gender equality means equal visibility, empowerment and participation of both sexes in public and private life, and creating equal opportunities starts with upbringing and education. Therefore, when we talk about gender equality in education, we mean primarily on general provisions of the GEL (Article 1, Article 3, Article 5, The Official Gazette, 116/03), defining equal opportunities for men and women and lists institutions obliged to evaluate effects of their decisions on the position of women and men in all phases of planning and implementation. For example, it is outrageous that textbooks are used on the basis of a decision of a relevant institutions, so that these institutions are obliged to evaluate effects of their decisions, in this case textbooks. Representations of women and men can have a deciding effect on shaping children attitudes.

The UN Convention on Elimination of All Forms of Discrimination against Women, signed and ratified by the Republic of Croatia in 1991, demands "elimination of any stereotyped concept of the roles of men and women at all levels and in all forms of education by encouraging coeducation and other types of education which will help to achieve this aim and, in particular, by the revision of textbooks and school programs and the adaptation of teaching methods" (Article 10).

Therefore, according to Article 14, para. 1, of the GEL (The Official Gazette, 116/03), "Education about gender equality issues is an integral part of the system of primary, secondary and higher education, as well as life-long learning, which prepare both sexes for active and equal participation in all spheres of life".

According to Article 14, para. 2, education should promote non-discriminatory knowledge about women and men, eliminate gender/sexual inequality and gender stereotypes on all levels, recognize gender aspects in all educational areas and adopt measures to secure equal representation of both sexes in the student and teacher population.

"Systematic education about and raising awareness of gender equality is the responsibility of all state bodies, legal entities with public authority, especially educational institutions, and other legal entities involved in promotion and establishment of gender equality", as stated in Article 14, para. 3, whereas para. 2 stipulates that all relevant state bodies for education and educational institutions should implement special measures for access to education, preparation, adoption and implementation of the educational program, approval of textbooks, and organizational and pedagogic/teaching innovations.

In view of this, the Gender Equality Ombudsperson analyzed existing laws, national policies and other educational-related regulations, in search of provisions protecting from discrimination and awareness of human rights and gender equality, and came up with the following findings:

Our affirmative laws on pre-school education, primary and secondary education are still not fully harmonized with laws and other regulations promoting gender equality and such provisions were not directly incorporated into them.

We can find indirect references in the goals of primary education (Article 2 of the Law on Primary Education - full text, the Official Gazette, 69/03), namely, "tolerance and ability to cooperate, respect for human rights, achievements and aspirations..." and understanding the mutual dependence of people and nature, individuals and nations, whereas the Law on Secondary Education (full text, The Official Gazette, 69/03) mentions measures for the protection of children's rights and the responsibility of the teacher to inform the relevant institutions "about forms of physical or psychological violence against, neglect or carelessness, abuse or exploitation of the child". Gender equality and/or related terms are not mentioned or elaborated.

The Law on Scientific Work and Higher Education and later changes and amendments (The Official Gazette, 123/03, The Official Gazette 198/03, The Official Gazette 105/04) mentions gender equality only in the section on equal rights to education. According to Article 77, para. 2, "The university or college determine the procedure of student selection and enrollment in a way that guarantees equality of all applicants regardless of their race, skin color, sex, language, religion, political or other beliefs, national or social origin, property, birth, social status, disability, sexual orientation and age...".

Regarding other affirmative regulations related to education, the only gender-sensitive and anti-discriminatory regulation is the Textbook Standard (The Official Gazette. 63/03), according to which, among other things, textbooks "9. prevent discrimination, are free from hate speech and oppose it, and do not represent individuals and social groups in a negative way on the grounds of their sex, age, sexual orientation, race, ethnicity and religion, lifestyle, political orientation, social-economic origin and mental and physical disabilities." (2.4. Ethical requirements, The Textbook Standard, The Official Gazette 63/03).

The National Program of Education for Human Rights published in 1999 is also an anti-discriminatory regulation based on international documents signed by the Republic of Croatia that ban discrimination (UNESCO Convention against Discrimination in Education from 1960 and the European Convention on Human Rights from 1950 and its Protocols). The program calls for "education that is equally accessible to all, regardless of individual differences between students in terms of their national, ethnic, religious, linguistic or any other origin, belief or attitude". We can see that gender is not recognized as a criterion of differentiation among children, as well as sexual orientation.

The National Program of Action for Youth from 2002 is more sensitive in this respect and stresses the following basic goals of youth policy: "... to promote mutual respect, tolerance and understanding between young people of different sex, race, nationality, social origin, culture, political beliefs and other particulars..."

#### GENDER DISCRIMINATION IN LANGUAGE

In order to modernize and harmonize our educational system with European practices, it is necessary to raise awareness of gender discrimination in everyday language and the fact that language reflects prejudices and stereotypes that exist in a certain culture and society. It is here that the educational system should play a key role.

It is visible that the most recent changes and amendments to the Law on Scientific Work and Higher Education (The Official Gazette, 105/04) for the first time in a law related to education, mentions in several places the use of dual gender for certain terms (prvostupnik/prvostupnica). But, this is inconsistent and not harmonized with the terminology of the existing text of this Law.

That is why we should define standards for the titles of professions and vocations that should be used in both genders, which is particularly discriminatory in the list in the National Classification of Professions (The Official Gazette, 111/98), in which a very small number of stereotypically female professions are written in female gender (for example: secretary, flight attendant, nanny, cleaning lady and the like). That is why new standards should be adopted for contents of university diplomas and other similar documents.

#### CONCLUSION

We should adequately address gender equality in education and make sure that all announced changes and amendments related to education are harmonized with affirmative laws and other regulations promoting gender equality and respecting the principle of gender equality on all levels. In addition to language and terminology, this also refers to the number of women in science and higher education, as well as promotion of their status and career advancement in science, gender sensitivity of university studies and contents and innovations in methodology and theoretical thinking. Teaching studies should be especially gender-sensitive, for the simple reason of shaping and influencing new modern teachers.

It is evident that the principle of gender equality is not sufficiently incorporated into our laws and regulations on education, which can in part be justified by the fact that the valid anti-discrimination laws were enacted after those related to education. That is why it is necessary to devote special attention to the contents and language of all documents that are, according to information in the media, in preparation and will soon be enacted: the fundamental Law on Education, new textbook standard, new pedagogic standard, future national curriculum etc..

It is especially important to harmonize the language of other national laws and regulations in terms of use of female and male gender forms when listing professions, vocations and level of education, unique title of working positions and jobs and similar terms, for example in the Law on Civil Servants (The Official Gazette, 27/01), Law on State Attorneyship (The Official Gazette, 51/01), Criteria for Determining the Number of Employees in State Attorney's Office (The Official Gazette), Law on Courts (The Official Gazette, 3/94), Decree on Titles of Working Positions and Coefficients of Complexity of Civil Service Jobs (The Official Gazette, 37/01) and so on.

## VIII.2. ANALYSIS OF APPROVED, NEWLY APPROVED AND FIRST TIME PUBLISHED TEXTBOOKS FOR 1<sup>ST</sup> GRADE OF PRIMARLY SCHOOL

Research (for example, Baranović, Branislava, „Slika“ žene u udžbenicima književnosti, IDIZ, Zagreb, 2000) showed that textbooks for learning Croatian are full of gender stereotypes: women are underrepresented both as authors and subjects (in pictures, literary texts, grammar and contents of methodical sections), stereotyped (stereotypes of roles and characteristics of male and female characters), and reflect a patriarchal model of women. Such textbooks (and teaching plans/curricula/catalogues) reproduce elements of a discriminatory model of socialization of children for gender roles. Women are marginalized, represented or portrayed exclusively within the context of family, where they play the roles of nurturers, caretakers, mothers, meeting the needs of all family members and stereotyped in terms of their psychosocial qualities. We should aspire to a balanced representation of women and men, with equal positions and roles in both family and society, so that children clearly understand that women are individuals of certain characteristics, interests and abilities, and can be ambitious, determined and self-confident. Children should be educated for real life that does not include only idealized, exclusively patriarchal family values, but also, for example, single parenthood and same sex partnerships.

In comparison with the research and guidelines of the Textbook Standard as the only educational regulation including principles of gender equality, some newly approved and published textbooks (published in 2003 and 2004) for 1<sup>st</sup> grade show significant progress, others are inconsistent in implementing gender sensitive contents and/or language, whereas others are full of stereotypes. Some textbooks use male and female gender and uses non-stereotypical illustrations (which is a significant educational element in textbooks for children of this age). There are also more female authors of both texts and illustrations.

In a textbook for natural sciences Naš svijet 1/Our World 1 (De Zan and Letina, Školska knjiga, Zagreb, 2004) we ask questions such as: “What is your teacher's name?” (teacher is written in both female and male gender) (p.5), which, although is not consistently applied to all words, shows a new language practice. Special attention was given to illustrations, which avoid stereotypes: a child in wheelchairs comes to school (p.4), a boy washing the dishes (p.11), and, among urban professions, along with soldier, postman, fireman and mechanic (all male), there are male teacher, female hairdresser, female painter, female veterinarian and policewoman (p.61).

A Croatian textbook by Marjanović, Lučić-Mumlek, Videk (Školska knjiga, Zagreb, 2004) also includes non-stereotypical illustrations, boy and girl with glasses, section Dad's Car and Mum's Car, with a mum taking the children home from school.

Upoznajmo svijet/Let's Learn about the World, textbook for natural sciences by Bertić and Božić (Naklada LJEVAK, Zagreb, 2004) contains many inconsistencies. In "Going to school", we can see persons we connect with the school, and on the same page, we have: a) the word „učitelji“/teachers, plural in male gender, which describes a picture with two women and two men with attendance registers; b) the words „principal, pedagogue, psychologist“ describe the picture of

a man and two women - although we have two women in the picture, their professions are referred to in male gender; c) the words "janitor, cleaning lady, cook" are listed below the picture of one man and two women (p. 9). The text also mentions a "secretary" in male gender, as if female secretaries do not work in schools. A woman could also be a janitor, and a cook could be a man. The published is obviously not aware of these sexist and stereotypical mistakes, and they are also discriminatory: how can women who cook be referred to in female gender, but not women with expertise in psychology or pedagogy? This implies that they are closer to more privileged male structures. Even without this free interpretation, inconsistency and superficiality is obvious. Stereotypes are visible in the illustration of the father who sits and reads newspapers, whereas two brothers play each with their own car (p. 14). The same textbooks in lesson "U obitelji svi rade/Everyone in the family works" shows a stereotypical division of labor: mother and daughter washing the dishes and father and son cleaning the snow (p.19).

Gender sensitivity is communicated in the text written by Krtalić in Croatian textbook *Sunčani pozdrav/Sunny Greetings* (Marjanović and Lučić-Mumlek, Školska knjiga, Zagreb, 2004) titled *Plač/Cry* (p.11), in which the father warns his son that only cowards cry, mum advises him not to cry because he is a grown-up and must be tough, whereas grandma shows sympathy and says the crying is the best cure for a sad heart. Methodical development of the theme in the form of a question implies that everyone can cry, posing a very direct questions: "Do only girls cry?". This text is trying to eliminate one gender stereotype.

Although there are certain changes, we should insist on appropriate education and professional training of those in charge of publishing schoolbooks (authors, bodies approving them, proofreaders, editors, and publishers), and those who will teach and present the textbooks to children, that is, teachers. In that sense, special attention should be given to adoption of appropriate language standards, modeled on similar languages (for example, German and Austrian, which elaborated recommendations for "gender equal word formulation"). The relevant ministry should start systematically introducing gender sensitive language into the educational system so as to build a basis for writing official documents, such as laws.

The Ministry of Science, Education and Sport and Institute for Education should revise the offer of seminars and other forms of professional training and update existing catalogues for professional training in terms of contents and methodology.

I stress here that the Officer for Education of our office took part in the regional strategic conference „Overcoming Gender Stereotypes in Primary Education“ in Budva, on October 2 and 3, 2004, organized by NGO Women's Action from Montenegro and Montenegro Office of the Open Society Institute. The conference was attended by representatives of all former Yugoslav countries, from ministries of education, science institutes, offices for gender equality, NGOs, primary and secondary school (teachers, principals and pedagogues). The Republic of Croatia was represented by Ana Ivanek and Bosiljka Devernay from the Institute for Education, Sanja Sarnavka from NGO B.a.B.e. and Karin Doolan from the Institute for Social Research.

### **VIII.3. MINISTRY OF SCIENCE, EDUCATION AND SPORT - CATALOGUE OF KNOWLEDGE AND COMPLAINTS**

#### **CATALOGUE OF KNOWLEDGE, ABILITIES AND SKILLS FOR PRIMARY SCHOOLS<sup>13</sup>**

The development of the national catalogue of knowledge, abilities and skills was announced as a significant turning point in the educational system, and since education is important for achieving gender equality, because it can encourage change in attitudes towards gender stereotypes and awareness of the need for a balanced division of family and work obligations between women and men, which should be reflected in textbooks written in accordance with the catalogue, it is important to pay special attention to gender equality in the catalogue development. It is important

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<sup>13</sup> Instead of the term Catalogue of Knowledge, Abilities and Skills, on March 1, 2005 the term Croatian National Educational Standard was introduced, but in this report we will keep the old term that was relevant for the reporting year 2004.

for the planned catalogue of knowledge to promote gender equality in terms of methodology and contents.

In view of this, on April 29, 2004, the Gender Equality Ombudsperson sent to the Minister of Science, Education and Sport a suggestion and recommendation concerning the announced changes in the educational system and beginning of the development of the national catalogue of knowledge, with the aim of harmonizing it with the GEL (The Official Gazette, 116/03), especially provisions of Article 14, as well as Article 10 (c) of UN Convention on Elimination of All Forms of Discrimination against Women and all other relevant regulations. The Gender Equality Ombudsperson reminded that, by signing the Agreement on Stability and Accession, Croatia is obliged to harmonize its legislation with the EU standards and adequately solve the issue of gender equality.

After the catalogue of knowledge and accompanying texts were published (from September 17 to November 29, 2004), the Gender Equality Ombudsperson began analyzing them. She selected educational contents most relevant for gender equality, that is, those in which gender stereotypes and sexism are most frequent and those which most explicitly reflect how both sexes are prepared for active and equal participation in society, focusing on the following school subjects: Croatian language, history, natural sciences and biology.

After each part of the catalogue was published, appropriate recommendations and suggestions to thematic committees, the Committee for Development of the Catalogue of Knowledge, Coordination of the Committee for the Catalogue of Knowledge, the head of which is the Minister of Education and coordination committees for specific areas.

On September 17, 2004, first parts of the Catalogue of Knowledge, Abilities and Skills for Primary School were published on web pages of the Ministry of Science, Education and Sport, for Biology, Physics, Chemistry, Nature and Society, and an introductory text "Socializing and Educational Aspects of the Catalogue of Knowledge". The Gender Equality Ombudsperson decided to analyze texts from the catalogue for biology, nature and nature and society, and the text about socializing and educational aspects of the catalogue from gender perspective.

It was observed that the principle of gender equality was directly or indirectly integrated into certain parts of the text (introductory notes and catalogue topics of certain school subjects).

#### „SOCIALIZING AND EDUCATIONAL ASPECTS OF THE CATALOGUE OF KNOWLEDGE“

After analyzing the text on the socializing and educational aspects of the catalogue of knowledge, the conclusion was that on p. 2/5, in the section of the text „Educational school goals can be divided into following categories“, the third category „3. promotion of humanist values“ includes „b) tolerance and respect for differences - in age, religion, nationality, physical/psychological difference“ and „c) equality of sexes“.

The comment of the Gender Equality Ombudsperson (sent on October 25, 2004) was that ban on discrimination on the grounds of sexual orientation is not mentioned, although it has been, for example, recognized as relevant in the Textbook Standard 2003. Her conclusion was that this part of the catalogue is not fully harmonized with the Gender Equality Law and other regulations guaranteeing gender equality and banning discrimination on the grounds of sexual orientation, because this provision is left out from the category that lists tolerance and respect for differences.

In spite of this, it is evident that the text "Socializing and educational aspects of the catalogue of knowledge", published on September 17, 2004, is one of the first and few official documents that recognize the importance of gender equality for education of children, at least declaratively.

#### „BIOLOGY“

After the opening of the public debate on the Internet about the draft version of the Catalogue, comments on the content of Catalogue topics for 8<sup>th</sup> grade - subject: biology, version dated



September 16, 2004 were elaborated. It has been noted that certain fundamental, scientifically proved and age-appropriate facts about human growth and development, anatomy, physiology, reproduction, pregnancy, birth, sexual identity and orientation, birth control, abortion and sexually transmitted diseases are not covered in the Catalogue or are listed as optional.

The conclusion was that these parts of the catalogue were not in accordance with the Gender Equality Law and other regulations guaranteeing gender equality and on October 25, a memo was sent with proposed additions and changes of the text with explanations and a request to introduce the term sexuality or human sexuality, topic of sexual relations and sexual identity/orientation, infertility and artificial insemination, adoption, accountable or quality parenthood, positive examples about birth, sexual violence and harassment as mandatory, and not optional topics, and to harmonize the catalogue topics with the goals specified in the foreword and introduce gender dual terminology. On November 25, 2004, the memo with proposed additions and changes was sent in electronic form. On December 16, 2004, the president of the Committee for the Catalogue of Knowledge from Biology for 7<sup>th</sup> and 8<sup>th</sup> grade informed us that our remarks have been taken into account.

#### „CROATIAN LANGUAGE“

After the opening of the public debate on the Internet about the draft version of the Catalogue of Knowledge for Croatian language and history on November 29, 2004, comments on the contents of all Catalogue topics (from 1<sup>st</sup> to 8<sup>th</sup> grade) for Croatian language were elaborated. It has been stressed that the starting point for these comment was the assumption that Croatian language teaching, because of its specific features, such as interpretation of interpersonal relations and human character in literary works and life in the broader sense, and interpretation and promotion of language standards, was most suitable for the implementation of the gender equality principle.

When we talk about teaching Croatian language, we refer to the most frequent school subject, with the greatest number of classes, so that Croatian language is an ideal space for achievement of human rights and equality, and a place for change and adoption of the principle of civil education for tolerance and critical thinking.

It has been warned that, in addition, research has shown that textbooks for Croatian language are full of gender stereotypes: women are underrepresented both as authors and characters of literary texts, illustrations and in terms of presence in literary and grammatical themes and in contents of teaching materials, stereotypically presented (stereotyped roles and qualities of male and female characters), and promote the patriarchal model of women. These textbooks (and curricula and catalogues that use them) reproduce elements of a discriminatory model of education of children for gender roles.

The memo also stresses that a catalogue of knowledge for Croatian language should bring teaching innovations and make it gender sensitive. This would mean the following: avoiding marginalization of women in teaching Croatian language, avoiding presenting them exclusively within the family context, as nurturers, parents, serving the family and with stereotypical psychosocial characteristics. The goal should be a balanced representation of women and men, equating their positions and roles in family and society, so that children know that a woman is not just gender, but also sex, that is, an individual with certain qualities, interests and abilities, who can be ambitious, decisive and self-confident.

It has been warned that children should be raise awareness of the reality of life that does not know only idealized, exclusively patriarchal family values but also single parenthood and same sex partnerships, and should strive towards introducing other contents that educate children about tolerance towards other socially marginalized groups, religions, ethnicities, political attitudes, disabled persons and children with developmental problems. It has also been warned that the educational contents are not passed on only by completing and adhering to the text of the catalogue of knowledge, but also through so called "covert learning" (or "covert curriculum"), which encompasses all messages that the teacher communicates to his students by directly expressing his opinions and attitudes in conversation, discussion, interpretation, assigning tasks and citing

examples etc. or by the way he or she treats students, his or her direct reactions and behaviors, even messages communicated by the school itself as an organization (structure of staff by sex, age and education, their interpersonal relations, men as principals etc.).

That is why the relevant committees for Croatian language were recommended to include, with the aim of raising gender awareness, the following recommendations for teachers into catalogue recommendations for teaching and educational contents of the catalogue: to clearly promote equality at all levels and exclude all gender prejudices from teaching; to always react and warn students about sexism in behavior or thinking in textbooks or other teaching materials; to consciously select non-sexist literary texts, books and illustrations; contents and topics should refer to persons of both sexes (and boys and girls must identify with them); to actively encourage children to espouse non-stereotypical gender roles (for example, boys and cooking or cleaning) with a firm belief that both sexes are able to perform all/same activities; to encourage self-respect and self-initiative of girls and encourage them to engage in leadership and decision-making; not to send a message that boys are more science-oriented and girls are language-oriented and prone to writing, poetry, acting; not to segregate students by sex and encourage work in mixed groups; to make sure that boys and girls are equally involved in discussions; to stress differences and rivalry between boys and girls in a positive way and to motivate them equally.

Moreover, it has been recommended to address students and persons of specific sex in their respective gender, and when processing relevant grammatical materials, with the aim of modernization and harmonization with European practices (for example, in German and Austrian). Since the introduction to the Catalogue Topics for Croatian Language (4. Overview of Catalogue Topics, Catalogue Notes - Language and Terminology, p. 8) stresses that "terminology principles" will be defined, it has been recommended to write instructions on non-discriminatory language usage, for the purpose of systematic introduction of gender sensitive language into the educational system and build a foundation for writing official documents such as laws, with language that will have to be harmonized with the GEL and other relevant regulations.

The Gender Equality Ombudsperson brought attention to the fact that after the catalogue and in accordance with it, new textbooks will be written, so it is necessary for contents of the catalogue to be in accordance with the prescribed textbook standards, according to which, among other things, they „9. prevent discrimination, do not contain and are against hate speech and negative representation of individuals or social groups in terms of their sex, age, sexual orientation, race, ethnicity, religion, lifestyle, political attitudes, social and economic origin and difficulties in psychological and physical development. " (2.4. Ethical demands, Textbook Standard, The Official Gazette, 63/03).

## „HISTORY“

In Catalogue topics from 5<sup>th</sup> to 8<sup>th</sup> grade of primary school for history (version from November 29, 2004), it has been noted that this part of the catalogue was permeated by the principle of gender equality on several levels: in distinct "guidelines for developing implementation plans", introducing formerly neglected contents such as role and position of women and children in history, the role and position of various social, age and gender groups, gender dual terminology in addressing persons.

It has been noticed that the last guideline for developing implementation plans states that „12. Teaching should involve the role and position of different social groups (age, gender), which especially refers to the so far neglected role and position of women and children in history," and prescribes topics such as "Fighting for women's rights and slowly changing the position of women" (p. 46 of the Catalogue topics).

In the memo from December 28, it has been recommended to update the gender sensitive elements in the following way: to introduce appropriate teaching guidelines for teachers aimed at achieving antidiscrimination and equality, with adequate literature; to include in catalogue topics such as The Modern World for 8<sup>th</sup> grade the history of fighting for gay and lesbian rights as a feature of modern society; to encourage teachers to choose women's and non-patriarchal themes, and overlooked and marginalized women in history.

After the reactions to the Catalogue for History, the Gender Equality Ombudsperson was unofficially informed that her recommendations were considered at one of the meetings of the Committee.

#### VIII.4. COMPLAINTS ABOUT DISCRIMINATION IN SCHOOL PROGRAMS

##### 1. Catholic School Program for Primary Schools

**Case summary** (PRS 02-02/04-01): The Office of the Gender Equality Ombudsperson received a complaint by the Legislative Team of the Group for the Promotion and Protection of Different Sexual Orientations ISKORAK and Lesbian Group KONTRA. The complainants brought attention to the violations of Article 6, para. 2 and 3 and Article 14 of the GEL (The Official Gazette, 116/03) in the «Catholic School Program for Primary Schools», adopted on September 18, 2003 by the former Ministry of Education and Sport (published in the Official Gazette 156/03, and effective from school year 2003/04), as well as a violation of the constitutionally guaranteed rights to a full and accurate information. The complaint referred to the teaching method instruction in the part of the Program titled Catholic School Program for 8<sup>th</sup> grade (I. teaching unit - Let us Learn about Life and Built it): «*Conversation about the whole meaning and relations of terms "love" and "sex" and evaluation of wrongful forms of sexuality (homosexuality, prostitution, incest, transvesty...)*». Not entering into the discussion about the fact that these are not forms of sexuality, examining the text in question showed that the claim about homosexual people is discriminatory because homosexuality is treated as a "wrongful" form of sexuality, at the same time being equated with incest, which is, according to Croatian legislation, a criminal act (Article 198 of the Criminal Code). In this way, homosexuality is equated with a criminal act. The text violates provisions of Articles 14 and 26 of the Croatian Constitutions, the Gender Equality Law (Articles 6 and 14) and Article 21, para. 1 and Article 21, apara. 4 of the Law on Same-Sex Partnerships (The Official Gazette, 116/03). The text is also not in accordance with the National Program of Education for Human Rights from 1999, based on international documents signed by Croatia, which ban discrimination (UNESCO Convention against Discrimination in Education from 1960 and the European Convention on Human Rights from 1950 and its Protocols) and the National Program of Action for Youth from 2002. It has been warned that the effects of education that fails to follow the guidelines of above-mentioned documents and includes the unquestionable criterion of "wrongful" form of sexuality, in the context of our educational system, which does not integrate sexuality and human rights as distinct issues, could be generations of intolerant and undemocratically educated citizens, unfamiliar with the fundamental human rights and the right to be different, something that is essential for bringing our education closer to European standards and promoting civil liberties.

**Measures undertaken:** On August 20, 2004, the Gender Equality Ombudsperson, on the basis of Article 22, para. 1 of the GEL, sent to the relevant minister a warning, stating that the teaching method instruction for Catholic School Program for 8<sup>th</sup> Grade (I. teaching unit - Let us Learn about Life and Built it): «*Conversation about the whole meaning and relations of terms "love" and "sex" and evaluation of wrongful forms of sexuality (homosexuality, prostitution, incest, transvesty...)*» violates the provisions that ban discrimination (The Constitution and laws of the Republic of Croatia, international agreement on discrimination ban to which Croatia is a party and the National Programs of the Republic of Croatia). As before the adoption of the Catholic School Program for Primary Schools Croatia already passed a series of anti-discriminatory laws and other regulations, which it failed to comply with during the adoption of the Program, the Gender Equality Ombudsperson recommended that the content of the Catholic School Program be revised and harmonized with the legislation and Constitution of the Republic of Croatia so that it would be ready for use by the next school year. On the basis of Article 22, para. 1 and Article 24, para. 1 of the GEL, the responsible persons were asked to comment and report back to the Gender Equality Ombudsperson about what has been done in relation to her warning and recommendation.

**Outcome:** On September 20, we received a reply from the State Secretary for Primary Education in which he had informed us that the Ministry is open to cooperation and will change, as they said, an accidental printing error and replace the term "wrongful" with "sinful", and publish it soon in the Official Gazette.

## 2. Sexual Education Program Teen Star

**Case summary (PRS 02-02/04-03):** On October 26, 2004, the legal team of NGOs Iskorak and Kontra submitted a complaint about the Sexual Education Program Teen Star, which is, according to the complaint, from school year 2003/04 taught as an optional subject in 35 primary and secondary schools. The complainants claim that this Program discriminates against alternative forms of family, that is, extramarital and same sex partnerships, single parents and homosexuality. They also criticize the professional standards of the Program, stressing that it "encourages negative emotions towards sexuality through intimidation, among other things by consequences of drug abuse and violence", the expertise of educators, attitude towards ineffectiveness of birth control methods, ideological (catholic) approach to sexuality, the definition of marriage as "the pillar of mature life" and description of an unemployed mother "as an important factor in the prevention of high-risk sexual behavior". The complainants therefore claim that the Sexual Education Program Teen Star does not comply with the Gender Equality Law (Article 6, para. 2 and Article 14 para. 1-4), Law on Same-Sex Partnerships (Article 21, para. 1), Croatian Constitution (Articles 22 and 35) and Article 12 of the UN Universal Declaration of Human Rights. To get insight into this program, it was requested from the relevant ministry.

**Measures undertaken:** On December 31, 2004, comments from the relevant ministry were received.

**Outcome:** The case was carried over to the next reporting year.

## VIII.5. ROMA MEN AND WOMEN IN EDUCATION

### INTRODUCTION

In November 2004, UNICEF called on all nations to respect promises given in connection to ensuring equal educational opportunities for girls and boys, and defined elimination of sexual disparity in primary and secondary education as a crucial step towards improving education in 2005. The children should not be deprived of education just because they are girls or live in rural areas or originate from poor families or belong to minority national groups. (*UNICEF calls on nations to overcome hurdles to gender equality in education. URL: <http://www.un.org/apps/news>. UN News Centre (11.02.2005.)*)

In accordance with the UN Convention on Elimination of All Forms of Discrimination against Women (CEDAW, 1979), Beijing Platform of Action and final documents of the Special Session of the General

Assembly Beijing+5, Millennium Goals for Promotion of Gender Equality and the National Policy for the Promotion of Gender Equality 2001-2005, special attention should be given to women from minority groups, with special emphasis on activities directed towards improving the position of Roma women, their protection and education, raising their awareness of gender equality and improving their self-confidence, as well as activities for raising public awareness of Roma women in political and public life.

In accordance with the National Program for Roma People from 2003, Roma women should be included into social and political life, and special attention should be given to their upbringing and education, because education is recognized as a key issue. That is why, among other things, obligatory pre-school should be introduced for Roma children, making sure they attend kindergartens, special measures should be designed for greater involvement of Roma children in the obligatory primary school system and increase the number of Roma men and women in secondary and higher education.

According to the National Policy on Croatian Accession to the EU 2004, one of the national priorities was integration of Roma children into the regular educational system.

In order to increase employment and self-employment of Roma women, which is also one of the national priorities, it is necessary to improve their level of education, which is surely the main obstacle to integration of Roma women into the labor market. Roma women are discriminated against and statistical data show that there are almost no employed Roma women. They drop out of school much earlier and their levels of education are lower than men's. One of the reasons for this are early under-age marriages.

To cite one Roma woman, Adaleta Stanzer: „(...) A Roma girl is discriminated against as soon as she is born. A female child in a Roma family is not expected in the same way as a male child, with music. Her rights are being denied to her by her parents: they don't send her to school, deprive her of the right to choose a marital partner, destroy her childhood, she actually does not have one, choose her husband, who treats her the same as her parents. Roma woman is an instrument, she has no rights within the family, she gives birth often against her will. That is why I ask all of you (...) how can such a woman fight for anything, when she cannot read or write, she has no chance to success in life regardless of the legal norms (...). I am extremely proud of my father, who was literate and who made an effort to educate his children, that is how I acquired my knowledge. Only knowledge can help a woman to succeed in life.“ (materials from the conference „Prava i status Romkinja u zemljama u tranziciji“/Rights and status of Roma women in countries in transition, Zagreb, 2000).

The position of Roma people is one of the priorities listed in the National Policy for Croatian Accession to EU from 2004, according to which, within the framework of the Program for National Minorities, we should develop program focuses for national minorities and monitoring of the program implementation, innovate, follow and evaluate the implementation of the National Program of Education for Human Rights and Democratic Citizenship, and improve it within professional training for educators and teachers, and also run projects for recognizing and espousing multicultural values as a modern lifestyle for teachers of primary and secondary schools.

In accordance with the National Program of Action for Youth, we should improve legislation addressing the needs and problems of youth; define tasks of relevant ministries/bodies; improve the quality of life of young people according to European standards and models of good practices; involve young people in decision-making processes; mobilize all social potentials, including youth, for an active role in European integration and building a democratic society and establishing rule of law.

For this purpose, we analyzed the position of Roma women in the Republic of Croatia and the reasons why they drop out of school early on, so that we could provide convincing arguments for implementation of relevant documents with defined guidelines and new legal initiatives.

## KEY FINDINGS OF THE SCIENTIFIC RESEARCH "THE STRUCTURE OF ROMA FAMILIES AND THEIR DEFINITION OF PARENTHOOD"

It is clear that the approach to Roma issues must be twofold, that is, equal attention should be paid to involvement and socialization of Roma men and women into our society and raising public awareness of their presence and life in our joint surroundings.

In an effort to find the places and contents crucial for the socialization of Roma children (especially girls), that is, for their successful integration into the pre-school and school system, we analyzed the results of a scientific research lead by professor Slobodan Uzelac in 2002 within the former State Institute for Family, Motherhood and Youth. We selected only the data that we think are relevant for the GEL and other gender equality regulations. We were interested in data on parenthood, economic, social and cultural factors that influence parenthood/child development, family relations, definition of parenthood, opinions on child growth, children's education and parents' opinions about children's education.

According to analyzed data, in Roma culture, the main family providers are men, whereas women bring up the children and take care of the family.

Social and cultural expectations from Roma children and youth are different; taking into consideration their low level of participation in education, especially secondary and higher education, young Roma men and women are expected to enter adult life much earlier. One of the reasons are early Roma marriages, especially in case of young Roma women. Early marriage and absence from education result in interrupted adolescence in relation to their non-Roma peers. Young Roma people do not take part in the adolescent subculture, which is an important transitional phase before adoption of social roles. That is why their culture is adult-oriented - young people want to become adults as soon as possible and adopt permanent adult roles.

Survey show the following data on marital status: 55% of respondents are married, 40% are unmarried, and 35% live in extramarital partnerships. These data show that most unmarried people actually live in common law marriage (joint life of a married couple and their families that is not officially concluded), and only 5% are really single. In other words, most respondents understand marriage as merely a formal and legally concluded partnership.

Common law marriages are often a kind of "trial marriages" that turn into a formal marriage after children are born, as a proof that the "bride" is fertile. That is why early marriages are normal, especially in case of girls, and why giving birth to many children is seen as their basic function.

Data show that more educated parents and parents with better economic status support later marriages of girls and more rarely accept marriage between minors. Only parents without any education more frequently advocate marriage of girls before 18 years of age. Parents living in joint households with other families also more frequently think that their female children should enter into marriage earlier. Families in which spouses make decisions jointly most rarely support early marriages of female children. It is evident that parents support early marriages for female children more frequently than of male children. It can be concluded that parents' attitudes are one of the causes of early marriages, whereas the second factor is low level of participation of youth in secondary and higher education, as well as poverty.

Regarding education, it is obvious that Roma parents have greater educational ambitions for their male children and that these ambitions are higher in urban than in rural areas. Most of them believe that it is enough for female children to be in school by 18 years of age; illiterate ones think that their female children should remain in school by 15 years of age, whereas those with secondary education think that female children should remain in school by 22 years of age or more.

### 3. ACTION RESEARCH: DATA FROM ROMA ORGANIZATIONS

#### 3.1. ANALYSIS OF DATA FROM ROMA ORGANIZATIONS

On October 18, 2004, calls for cooperation were sent to 37 Roma organizations (according to the list of the Open Institute Society), in which they were asked to submit data on **upbringing and**

## education of Roma men and women, dropping out, early marriages and in general status of Roma girls and women.

Only one organization replied promptly (the humanitarian organization World Roma Organization Croatia, president Ivan Rumbak), at the end of November, we tried to contact by phone the other organizations and managed to get to only a few of them. That is why we sent the call again. At the end, out of 37 organizations, we managed to get into contact with 18 of them, received 4 written replies (by fax and e-mail) and established phone contact with 9 organizations, half of which gave us concrete information that could be included in our analysis. One organizations sent a magazine it publishes, with relevant data, instead of a reply. 3 letters were sent back to the sender. One reply was given in the form of a face to face conversation with a representative of a Roma organization, at her request and visit to the Office of the Gender Equality Ombudsperson. The call for cooperation was sent to the Association "Djeca prva"/"Children First" from Zagreb (PRS 02-06/04-03), which worked on Roma programs and gave us the information by phone.

We received written replies from the following organizations: the humanitarian organization World Roma Organization Croatia, Zagreb, president Ivan Rumbak, by sending an extensive analysis of Roma women's rights; Association of Roma Women „Bolja budućnost“/"Better Future", Zagreb, president Ramiza Memedi; Association of Roma People in Croatia „Zlatna kobra“, Zagreb, president Nazif Memedi; Union of Roma "Roma Unity" P.G.Ž. Rijeka, president Suriya Mehmeti. We contacted by phone with the following organizations and their representatives: on December 6, 2004 with Nadica Balog from Association of Roma Women „Romsko srce“/"Roma Heart" from Jagodnjak, Baranja; November 24, 2004 with Dushak Delmatho from the Croatian Union of Roma People of Vukovarsko-srijemska county, Popovača; November 23, 2004 with Cana Kasum from the Roma Cultural Center of Croatia „Romano Centro“, Zagreb; November 25, 2004 with Asan Redžepi, former member of the Association of Roma of Brodsko-posavska county, Slavonski Brod; November 26, 2004 with a representative of the Association of Roma of Virovitičko-podravaska county, Pitomača; November 26, 2004 with a representative of the Međimurje Association of Roma, Podturen; on November 22, 2004 with Mirko Leich, secretary of the NGO Međimurje Council of Roma, Čakovec; December 13, 2004 with Fari Ibrahimovski for Association of Roma Women „Bolji život“/"Better Life", Rijeka. We received the magazine Roma Truth/Romengo čaćipe (no, 18, 9<sup>th</sup> year, November 2004) from the Association of Roma of Zagreb and Zagrebačka county, president Alija Mešić. Personal conversation was conducted with the representative of the Association of Women of the Roma Union of Croatia Senija Seferović in the Office of the Gender Equality Ombudsperson, on October 27, 2004.

### 3.1.1. Written replies

It is evident from all the replies that Roma women are discriminated against within their own population. According to some data, 70% of Roma population live a traditional patriarchal way of life in which women have no rights. The living and accommodation conditions are unsatisfactory, which contributes to lack of care for children and their education; most Roma men and women live and sleep together in one room, about 5 to 10 persons. Better material situation guarantees more concern about education. An interesting remark was made - that, for the motivation of the child, it is important to remove him or her from the backward surroundings, to communicate with non-Roma children and get an insight into all the possibilities in life. The same source lists, as one of the reasons for early marriages, the segregated and isolated life of Roma population in which Roma men and women are self-oriented and marry between themselves.

Roma NGOs from Zagreb run a series of activities for children and youth (prevention of drug, alcohol and nicotine abuse; involvement of children into the educational system; teaching literacy to adults) as well as for parents, with the aim of raising their awareness of participation of children in the formal educational system. In their seminars, they familiarize the participants with the GEL and Family Law, and take care about equal representation of women and men. Patriarchal patterns of life prevail, as well as violence in the family against women and children. 40% of marriages are still arranged.

According to some data, 60% of women enter extramarital partnerships at an early age, 13 or 14 years of age, and they become mothers by the time they reach 15. **80% of the population is uneducated, and children leave school as early as 2<sup>nd</sup> or 3<sup>rd</sup> grade of primary school.**

The Association of Roma women "Better Future" from Zagreb promotes Roma women's rights and works to improve their economic, social, educational, health care and legal status, provides legal advice in the office and in the field, because it is clear that Roma women do not know their rights in Croatia. Sexual discrimination is very visible; a woman (more precisely, girl) is forced to marry early, bear many children and take care of the family and household. That is why Roma women cannot educate themselves; most of them are illiterate or have completed only 2-4 grades of primary school. Low level of education is also the cause of their unfavorable position in the family, community and society as a whole, and their unemployment. Quote: "There is a percentage of Roma women with secondary and higher education, but because of prejudices about nationality and gender, they cannot find employment and more prestigious jobs." One of the problems is domestic violence against women, physical and psychological, within their family and on the part of majority population. According to one research conducted on 51 Roma women, 70% is uneducated, 90% unemployed, around 40% of them does not have health insurance, and 20% do not have Croatian citizenship. We present the results of the survey conducted on the sample of 51 Roma women from Zagreb: a) education - 27,5% illiterate; 7.8% no school/literate; 19.7% with 1-4 grades of primary school; 13.7% with 5-7 grades of primary school; 23.5% completed primary school; 7.8% completed high school; b) working status - fully employed 11,8%; temporary "unregistered" 5.9%; unemployed and registered 62.7%; unemployed and unregistered 15.7%; retired 3.9%; receives social welfare 43.1%; c) health insurance - on the basis of employment 11.8%; other 7.8%; on the basis of registration with the Employment Office 31.4%; on the basis of retirement 3.9%; other basis 3.9%; no insurance 41.2%; d) citizenship and stay - permanent 84.3%; temporary 13.4%; unregistered 2%.

According to the reply of the president of World Roma Organization Croatia, based on data published in the publication "Needs and problems of Roma People" from 2003, for a closed community with deep-rooted tradition and culture, the protection of women's rights is a delicate and serious problem. That is why it is problematic that only a few Roma organizations deal with the protection of women's rights, in the following areas: the right to female identity, women's health, family planning, Roma women's rights and protection of family. These organizations are a great and often only support to Roma women, since they do not have the right to their own opinions and decisions in their families, that their mothers are uneducated and that they cannot talk to them, and their situation makes them closed and distrustful of their surroundings. The status of Roma women is fixed by birth; Roma girls run the household by the time they reach 8 years of age, replacing the mother that earns for living with the father. They take over the role of the mother completely: purchase food, cook, clean, look after their siblings and do chores. At age 10, they are not allowed to go to school and finish primary school. They marry at 13 and bear children early. No wonder they stay uneducated and cannot compete on the labor market. "Because of the traditionally patriarchal understanding of the family promoted by their fathers, husbands and brothers, Roma women are legally unprotected". There have also been cases of trafficking in women and children and forced prostitution. Only 1% of Roma women are employed. In the last decade, discrimination against Roma women has been on the increase.

This source categorizes Roma women's issues into "internal" (traditionally submissive position of Roma women; unequal rights of female children to education; women are child bearing machine; Roma women do not have the same rights as Roma men; violence in the family; purchase of the Roma bride) and external (double discrimination: as a woman and Roma; Roma women do not get employment; lack of health insurance; no legal protection). That is why Roma women must be granted their rights, at the same time as female children must be granted equal rights to education. Since Roma women are pillars of the family and their health is essential for the good health of other family members, special attention should be paid to their health and education. Roma women must understand the importance of controlling their health. Men need the same enlightenment. Roma women must learn to read and write, "must be given the opportunity for self-employment and selection of employment".

### 3.1.2. Phone contacts

A representative of a Roma organization from Baranja evaluates the integration of Roma population into the educational system and cooperation with centers for social welfare as satisfactory. She stressed that in their schools Roma children are not segregated - this is common practice in their area, because kindergartens and schools were always ethnically and culturally mixed. One of the



respondents denied that the reason for discrimination and lack of education of Roma women is tradition. Instead, she finds reasons in primitive behavior and illiteracy of the population as a whole. One NGO is angry because it could not get the place for work or a computer from the county and had to write grant applications by hand. Many resent the fact that they never get grants in calls for proposals. An NGO from Međimurje complained about the work of the Center for Social Welfare in Čakovec, saying that they "kidnap" their children, takes them without informing the parents. By 2003, an organization from Rijeka organized summer schools for Roma children at the international level, bringing together as much as 120 children. They also encourage enrollment in open universities - the number of students is about 30. At the moment, around 350 Roma children attend primary school (Primary School Pehlin), and several girls attend secondary school. Association of Roma women "Better Future" from Rijeka lead by Sandra Pavelić worked on the program „Women “. Sources show that children of both sexes often drop out of school. There are cases in which girls who did not attend school at all were reported to the school inspection, but nothing was done or investigated. They also stress that initiatives of Roma NGOs are often rejected by local authorities; for example, the initiative for parcellation of a Roma settlement was rejected, which led to displacement of population and inability of continuous education of children.

### 3.1.3. Data published in the Roma magazine Romengo čaćipe - Roma Truth

In the magazine Romengo čaćipe - Roma Truth, no. 18, 9<sup>th</sup> year, November 2004, we came upon the data presented by Jadranka Huljev, advisor for education of national minorities in the Ministry of Science, Education and Sport. She stressed that it is questionable to cite numerical data on Roma children because she was warned in Strasbourg that we do not have the right to count the Roma population. That is why only reliable information about Roma population and villages with 90 % of Roma are publicized. According to these data, about 2000 Roma children attends school, most of them, around 1000, in Međimurska and Varaždinska county. The advisor believes that few parents encourage their children's education, and representatives of NGOs do not offer help and support. Parents even forbid their children to go to school and often ask them to drop out, at the cost of paying a penalty, with the explanation that the child is more needed and useful at home. The Ministry introduced Roma assistants in teaching to help parents in villages. The advisor stressed that education of girls is a particularly big problem, and "according to available data, 97% of Roma women are unskilled, 90% of them never worked because they receive maternity and social benefits“. **In the last two years, the number of children enrolling in schools is on the increase, but there are no data about completion.**

According to data from the magazine, only 14 Roma persons are enrolled in Croatian higher institutions, and all of them receive financial support from the Ministry. It is interesting to note that, on the national level, 85% of primary school pupils enroll in secondary schools, and only 7 % of Roma children. Out of 20 000 children currently in secondary education in Croatia, there are only 200 Roma children. Only 27 % of Roma pupils finish primary school (98 % at the national level). One positive example is A.T., a student of the Faculty of Political Science, who enrolled there at 27. After finishing primary school and dropping out of secondary school in 3<sup>rd</sup> grade, he enrolled into the Open University and acquired qualifications for an economist, truck driver and sport masseur. The magazine presents data on activities of the NGO that publishes it. The Association of Roma People of Zagreb and Zagrebačka county, among other things, works to improve education and motivation of Roma people, publishes the magazine Romengo čaćipe, organizes creative workshops for school children, runs a program of pre-school and school education for Roma and non-Roma children, and program "Drugs - no thanks!" It is evident that because of low level of education, an increasing number of Roma persons drops out of the system of formal education, as well as the labor market, which aggravates their marginalized position in society. In order to prevent delinquency and other socially unacceptable child and adolescent behaviors, and dropping out of school, the NGO organizes different creative workshops for multiethnic groups of children (preparation for school, improvement of basic literacy, help in learning etc.). They point out that the results of their programs can be seen in the fact that in 2004, 50% more Roma children took part in the regular school system of primary and secondary schools of the City of Zagreb and Zagrebačka county than in earlier years.

From an interview with a young Roma man from Baranja published in the magazine, it is evident that the situation with the education of Roma in that part of the country has been improved, that children attend primary school and that around 10 boys and girls attend secondary school. He

noticed that young Roma people do not marry as early as before. Roma NGOs encourage parents and raise their awareness about the education of their children, and pre-school programs are also successful.

One of the reasons for irregular school attendance is the fact that children do not have an official place of residence, because, when moving to another part of town, in order to change the school, the child has to change a place of residence. The magazine describes a case of three girls who no longer attend school because the family moved illegally into a barrack in Savska cesta, but are enrolled in the school in Sesevetski Kraljevac, their former residence area. An additional problem is that they cannot get a new place of residence at that address, because they inhabit the premises illegally.

#### 3.1.4. Personal conversation

S. S. accepted our invitation and presented her findings and experiences in person, since she worked on the scientific research "Structure of Roma Families and Definition of Parenthood", organizes educational programs for Roma men and women and runs programs for women in her NGO (family planning and health education).

Details from the private life of S. S., which were mentioned during the conversation, can also contribute to the analysis of the status of Roma women. They show that, regardless of the prejudices and stereotypes about Roma people, there are exceptions. S. S. is one of the few Roma women with completed primary school and secondary school for commerce and, at 31 years of age, is still not married, thanks to her father who supported her in all she did (in her own words). In addition, S. S. is a typical urban young woman, judging from her appearance, clothes and lifestyle.

When asked how can we improve the status of Roma girls, keep them in schools and motivate them to acquire primary education, not to marry and bear children as minors, S. S. was pessimistic, saying that this will be very difficult. She says that the tradition is very strong, that from early childhood, girls are promised to marriage seekers and enter into marriage during puberty, that is, as soon as they begin their transformation into women (because of a cult of virginity, according to another source). That is why they often complete only three, four or five grades of primary school, and rarely finish primary school, especially in the Kosovo Roma population, whereas among Zagreb Roma population the borderline has moved around full age. Roma women marry at age 13 or 14, and Roma men at 15 or 16. The objection on the unacceptability of such early marriage is not accepted by parents, because the patriarchal model and the authority of men in families is so strong that "they are not willing to accept someone's opinion about when their children are supposed to marry."

S.S. stressed that evening schools for lower and higher classes of primary school that they organize in their village is attended by around 15 pupils, out of which only 3-4 girls. Last year, six girls finished primary schools. They run these educational activities for 8 years and have schooled around 50 children. S. S. claims that the results will be visible in 22 years. In her opinion, the key issue is the fact that Roma men and women do not know Croatian or Roma language, and there are no books for Roma language. S. S. and teachers at her school work on publishing books, that is, children's stories in Roma language.

She stressed that Centers for social welfare are to blame for the fact that Roma children do not finish school; when a Roma child does not attend school, no one reacts. In addition, Roma people are afraid that their children will be taken away from them. S.S. suggest research/cooperation with the Office about how deep-rooted tradition is in Roma culture and research in schools in Zagreb about Roma students, Roma drop outs and the like. She listed city schools that are attended by Roma children, since they are near Roma villages (Podsused, Plinarsko naselje, Dubrava - Gornja i Donja, I.B. Mažuranić Primary School, Peščenica/Ferenčica, Trešnjevka, Žitnjak/Kozari Bok, Struge, Vinko Žganec Primary Schol).

Finally, she described the National Policy for Roma people as "a dead letter", and she does not feel comfortable within a women's network because of lack of female solidarity.

### 3.1.5. Conclusion

The action research shows that out of the total of more than 30 organizations, only four of them work on specific projects and programs for women and education; Roma organizations do not have concrete statistical data about their population, and relevant state institutions do not have them either, explaining that European institutions are warning them not to count Roma population. Also, state institutions do not reply to their requests and questions and Roma organizations are aware that they are not taken seriously. All organizations agree that insufficient basic living conditions prevent their children from finishing school. In addition, we know that there are organizations that are doing a great job, but they did not contact us back.

Roma organizations are interested in cooperation with the Gender Equality Ombudsperson and have a need to discuss the problems of Roma population.

It is clear that they recognize the importance of the problem of lack of education of children, especially girls, and understand the causes of this problem. They expressed a wish and willingness for changing and improving the status of Roma girls and women.

## 3.2. ANALYSIS OF DATA PROVIDED BY STATE INSTITUTIONS: THE STATE OFFICE FOR STATISTICS, MINISTRY OF SCIENCE, EDUCATION AND SPORT, THE OFFICE FOR NATIONAL MINORITIES OF THE CROATIAN GOVERNMENT

It is difficult to obtain statistical data about Roma population from relevant state institutions. The Office for National Minorities could not provide us with any information and referred us to the Ministry of Science, Education and Sport and Ministry of Health and Social Welfare. The Ministry of Science received our request for information, but did not reply. The State Institute for Statistics sent us very elementary data.

### 3.2.1. The State Institute for Statistics

The State Institute for Statistics states the following (for the period from the last census to today):

- they cannot provide information about informal education of Roma people (from the Labor Force Survey) because they are a "too small group for a statistically relevant assessment from the sample";
- they do not collect data on pre-school, primary and secondary education by child nationality; they collect data on pre-school and school institutions using languages of national minorities, but there are no such institutions or department teaching in Roma language<sup>14</sup>;
- they collect data on university students on individual basis and have data on nationality as specified by the students; in school year 2003/04, 3 Roma persons, all women, enrolled into university studies (Teacher's College - 2, Faculty of Economy - 1), and 1 male person (Faculty of Engineering); out of 4 persons of Roma nationality, 3 are women;
- they collect data on students who finished or enrolled in undergraduate and graduate/post-graduate studies also on individual basis and none of them declared themselves as Roma;
- data on marriages do not say much because they do not include age of bride and groom; according to submitted data, in relation to 2001 and 2002, in 2003 around 10 marriages less were concluded, and it is visible that men more often remarry;

### 3.2.2. The Ministry of Science, Education and Sport

The Ministry was asked to provide relevant data after the action research, but they were not submitted until the end of the reporting year and we expect them in 2005.

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<sup>14</sup> This seems illogical, since it is notorious that at the end of each school year, data on all pupils are entered into school registry books, together with data on children's nationality, which is a piece of information specified on school certificates children receive at the end of the school year.

However, among the materials provided by the representative of the Ministry during a workshop in Varaždinske Toplice in September 2004, the Ministry envisioned long and short terms goals and resources needed to achieve them. Some of the long-term goals are involvement of all Roma children in kindergartens and preschool programs, participation of all Roma children in obligatory primary education, involvement of as many Roma children as possible in secondary education, scholarships for professions and enrolment in other institutions of higher education. Short-term goals are: organizing pre-school educational groups within schools, kindergartens and Roma NGOs, training of Roma helpers, teaching adults how to read and write, publishing dictionaries, publishing and translation picture books and other books into Roma language, organizing courses and seminars about education for parents, Roma helpers, and teachers teaching in classes with Roma population, organizing summer and winter schools with programs of language, culture and tradition nurturing. The defined indicators are as follows: annual data on children that should attend preschool programs, regular annual records on first graders, records of Roma NGOs about adolescents who are not taking part in any form of education, data of Roma NGOs about uneducated Roma population, data on unemployment of Roma.

Concrete data listed: a large number of Roma people are completely or partially illiterate; around 90 % of them are unemployed; there are only 2 % of women among the employed; among the employed, 50 % of them are educated, out of which only 0,2% of women; around 5,000 Roma are left out of the educational system; around 1% of children are involved in kindergarten programs in urban areas; in rural areas, none of the children attend kindergarten; around 200 children take part in pre-school educational groups (during the last two school years); around 1,500 pupils go to primary school, but the rate of attendance is 60%, and rate of graduation below 40%; around 200 pupils attend secondary schools, with very low rate of graduation; around 15 students attend university studies; 18 Roma helpers are involved in teaching in primary and secondary school, none of them with necessary professional education; 90% of parents are illiterate; the Roma language is not standardized, books about Roma issues are written in Croatia, and the translated stories are not professionally translated into the Roma language.

#### 4. COOPERATION WITH THE OPEN SOCIETY INSTITUTE ON THE PROJECT OF ROMA EDUCATION IN BELI MANASTIR

The Gender Equality Ombudsperson joined the project of Roma education initiated by Open Society Institute Croatia in Beli Manastir two years ago (starting from school year 2004/05). The cooperation was planned and defined during two meetings in June 2004, and the associate for education of the Office of the Gender Equality Ombudsperson was appointed as a joined member of the Project Evaluation Team. In August 2004, we developed gender sensitive indicators according to which the educational achievement of Roma children will be monitored and evaluated during and after the project, depending on the activities in the preschool program, school and community. These are the indicators:

- Disproportion in numbers and by gender in school attendance/achievement - girls and women underrepresented in the educational system (in comparison with other nationalities);
- Achievement in individual subjects/special interest in specific topics with female and male children (gender stereotypes in selection and success in certain curricular and extracurricular activities);
- Parents' preference and priority given to one child of a certain sex/encouragement to education; intensiveness of monitoring his or her school progress;
- Data on drop-outs: age for beginning of education and other statistical data (in how many years they completed the first four grades - frequency of failing a grade by gender etc.);
- Reasons for leaving school - family situation/poverty; no access/remoteness of educational institutions and no transport organized; unfriendly atmosphere in school/among the children and their parents; alienation from the concept of "normal" urban life (specific traditional way of life and nomadic worldview);
- Accepting and awarding different functions in class (president and the like) according to gender (in comparison with other nationalities);

- Gender awareness of teachers, educators, project coordinators; awareness of stereotypes and prejudices and a desire for change;
- Readiness of teachers and kindergarten teachers for change and innovation in teaching and approach to children; traditional or innovative educational approach;
- Level of education of all adults involved in the project/differences by gender;
- Level of education of women in the women's group (formal and informal education) - motivation or lack thereof for any aspect of education;
- Activity and involvement in the work of NGOs or other informal groups;
- Awareness of the importance of reproductive health and sexual education;
- Leisure time - doing chores and other jobs/earning money - types of games (gender stereotypes);
- Socialization with other children/children of other nationalities - choosing best friends (for all age groups of children and adults taking part in the project) - socialization focused on same or opposite sex.

We also suggested possible methods and instruments: data gathering - questionnaires/documentation research; observations - observing and taking notes; focus groups. We also wanted to organize discussions for participants of the program and familiarize them with laws and other regulations guaranteeing gender equality and ways in which they can exercise their legal rights.

**After the completion of the project, the Office of the Gender Equality Ombudsperson will complete and publish its analysis with recommendations, and send it to relevant bodies.**

## 5. SEMINARS, ROUND TABLES, PRESENTATIONS/PROMOTIONS AND MEDIA COVERAGE OF ROMA ISSUES

### 5.1. Workshop on developing the Action Plan "A Decade for Roma People" - area of education

The associate for education of the Office of the Gender Equality Ombudsperson took part in the workshop on developing the Action Plan "A Decade for Roma People" at the invitation of the Office for National Minorities, which organized the gathering in cooperation with the Open Society Institute and World Bank on September 13 and 14, 2004 in Varaždinske Toplice and agreed on further cooperation with the Office of the Children's Ombudsperson and representatives of the Open Society Institute on the project of education of Roma in Baranja. She also established contact with all other participants.

The workshop included group work according to areas of education/levels of education and the purpose was to formulate the text of the Action Plan: goals, activities, target population, needs/expected results, responsible institutions - first as a ten year plan, and then only for 2005.

The impression is that the deadline for the development of the Action Plan (October 2004) was approaching, and that it was not finished yet. Almost nothing planned in the National Policy for Roma People was not carried out; the state did not allocate the funds it had promised and approached the Roma issue very irresponsibly, although the documents were well-written and planned.

Working in the group for adult education, the associate for education concluded that everyone is aware of gender inequality and the need to raise awareness of Roma men to improve the status of women and children. She insisted that such a recommendation be entered into the Action Plan.

The question of systematic and planned enrollment of small Roma children aged 3-5 in kindergartens in order to make Roma girls/mothers return to schools and learn how to read and write remained open. The Ministry of Science, Education and Sport is not aware of the need for monitoring progress and attendance, presuming it is enough to enroll someone (and contrary to legal regulations - which is stressed as a "positive" example and indicator of understanding of the Roma issue) and allocate funds and then leave the individual to the system (which doesn't work).

In short, main focuses and ideas of the workshop were: to include Roma children in preschool education; to finance their high-school and university education; to learn all age groups how to read and write; to teach them for "responsible parenthood" - to teach them basic life knowledge/habits in order to make them more responsible towards their children and encourage them to finish school. I stress that two elements were included in the Action Plan at the insistence of the associate for education: responsibility of both parents for parenthood and young Roma men and women.

The foreign expert who lead the workshop suggested the following: to use "preferential quotas" instead of positive discrimination (enrollment in universities, for example); "education of Roma" is a segregation term; small projects and programs do not yield results and are not enough; we need big, comprehensive projects for solving Roma issues; the number of children enrolled into kindergartens, schools and universities is not a valid indicator and means nothing, it is important to see how many of them really attend and finish school; institutions should take care of the needs of the community, because the main reason for dropping out is the wrong expectation that someone will identify with an institution that was designed according to someone else's needs; not to stress the term "special" programs for Roma men and women, because everything that counts for the national average must concern them as well.

#### 5.2. Round-table on employment of Roma men and women, Zagreb, June 14 and 15, 2004

The round-table on employment of Roma men and women was organized on June 14 and 15, 2004 in Zagreb and attended by the Gender Equality Ombudsperson. The result was a Draft Report on Approach to Roma Employment - for the EU Council, written by Lovorka Kušan, from which we stress the following data relevant for gender equality:

- education is a key to the solution of Roma problem;
- main obstacles to the integration of Roma men and women into the labor market are low level of education; rejecting the program of education for employment; employers' prejudices; Roma distrust of the system and their pessimism;
- one of the main obstacles to access to programs of education for employment is that they have to graduate from primary school;
- it is evident that in Croatia, women are discriminated against in employment, especially Roma women; their unemployment rate is almost 100%;
- a serious problem is also the lack of research on Roma, for example, statistics on educational structure;
- out of the total number of Roma people (30,000 - 40,000, according to the National Policy for Roma People), in school year 2002/03, 1900 of them were in the educational system (1500 in primary school);
- it is disconcerting that Roma women leave school much earlier and that their level of education is lower than men's;
- once Roma women marry, they lose every opportunity to finish school or get a job because they take care of the children and house; young Roma women take care of children at an age at which they should get professionally educated; although there are emancipated young Roma women who do not accept only motherhood and household;
- an educational program for 200 Roma men and women are planned, as well as employment programs for 50;
- it is significant that measures for employment of persons who speak Roma language are being introduced, because the Roma population has a very low level of literacy, especially women; it is not surprising that in 2003, when the Ministry of Education introduced the "Second Chance Program", Roma people took part in the program in Međimurje, out of which a small number of Roma women;
- no programs that would raise awareness of gender equality; there is a need for health education and measures for raising awareness of gender equality, which should be achieved through education

and vocational training of Roma women, health protection of Roma women, and measures for employment of women (opening kindergartens, adult education).

### 5.3. Presentation; promotion

On September 21, 2004, the associate for education attended the presentation of the results of the Intervention Program of Preschool for Roma children in Međimurje, organized by the Open Society Institute Croatia in its premises. The results were presented by: Petra Hobljaj M.Sc., Vesna Ciglar M.Sc., Neven Hrvatić Ph.D., Lidija Cvikić, M.Sc. Jelena Kuvač, and Jagoda Novak M.Sc. This is a three-month intervention preschool program for Roma children supported by the Ministry of Education and Sport in cooperation with primary schools in Međimurje from May to August 2003. This program monitored the process of learning Croatian of Roma children. The presentation showed that they have difficulties in acquiring language, especially certain grammatical categories, and that children who systematically took part in pre-school programs learned the language more easily and quickly. The Open Society Institute Croatia recognizes the need for an expert and scientific approach to the problem of Roma education, which is essential for social integration of Roma in Croatia as one of the preconditions for accession to EU.

The Roma Union of Croatia invited the associate for education to a promotion of picture books in Roma language, Alice in Wonderland and Snow White, which took place on November 5, 2004 in Town Library "S.S. Kranjčević" in Zagreb. The audience received copies of the picture books. These kinds of initiatives should be commended, since they contribute to the improvement of literacy of Roma children, which, as has been already said, do not know their own mother tongue well enough. There are no original Roma literary text or translations into Roma language.

### 5.4. Media coverage

During the last months of 2004, we examined media coverage of Roma issues. It has been noted that, on average, news reports about Roma issues appear at least once a month in TV news or specialized shows, as well as in daily newspapers. It is important to stress that these reports are positive and do not use the usual stereotypes.

Certain published data are very revealing. For example, according to information published in an article in journal Identitet/Identity (no. 73, 9<sup>th</sup> year, April 2004), research shows that 89% of Roma children love going to school, that many of them have excellent or very good grades, but that 90% of them do not have non-Roma friends, cannot play with them and feel unhappy in segregated classes. The media often publish data that publicly denounce responsible institutions for not living up to their promises and obligations to the Roma population.

## **PART NINE**

### **IX. COOPERATION WITH NGOs DEALING WITH ISSUES OF PEOPLE WITH DISABILITIES**

The Gender Equality Ombudsperson held a working meeting with representatives of NGOs/associations of people with disability of the Republic of Croatia and the City of Zagreb on December 23, 2004 in Zagreb.

The meeting was attended by Marica Mirić - Savez društava distrofičara Hrvatske/Association of Dystrophy Societies of Croatia, Tomislav Goil - Savez društava distrofičara Hrvatske/Association of Dystrophy Societies of Croatia, Mira Katalenić - Hrvatska udruga za školovanje pasa vodiča i mobilitet/Croatian Association for Training of Guide Dogs and Mobility, Maša Dolenc - Hrvatska udruga za školovanje pasa vodiča i mobilitet/Croatian Association for Training of Guide Dogs and Mobility, Darko Matić - Hrvatska udruga za školovanje pasa vodiča i mobilitet/Croatian Association for Training of Guide Dogs and Mobility, Mandica Knežević - Hrvatska udruga para i tetraplegičara/Croatian Association of Persons Suffering from Paraplegia and Quadriplegia, Sanja Tarczay - Hrvatska udruga gluhošlijepih osoba Dodir/Croatian Association of Deafblind Persons "Touch", Danica Teškić - Savez društava multiple skleroze Hrvatske/Association of Multiple Sclerosis

Societies of Croatia, Željka Matzzi - Savez društava multiple skleroze Hrvatske/Association of Multiple Sclerosis Societies of Croatia, Petar Baničević - Savez društava multiple skleroze Hrvatske/ Association of Multiple Sclerosis Societies of Croatia, Suzana Brezan - Savez gluhih i nagluhih Grada Zagreba/Association of Deaf Persons and Persons with Hearing Impairment of the City of Zagreb, Kristina Puškarić - Savez gluhih i nagluhih Grada Zagreba/Association of Deaf Persons and Persons with Hearing Impairment of the City of Zagreb, Borislav Bobuš - Zajednica saveza osoba s invaliditetom Hrvatske/Union of Associations of Disabled Persons of Croatia, Mirjana Dobranović - Hrvatski savez udruga tjelesnih invalida/Croatian Union of Associations of Physically Handicapped Persons, Danijela Đurak - Hrvatski savez udruga tjelesnih invalida/Croatian Union of Associations of Physically Handicapped Persons, Andrea Anđelić - Savez osoba s invaliditetom Hrvatske/Association of Persons with Disabilities of Croatia, Ivica Župan - Hrvatski savez udruga invalida rata/Croatian Union of Association of War Invalids, Josip Petrač - Hrvatski savez udruga invalida rata/Croatian Union of Association of War Invalids, Viktor Hrženjak - Društvo multiple skleroze Grada Zagreba/Multiple Sclerosis Society of the City of Zagreb, Katarina Gašparić - Udruga studenata s tjelesnim invaliditetom Korak/Association of Physically Handicapped Students "Step", Josip Friščić - Udruga studenata s tjelesnim invaliditetom Korak/Association of Physically Handicapped Students "Step".

The purpose of the meeting was to present to representatives of NGOs dealing with persons with disabilities the provisions of the GEL and other gender equality regulations the Gender Equality Ombudsperson is legally obliged to monitor, and to learn about problems of disabled persons, especially women.

The Gender Equality Ombudsperson so far did not receive any complaints from disabled persons about discrimination on the grounds of sex nor any requests for providing legal and other expert help. Therefore she concluded that disabled persons are not familiar enough with the principle of protection and promotion of gender equality in private and public sphere of life and with legal protection mechanisms in cases of violations of the principle of gender equality, that is, discrimination against individuals and groups of individuals.

At the meeting, the Gender Equality Ombudsperson presented to her guests the international documents, national laws and other mechanisms for promoting gender equality in the Republic of Croatia: *The Convention on Elimination of All Forms of Discrimination against Women* (1979), *Facultative Protocol to the Convention on Elimination of All Forms of Discrimination against Women* (1999), documents of the *Fourth World Conference on Women* (1995) including the *Beijing Platform for Action* (1995), *National Policy for Promotion of Gender Equality 2001–2005*, which espouses different measures for improving the position of women and achieving gender equality and the *Program of Implementation of the National Policy for Promotion of Gender Equality 2001–2005*.

One of the goals of the *National Policy for Promotion of Gender Equality 2001–2005* is the implementation of international agreements on human rights signed by the Republic of Croatia, monitoring the implementation of laws and national policies that influence the position of women in the Republic of Croatia, familiarizing as many women as possible with their basic human rights, ways in which they can exercise and protect them, then, integration of the principle of gender equality in development and execution of all national policies and protection and promotion of human rights of specific groups of women, including disabled women.

Moreover, the *Program of Implementation of the National Policy for Promotion of Gender Equality 2001–2005* urges „(...) all state bodies, including the Croatian Parliament, Croatian Government, ministries and other bodies of state administration and local and regional government, as well as NGOs and other institutions and organizations to improve the position of women in the Republic of Croatia in the following area: 1. *human rights of women*, in 1.8.: „(...) to integrate the principle of gender equality in development and implementation of all national policies and action plans of state bodies (...)“, and 1.9.: „(...) to protect and promote human rights, especially those of especially vulnerable groups of women, including disabled women (...)“.

The Gender Equality Ombudsperson stressed the fact that national policies are not harmonized with constitutional values. For example, the principle of gender equality was not included in the *National Strategy of Uniform Policy for Disabled Persons 2003-2006* (passed in January 2003).



On the other hand, the draft of the new *International Convention on the Protection and Promotion of Rights and Dignity of Persons with Disabilities*, as the most important international document concerning people with disabilities in the 21<sup>st</sup> century, stresses the need for introducing the gender perspective into all efforts focused on promotion full exercise of human rights and fundamental liberties of disabled persons. The Convention is currently being developed. The task of the Union of Associations of Disabled Persons of Croatia is to coordinate the cooperation between the governmental and non-governmental sector and supervise this segment of implementation of the Convention.

The Gender Equality Ombudsperson concluded that there are great possibilities for joint cooperation on raising public awareness of gender equality and policy of equal opportunities for women and men and equal participation of persons with disabilities in social life.

According to 2001 census, Croatia has a population of 4,437,460 - 2,301,560 women (or 51.87 %), and 2,135,900 men (or 48.13 %). Out of the total number of citizens, 429,421 (or 9.68 %) are people with disabilities - 183,524 (or 42.74%) women and 245,897 (or 57.26) men. People with disabilities are organized in more than 300 NGOs, associations and unions, which shows a high level of civil sector organizing.

Representatives of persons with disabilities stressed that so far they did not contact the Gender Equality Ombudsperson for protection of their rights because they did not know which rights they can protect through this institution. They believe it is important to disseminate this information to lower levels, to members of NGOs in counties and lower. Zagreb is not Croatia, so these kinds of working meetings should be organized by counties. We cannot expect the Gender Equality Ombudsperson to solve the problems of protection of human rights of persons and women with disabilities on her own, but must include other state bodies on all existing level of decision-making, in order to raise awareness of persons with disabilities.

In comparison to men, women are lagging behind in many aspects of exercise of their constitutionally and legally guaranteed rights in public life, within marriage and family. They are additionally discriminated against because of their disability and exposed to multiple, aggravating forms of discrimination on the grounds of sex in comparison to healthy women. For example, health protection is not equally accessible to women with disabilities and healthy women: gynecological exams, radiology exams, therapy and rehabilitation, dentistry and many others. Construction and technical barriers enable many women from physical entrance into health clinics, hospitals and other medical institutions, as well as educational institutions such as kindergartens and universities.

Women with disabilities are especially discriminated against in work and employment. Employers do not fulfill their legal obligations about employment of persons with disabilities. *The Labor Law* even envisions special measures for employment of people with disabilities. It is to be expected that a more consistent implementation of the *Law on Changes and Amendments to the Law on Professional Rehabilitation and Employment of Persons with Disabilities* (currently in parliamentary procedure) will lead to an increase of the number of employed persons with disabilities, at least in bodies of state administration and civil service (it is expected that by 2020 one in three employees should be a disabled person).

The improvement of the position of people with disabilities in work and employment should be one of the key areas of work of the Gender Equality Ombudsperson concerning people with disabilities in general, and women with disabilities specifically.

Moreover, women with disabilities are more exposed to various forms of psychological and physical violence than healthy women. The Gender Equality Ombudsperson will do everything in her power to protect women with disabilities from various forms of domestic violence.

The participants noted that persons making decisions about the rights of people with disabilities are professionals (lawyers, social workers, physicians, civil servants etc.), whereas people with disabilities organized in NGOs and associations are volunteers. But, they all want to provide the decision-makers with information about their real needs. The participants expressed a desire and willingness to prepare a short overview of special areas of inequality of women with disabilities in

relation to men with disabilities and healthy women for their next meeting. For example, discussions about parenthood of persons with disabilities are rare, especially of fatherhood of disabled men. As if persons with disabilities are sexless.

The Gender Equality Ombudsperson stressed that sometimes persons with disabilities cannot physically reach the decision makers, but she and other professionals can, want to and will accept any invitation to their place of living, or place where they work. Young people should organize themselves as well, because they must solve the issues that will affect their future.

Representatives of NGOs dealing with people with disabilities invited the Gender Equality Ombudsperson to be the guest on their open phone line, a visit that will be organized in 2005.

At the second joint meeting in 2005, they will determine programmatic tasks, implementers and dynamics of cooperation.

The Gender Equality Ombudsperson will, within her scope of work, consider with due diligence cases of gender discrimination against persons with disabilities committed by bodies of state administration, units of local and regional government and other public authority bodies, their employees and other legal and physical persons (on the basis of Article 21, para. 2 of the GEL).

## PART TEN

### **X. POLITICAL PARTIES**

According to Article 15, political parties included in the register of political parties adopt an action plan on the balanced representation of women and men every four years, and, in accordance with it, determine methods for promoting a more balanced representation of women and men in party bodies, on lists of candidates for parliamentary and local elections.

This provision allows parties the freedom to choose methods for the promotion of a more balanced representation of women and men, and have the possibility to complete this task within four years from the date the GEL became effective.

As political participation of women in representational bodies of local and regional government is inexcusably low, in November 2004, the Gender Equality Ombudsperson supported the idea that Committees for Gender Equality of Istarska county, City of Buzet, City of Labin, City of Novigrad, City of Pazin, City of Poreč and City of Pula proposed to the Croatian Parliament: adoption of the Law on Changes and Amendments of the Law on Election of Members of Representational Bodies of Local and Regional Government, which would introduce so called women's quotas, according to which both sexes would have to be represented on lists of candidates by at least 40 %.

### **CONCLUSION**

After 2005 local elections, it will be possible to estimate to what extent have political parties complied with Article 15 of the GEL.

## PART ELEVEN

### XI. MEDIA

The status of women in the media and the representations of men and women are one of the key social and political factors of establishing the principle of gender equality because insulting, stereotypical and generally unrealistic representations of women and men in the media support the discriminatory value system and social relations in which women cannot fully enjoy their rights and be equal participants in private and public life.

From the perspective of the Gender Equality Law (The Official Gazette 116/03 - hereinafter GEL), and using the legal definition of discrimination as a starting point<sup>15</sup>, the Gender Equality Ombudsperson has the authority to protect and promote in the media gender equality as a fundamental value of the constitutional order of the Republic of Croatia because the GEL refers to media contents in section VII:

According to Article 16, para. 1, through its programmatic concepts, the media will promote awareness of the equality of women and men, and according to para. 2 they are not allowed to publicly represent and depict women and men in an insulting, disparaging or humiliating way on the grounds of their sex and sexual orientation.

According to Article 3 of the GEL, the media and media publishers predominantly owned by the state, as well as other predominantly state-owned legal persons and units of local and regional government, are obliged, in all phases of planning, adoption and execution of a decision or action, to evaluate their effects on the position of women and men, in order to achieve true equality between women and men.

According to the general principles of the Law on Media (Article 3, para. 4, The Official Gazette, 59/04), it is forbidden to publicly broadcast programmatic contents that encourage or celebrate national, racial, religious, *sexual or other inequality or inequality on the grounds of sexual orientation*, as well as ideological and state entities built on these foundations, and *cause national, racial, religious, sexual or other animosity or intolerance, animosity or intolerance on the grounds of sexual orientation*, encourage violence and war.

According to Article 16, para. 1, *the media are obliged to respect the privacy, dignity, reputation and honor of citizens*, especially children, youth and family *regardless of their sex and sexual orientation*.

Article 20, para. 8 forbids advertising that represents women and men in an insulting or humiliating way, regardless of sex or sexual orientation.

Moreover, according to Article 5, para. 2, point 5, the Republic of Croatia is obliged to encourage broadcast or publishing of programmatic contents that raise awareness of gender equality.

The Law on Media became effective on May 8, 2004. According to Article 64 of the Law, publishers were obliged to adjust their work, management and by-laws with the provisions of the Law within

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<sup>15</sup>Article 6, para. 1. Discrimination on the grounds of gender (hereinafter discrimination) is every normative or real, direct or indirect differentiation, exclusion or restriction based on gender that hinders or denies equal recognition, enjoyment or exercise of human rights of women and men in political, educational, economic, social, cultural, civic and any other sphere of life.

six months from the date the Law became effective.

Considering the provisions of the GEL related to the media and provisions of the Law on Media referring to the need to promote gender equality and prohibition of displaying discriminatory and insulting attitudes about sex and sexual orientation, at the end of 2004, the Gender Equality Ombudsperson sent a total of 91 warnings to editors in chief of printed and electronic media (according to the list of the Croatian Journalists' Society) and requested that within the legal deadline they submit to her programmatic concepts and internal by-laws that regulate compliance with the legal provisions on gender equality, discrimination ban, insulting representations and encouraging intolerance on the basis of sex and sexual orientation, and those that promote awareness of gender equality. Their replies will be analyzed during 2005.

The Gender Equality Ombudsperson seeks to warn about inconsistencies in laws and legal terminology that allow editors, publishers and media owners to avoid adoption of programmatic concepts that would promote awareness of gender equality and eliminate discriminatory elements from their programs. Whereas the GEL speaks about *media concepts*, the Law on Media refers to *programmatic contents and programmatic foundations* defined as *selected programmatic contents (general or specialized) that the publisher determines and issues in public* (Article 2). The Gender Equality Ombudsperson believes that, since the Law on Media came into effect and after the deadline for implementation, the publishers are obliged to include in their programmatic contents and by-laws elements and principles with which they will meet their obligations from the Law on Media and GEL.

The Gender Equality Ombudsperson had several interventions regarding media contents:

**1. Case summary (PRS 5/04-1/2):** The Gender Equality Ombudsperson acted upon the memo sent by the Parliamentary Committee on Gender Equality in connection with the open letter of Dorino Manzin, president of NGO Iskorak, in which he stresses that the journalist in the show "Res publica: Relationship between religion and sexuality" broadcast on Channel 1 of the Croatian National Television, on March 29, 2004, made a scientifically unfounded, anti-constitutional and insulting statement.

**Measures undertaken.** After receiving and reviewing the tape of the show, the Gender Equality Ombudsperson established that the journalist V. S. commented on the life of young people in Osijek by saying: "Unfortunately, we have to say that are youths are deep in drugs, that they are having their first sexual experiences at an ever younger age, and that many among them had homosexual experiences". The journalist also defined these homosexual experiences as "bad" and expressed a judgment that is not in accordance with the GEL (Article 6, para. 2), Law on Same-Sex Partnerships (Article 21, para. 1) and Law on Media (Article 3, para. 4). These laws prohibit direct and indirect discrimination and encouraging discrimination on the basis of sexual (that is, homosexual) orientation. On the basis of her authority, the Gender Equality Ombudsperson sent a recommendation to Croatian National Television to avoid in the future contents that are not in accordance with provisions and spirit of affirmative legal regulations.

**Outcome:** The editor in chief replied and stated their intention not to broadcast contents discriminating against sexual orientation in their future programs.

**Note:** By the end of the year, groups for homosexual rights did not submit new complaints about the programs of the Croatian National television, and the Gender Equality Ombudsperson did not notice serious violations and discrimination against this social group.

**2. Case summary (PRS - 5/04-3):** In Jutarnji list, on July 11, 2004, in the rubric Salon titled "President of the Pensioners' Party still dances rock 'n' roll", p. 17-18., M. S. stated the following: "... It is good that the mother is home with the children, this is her conscious sacrifice." This statement, describing women as those that should willingly sacrifice and take care of the children, supports stereotypes about the traditional division of female and male roles in society, and the editors selected it as a lead above the text.

The GEL prohibits any differentiation, exclusion or restriction based on gender that hinders or denies equal recognition, enjoyment or exercise of human rights of women and men in political, educational, economic, social, cultural, civic and any other sphere of life (Article 6).

**Measures undertaken:** The Gender Equality Ombudsperson warned M.S. that, because of his public role, he must in the future take care that his public statement does not question the fundamental principles of gender equality prescribed by the Croatian Constitution and international conventions.  
**Note:** M.S. did not reply or comment on the warning.

**3. Case summary (PRS - 5/04-2):** In weekly newspaper „Bjelovarac“, on July 15, 2004, p. 7, a text titled "Pigs" and subtitled "Men are from the Bar, and Women from the Market" was published. The author was signed as „Rogi“. The text presents women and men in an insulting, disparaging and humiliating way on the basis of their sex. Creating and supporting in public insulting and disparaging stereotypes about women and men promotes unwanted differentiation and gender inequality. The text "Pigs" violates Article 3, para. 4 of the Law on Media (The Official Gazette, 59/2004.) because it represents women in public in a disparaging way. According to the Gender Equality Ombudsperson, the article also violates Article 19 of the Code of Honor of Croatian Journalists by presenting pejorative remarks about women and men.

**Measures undertaken:** On the basis of Article 16, para. 1 of the GEL, according to which the media are obliged to promote awareness of the equality of women and men and Article 5 of the Law on Media according to which Croatia is obliged to promote publishing or broadcast of programmatic contents that promote awareness of equality of women and men, and in accordance with Article 22, para. 1 of the GEL, the Gender Equality Ombudsperson warned the director and editor in chief of Informativni centar d.o.o. Bjelovar and acting editor of the weekly newspaper Bjelovarac. The Gender Equality Ombudsperson requested from them to submit within 15 days the Statute and other by-laws (programmatic concepts) regulating compliance with legal provisions on gender equality and against gender discrimination and inform her about what they intend to do to prevent further insulting contents in the future. In July 2004, the Gender Equality Ombudsperson contacted the Council of Honor of the Croatian Journalists' Society and informed the members about the warning she sent to Bjelovarac newspaper and its publisher and asked them to inform her what the Council will do in the matter. The Council send a memo with reply on November 30, 2004 in which they express their opinion about the text "Pigs": "The Code of Honor of Croatian Journalists was not violated, because this is a comic text whose contents are not insulting, but appropriately humorous", explaining that: "From the title of the rubric (*Men are from the Bar, and Women from the Market*) it is visible that this is a specific journalist form, characterized by humor, cheerful spirit, lightness, simplicity, and optimistic, funny and amusing contents....." and that according to "the definition of journalist forms, a comic sketch is not only a short story characterized by cheerfulness and simplicity, with optimistic, funny and amusing contents, but a journalist genre, a kind of feuilleton". The Council concluded that the text was not written in an insulting way or with malicious intentions, but deals with everyday relations between women and men in a humorous way, so that there are no grounds for initiating procedures against the author.

**Outcome:** The publisher never replied to the Gender Equality Ombudsperson.

**Note:** The Gender Equality Ombudsperson has no intention of commenting the ways in which journalist genres are recognized and defined or commenting on the genre value of the text "Pigs", but wants to warn about the disturbing lack of understanding for the problem of stereotypical, disparaging, insulting and humiliating representation of women in the media, this time expressed by the Croatian Journalists' Society itself and its Council of Honor. Media stereotypes and insulting representations of women are a form of discrimination, recognized long ago as paths to discrimination or means to reproduce gender discrimination in reality.

**4. Case summary (PRS 01-02/04-13):** The Office of the Gender Equality Ombudsperson received a memo from Helena Štimac Radin, Head of the Office for Gender Equality of the Croatian Government regarding the broadcast of the advertisement of the Erste&Steiermarkische Bank in which women and their family and social roles are presented in a stereotypical way in programs of Croatian National Television ("ironing is a woman's job").

**Measures undertaken.** The Gender Equality Ombudsperson sent to the Croatian National Television a warning that Article 1 of the GEL defines protection from gender discrimination and the need to create equal possibilities for women and men, and Article 16 obliges the media to promote awareness of the equality of women and men and prohibits public representation of women and men in an insulting, disparaging or humiliating way on the basis of their sex.

**Note.** The Gender Equality Ombudsperson did not receive any reply or requested documentation from the Croatian National Television, but the sexist advertisement was not broadcasted again.

## Conclusion

In general, in the last few years, the media have made a significant progress in informing and promoting gender equality. Leading national daily newspapers and some regional editions employ journalists who regularly and effectively follow topics related to gender equality, social discrimination against women, domestic violence, the status of women on the labor market, sexual harassment, discrimination on the grounds of sexual orientation and other topics within the scope of work of the Gender Equality Ombudsperson. The progressive trend is visible in the electronic media as well, although, due to the size of the contents being produced, there are still many differences between them. The printed media are also one of the rare social subjects that began raising awareness of the need for establishing gender equality in language and grammar and using female and male nouns when referring to professions and vocations. Patronymic forms of female last names slowly disappear and female last names are starting to be used, as males, in their original form.

The number of female editors and column writers is also increasing, particularly in the printed media, whereas their representation in leading TV news reports is low, if we consider the obligations of public television. Commercial TV stations have many entertainment programs that promote stereotypes, simplified and insulting representations of women and their social roles. There are no data on the number of women in the ownership structure of private media and publishing houses and what is their influence on decision-making in the media industry.

However, at the same time there is no deeper social analysis and continuous awareness-raising efforts about the causes of discrimination against women and homosexual persons, domestic violence and other forms of violence against these vulnerable social groups. The media still use sexist language, and some media, using "public interest" as an excuse, inadequately illustrate and cover texts about these topics, presenting them in a sensationalist and commercial manner. To prevent that, gender perspective must be systematically integrated into editor's policies and media programs, and women's lives need to be portrayed in more diverse and realistic ways.

In addition to the Law on Media and GEL, there is also the Code of Honor of Croatian Journalists, which deals with gender equality in Article 19: "Journalists must avoid publishing details and pejorative elements related to race, color of skin, religion, **sex or sexual orientation** and any other physical or mental disadvantage or disorder if this is not relevant for public interest." But, this broad provision is obviously not enough to stimulate a more serious consideration of media policy and compliance with the principle of gender equality.

The Gender Equality Ombudsperson believes that compliance with the legal obligation of the media to promote awareness of gender equality and do not publish insulting, disparaging and humiliating contents on the basis of sex and sexual orientation should not be secured through more restrictive media regulations.

When it comes to human rights in general, including women's rights and rights of homosexual persons to non-discriminatory representation in the media, these rights are often rendered trivial and seen as a challenge to media freedom and autonomy. The Gender Equality Ombudsperson thinks that this is only seemingly a collision and that it is possible to solve this by **making the media take part in the protection and promotion of human rights and creating the culture of human rights, and not just merely reporting on it.**

The Beijing Platform for Action from 1995, accepted by Croatia and other UN members, defines basic strategies and actions to be taken in relation to the media from the perspective of representation of women. The Platform recommended to governments, NGOs and media publishers two basic paths of action:

- 1) Increase of the number of women and their access to expressing and making decision in the media and through media and new communication technologies, and
- 2) Encouraging a balanced and non-stereotypical representation of women in the media.

It is clear that there are still many measures to be undertaken in the area of media and their extremely important role in eliminating gender discrimination and discrimination on the grounds of sexual orientation. Countries with a tradition of high democracy achieved their high standards by educating future journalists about national and international mechanisms of protection of equality, continuous education of media workers, systematic monitoring and networking of media organizations and NGOs as well as relevant state and governmental bodies (ministries, parliamentary committees) in fighting against gender discrimination. In some countries with high standards of gender equality, in media and reality, an important role was played by voluntary associations of publishers and journalists (for example, Presserat in Germany), with strict codes of behavior of publishers and journalists, who willingly avoid discriminatory and unrealistic representations of women and men in the media.

## **Recommendations**

- Through the National Program for Protection and Promotion of Human Rights, National Program of Education for Human Rights, National Policy for Promotion of Gender Equality and other similar programs, Croatia should promote ethical principles in accordance with international standards, which should serve as guidelines to all publishers and media in adoption of programmatic focuses and contents.
- Specific surveys on media representations of women and men are an essential starting point for creating media policies and continuous monitoring. Surveys should be funded by the state and conducted by independent professional institutions and NGOs qualified for gender analyses.
- Improvement of media "literacy" among citizens, especially on issues of gender analysis of media and their effects.
- Increased access of women to media, media contents and new technologies, as well as development of alternative, local and other gender sensitive media programs.
- Education of journalists (in cooperation with the Croatian Journalists' Society and Journalism Studies at the Faculty of Political Sciences) about gender equality, women's human rights, gender issues, domestic violence etc.

### **The Gender Equality Ombudsperson in the media**

During the second half of 2004, that is, from the moment the Office of the Gender Equality Ombudsperson obtained resources for systematic media monitoring, the activities of the Gender Equality Ombudsperson were covered 96 times in printed media and as many times in radio shows (of which the Office does not have complete records; there are also no records of activities in the first half of 2004). This includes interviews, public statements, thematic presentations, press conferences and other public appearances. The activities of the Gender Equality Ombudsperson were covered by both national and local media. The visits to counties were especially successfully covered by the local printed and electronic media. The Gender Equality Ombudsperson also appeared several times on the Croatian National Television and private TV stations.

### **The Presidential Campaign**

On November 30, 2004, the Croatian Government passed a Decision on Calling Presidential Elections that were to take place on January 2, 2005. The presidential campaign<sup>16</sup> was conducted during December 2004 and generated great public interest in the gender dimension of the elections and participation of women in politics in general.

The Gender Equality Ombudsperson stresses two aspects of the presidential campaign:

#### **1. Promotional rhetoric of presidential candidates**

The fact that in the first round of elections there were three female candidates (one of whom is the candidate of the strongest parliamentary party) is a sure indicator of positive changes in public awareness and attitude of political parties.

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<sup>16</sup> This report will cover only the first round of these presidential elections, because the second round was held in 2005.

Although some spoke about "feminization of politics", the fact is that women still do not compete with men for the most important political positions in the county on an equal level.

In spite of an increasing number of female candidates who attracted media and public interest in the social position of women, most of the presidential candidates did not mention gender equality and projects that would promote it as a constitutional principle and precondition for democracy. Also, most of the candidates did not include in their programs full and equal employment of women (who account for little less than 60 % of the unemployed), full exercise of women's reproductive rights, programs necessary for involving women in entrepreneurial initiatives, full political participation of women, special problems of disabled women, and many other issues related to inequality of women. The topic of debates and statements made by presidential candidates were only some aspects of gender equality and problems of discrimination against women, mostly when these issues would be forced by the media or NGOs such as the Croatian Women's Network, which posed a question about women's rights to every candidate.

The exception are the systematic efforts of the presidential candidate J. Kosor related to fighting against violence against women (The National Strategy of Protection from Violence in the Family 2005-2007, declaring September 22 the National Day of Fighting against Violence against Women) and her direct public statement made by a TV clip "A woman wants, can and knows".

Regarding the abortion issue as a segment of women's reproductive rights (according to the CEDAW Convention and other international documents), ten candidates opted for milder or stricter criminalization, two candidates (S. Mesić and Đ. Adlešić) advocated legal abortion as it exists now, whereas Kosor suggested an abortion referendum as a possible solution.

It is important to note that the media mostly asked the question in the wrong way, formulating it is "Are you pro-abortion?". Although every social group, party and its candidate are entitled to their own opinion when it comes to this key issue connected with women's rights, the Gender Equality Ombudsperson believes that women's control over their bodies and lives is one of the fundamental women's rights and that the only legitimate question concerns the right of women to decide how many children she will have and when.

During the pre-election campaign, the rhetoric of some male candidates was marked with sexist attitudes towards female candidates and women in general. The statement made by Lj. Česić, that "there is no place for his wife in public and that, where he was born, people know what a woman is supposed to do" is an inexcusable public discourse of a presidential candidate related to the freedom of movement of speech of women in general and his wife specifically.

There were other sexist and discriminating statements such as "You have to be a man and admit you are gay" and "I count on the female body of voters" (A. Kovačević); "A woman cannot be the chief commander of the armed forces." (Ćiro Blažević); a remark made by the vice-president of the government, A. Hebrang that Kosor "is nicer to listen and look at than Mesić", as well as the comment made by S. Mesić about the physical appearance of J. Kosor ("A good looking woman"), calling her „Suzana“ or statements published in Jutarnji list on November 23, 2004 suggesting her to "get a job in Sanader's entrance hall" and his remark that the editor of Novo hrvatsko slovo was kidnapped by a group of homosexuals.

## **2. Presentation of presidential candidates in the media**

The media played a mostly positive role during the presidential campaign by insisting on several important questions to presidential candidates, forcing them to answer to them in public. They covered the campaign from the gender perspective correctly, although they asked female candidates "women's" questions more often than men. The attempt of weekly newspaper Globus to depict Đ. Adlešić as a vamp was especially discriminating. The Gender Equality Ombudsperson thinks it is inappropriate that immediately after that, a daily publication of the same publishing house (Jutarnji list) tried to make a media sensation inviting experts to "comment on" Đ. Adlešić. On several occasions, the media accompanied texts about the candidates with titles that show that other newspapers are also not immune to stereotypes about women in politics ("The Scent of Woman" - Slobodna Dalmacija, "9 ½ weeks" - Novi list).



## PART TWELVE

### **XII. STATISTICAL DATA**

According to Article 17 of the GEL, all statistical data and information that are collected, recorded and processed in state bodies, public offices and institutions must be disaggregated by sex. This legal provision is extremely important because, without statistical data, it is not possible to determine the position of women and men in the Republic of Croatia, especially in case of wages. That is why the Gender Equality Ombudsperson thoroughly analyzed the Strategy of Development of Official Statistics of the Republic of Croatia 2004-2012 and Program of Statistical Activities of the Republic of Croatia 2004-2007 and, in December 2004, sent to the Croatian Parliament detailed comments with the aim of implementation of Article 17 of the GEL.

We are pleased to say that the Parliamentary Committee for Gender Equality and Committee for Human Rights and Rights of National Minorities supported these comments.

## PART THIRTEEN

### **XIII. INTERNATIONAL COOPERATION**

The Gender Equality Ombudsperson attended the international regional conference "Best Practices in Drafting and Enforcing Gender Equality Laws" on March 22-23, 2004 in Chisinau, Republic of Moldova, where she presented the Croatian experiences in implementation of gender equality policy. The purpose of the conference was to review the work of existing gender equality mechanisms and relevant laws in individual transitional countries. The conclusion is that the Republic of Croatia is a very good example in terms of institutional mechanisms and anti-discriminatory laws and policies as preconditions for gender equality (defined by the European Council as equal visibility, empowerment and participation of both sexes in public and private sphere).

She also took part in regional conferences on gender equality issues in Podgorica, Serbia, March 17-19, 2004 and Skopje, Macedonia, May 11-12, 2004.

From June 1-6, 2004, at the invitation of the Swedish Institute and Swedish Embassy in Zagreb, the Gender Equality Ombudsperson visited Stockholm to learn about Swedish experiences in addressing gender equality issues. The delegation included the president of the Parliamentary Committee for Gender Equality, Ms. Gordana Sobol, coordinator of the B.a.B.e. women's human rights group from Zagreb, Ms. Sanja Sarnavka and representative of the Women's Group Brod, Ms. Gordana Matanović. They learned about the work of many institutions, including the Office of the Swedish Gender Equality Ombudsman.

It was especially important to find out more about the obligation of Swedish state bodies and employers to develop operational plans for gender equality.

We were informed about the principles of Swedish family policy which, among other things, focuses on bridging the gap between families and households with children and those without them. The employment of parents is encouraged through state support, which is considered as more important than the level of support for the children.

Around 30% of Swedish families with children receives special support for living and accommodation expenses.

There are three types of support for parents. The first is related to pregnancy (to mothers who are not able to work during pregnancy because their jobs are physically demanding), second to birth of a child (for 480 days, 240 for each parent, out of which one parent can transfer up to 180 days to the other parent), and third, temporary support in case of child's illness, which men use in more than 40% of cases.

Many fathers take a parent's leave.

There are 45.3% of women in the Swedish Parliament (in 1973, there were 28% of them). The crucial factor was the behavior of the political parties themselves, because from 1994 they are designing their lists with the aim to increase the number of women in Parliament.

It is believed that one of the key factors contributing to a large number of employed women and their political participation is the fact that Sweden has a wide network of kindergartens. We visited one kindergarten to learn about the gender equality educational program for children under 6 years of age. During our stay in Sweden, we visited a shelter for women victims of violence and a well-known women's organization Kvinna till Kvinna.

On September 17 and 18, 2004, the Gender Equality Ombudsperson took part in the international conference in Priština with a presentation "The role of the Gender Equality Ombudsperson in the Republic of Croatia).

## PART FOURTEEN

### XIV. MATERIAL AND FINANCIAL MANAGEMENT

#### Financial management

The Gender Equality Law stipulates that the funds for the work of the Office of the Gender Equality Ombudsperson are allocated from the state budget of the Republic of Croatia.

In 2004, the funds for the work of the Office of the Gender Equality Ombudsperson were fully secured from the state budget, although the Gender Equality Ombudsperson can have other sources of income, such as donations or support from domestic or foreign entities.

Since the Office was not fully functioning in terms of human resources for the first part of the year, it was necessary to balance the budget funds during the year, so that the Gender Equality Ombudsperson planned to spend budget funds at the amount of **2,006,079 kunas**, and spent **1,660,692 kunas**.

These funds cannot be compared with funds for 2003, since in 2003 the Office of the Gender Equality Ombudsperson, since it started working as late as October 1, 2003, spent only 320,000 kunas.

#### INCOME

Account	Description	Planned in budget for 2004	Spent in 2004	%
311	Wages	730,073	569,865	78.05
312	Other expenses for employees	15,000	13,800	92.00
313	Benefits	127,375	96,868	76.05
321	Compensation of expenses to employees	82,970	63,259	76.24
322	Material and energy expenses	207,505	165,709	79.85
323	Expenses for services	464,397	380,230	81.87
329	Other management expenses	44,000	36,868	83.79
343	Other financial expenses	3,000	2,732	91.06
412	Soft assets	23,763	8,470	35.64
422	Equipment	279,996	220,035	78.58
423	Transportation vehicles	0	0	0.00
426	Soft produced assets	28,000	14,640	52.28
97	Surplus on December 31, 2004	0	88,216	100.00
	<b>TOTAL</b>	<b>2,006,079</b>	<b>1,660,692</b>	<b>82.78</b>

## EXPENDITURES

In general and by individual items, expenditures were covered from the planned funds. We spent less than planned, by individual items, because of the following reasons:

- 311 **Wages**, because the dynamics of employment did not allow it. In May, there were 3 employees, in June 6, in July 8, in October 9, and finally in December 10, as envisioned in the Internal Rules and Regulations of the Gender Equality Ombudsperson's Office,
- 312 **Other expenses for employees**, used almost to the full, as planned,
- 313 **Benefits**, used proportionally to wages,
- 321 **Compensation of expenses to employees**, because the dynamics of spending was influenced by the dynamics and intensity of business trips, which depended on the dynamics of employment,
- 322 **Material and energy expenses**, they also depended on the dynamics of employment in the Office,
- 323 **Expenses for services**, they include expenses for phone communication, postal and transportation expenses, maintenance, information dissemination, promotion and marketing, utilities and intellectual services, which are closely connected to the activity of the Office,
- 329 **Other expenses**, used almost to the full, for insurance premiums and business entertainment expenses,
- 343 **Other financial expenses**, mostly spent as planned, used for paying financial transactions in banks,
- 412 **Soft assets**, because the plans for the informatization of the Office and purchase and payment of licenses were not fully implemented,
- 422 **Equipment**, because the procedure of collecting bids and selection of best bid for the air conditioning in the Office was not organized on time,
- 423 **Transportation vehicles**, not planned, since the Gender Equality Ombudsperson purchased an official vehicle paid through operational leasing (expenses in account 323),
- 426 **Soft produced assets**, because the application of the software for record-keeping and documentation of the users of the services of the Gender Equality Ombudsperson was not done in the procurement procedure,
- 97 **Surplus**, funds that were not spent by December 31, 2004.

## PART FIFTEEN

### XV. CONCLUSIVE REMARKS

The Annual Report of the Gender Equality Ombudsperson for 2004 clearly shows that the Gender Equality Law is not being implemented fully and effectively.

It is especially disturbing that state bodies are not implementing the GEL, because even after the deadline prescribed by the GEL and in spite of (often numerous) warnings, the number of adopted operational plans is not satisfactory, as well as the number of job advertisements in compliance with the GEL, whereas replies to requests made by the Gender Equality Ombudsperson are often belated, incomplete or not sent at all.

One major concern are violations of rights of women and men in all spheres of life, especially in work and employment and protection from violence in the family, as well as the fact that these violations are still not duly reported.

This problem should not be addressed only by bodies founded to promote the principle of gender equality, although their number and scope of work represent a good institutional framework.

Adoption and implementation of special measures (particularly in work and employment) envisioned by the GEL as special advantages temporarily enabling persons of a specific sex to participate equally in public life, eliminating existing inequalities or granting them rights that were denied to them in the past, adoption of budgets that will include considerable, and not just symbolic funds for gender mainstreaming at all levels, and implementation of other anti-discriminatory laws, are minimal requirements for a shift from declarative espousal to practical application of the principle of gender equality.

The Gender Equality Ombudsperson suggests to the Croatian Parliament to acknowledge the Annual Report about the Work of the Gender Equality Ombudsperson for 2004.

**GENDER EQUALITY OMBUDSPERSON**

**Gordana Lukač - Koritnik**

## PART SIXTEEN

### XVI. APPENDICES

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