



REPUBLIC OF CROATIA  
GENDER EQUALITY OMBUDSPERSON

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## **ANNUAL REPORT FOR 2008**

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Zagreb, March 2009

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## 0. INTRODUCTION

The Gender Equality Ombudsperson is founded by the Gender Equality Law on July 30, 2003 (The Official Gazette 116/03; hereinafter GEL), as one of the mechanisms for securing the implementation of GEL.

On July, 15th 2008, on its 5th session, the Croatian Parliament passed a new Gender Equality Law (The Official Gazette 82/08) (hereinafter: GEL). GEL lays down a general framework of the protection and promotion of gender equality as the fundamental value of the constitutional order of the Republic of Croatia and defines and regulates the methods of protection from discrimination on grounds of sex as well as mechanisms for ensuring equal opportunities for both women and men.

According to GEL, the Gender Equality Ombudsperson performs duties of an independent body for combating gender equality discrimination, monitoring the implementation of GEL and regulations concerning gender equality.

Within his/hers competence, the Gender Equality Ombudsperson:

1. receives complaints by all the citizens and legal entities regarding gender equality discrimination,
2. assists the citizens and legal persons who filed complaints about gender discrimination in starting the judicial procedure,
3. takes steps to investigate individual complaints prior to the legal proceedings,
4. with the consent of the parties involved, conducts a mediation process with a possibility of reaching an out-of-court settlement,
5. collects and analysis statistical data regarding cases of gender discrimination,
6. conducts independent researches on discrimination, publishes independent reports and exchanges available information with compatible European bodies.

It is important to point out that, with the new GEL, the discrimination in the area of employment and labor has been explicitly forbidden in regards to pregnancy, parenthood and any form of custody. GEL also includes provisions concerning judicial protection and possibility of joint claims in discrimination cases. Apart from that, by the implementation of the special measures, an equal participation of women and men in the bodies of the legislative, executive and judicial authority, including the public services, will be promoted, the inclusion of the under – represented sex will be gradually increased, so that its participation reaches the level of its share in the total population of the Republic of Croatia.

According to GEL, the significant imbalance of one sex exists if the participation of one sex in the bodies of political and public decision-making is lower than 40%. With the purpose of the public informing, the office of the Gender Equality Ombudsperson has printed and distributed the Gender Equality Law, a leaflet with the fundamental as well as contact information regarding the jurisdiction and competence of the Gender Equality Ombudsperson.

On July, 9th 2008, the Croatian Parliament passed the Anti-discrimination Act (The Official Gazette 85/08) with several articles addressing the competence and responsibilities of the Gender Equality Ombudsperson. The Anti-discrimination Act came will come into effect on January, 1st 2009.

In accordance with Article 21 para. 1 of GEL article 18 of the Rules of Procedure of the Office of Gender Equality Ombudsperson (The Official Gazette 29/04), the Gender Equality Ombudsperson submits regular annual reports to the Croatian Parliament not later than March 31 of the current year.

This is the **sixth annual report** submitted to the Croatian Parliament by the Gender Equality Ombudsperson during her mandate.

In this Report for 2008, all the activities of the Gender Equality Ombudsperson's office have been described in detail in accordance with the scope of authority of the Gender Equality Ombudsperson specified by GEL.

## **2. WORK INDICATORS OF THE OFFICE OF THE GENDER EQUALITY OMBUDSPERSON IN 2008**

The citizens contact the Office of the Gender Equality Ombudsperson by written complaints, phone calls or come to the office personally.

Case files are opened at the initiative of the complainant, other citizens and legal entities (state bodies and agencies, non-governmental organizations, gender equality committees/commissions, other institutions or individuals) or on the initiative of the Gender Equality Ombudsperson. Complaints include the violation of the gender equality principles, gender discrimination, marital or family status and sex orientation. Other files opened by the Gender Equality Ombudsperson are connected to the monitoring of the implementation of the Gender Equality Law.

There are around 30 phone calls a week, for which the case files are not opened and the data is not included in statistical survey.

During 2008, a total of 1009 cases have been acted upon:

- a) 937 cases opened in 2008
- b) 72 cases from previous years.

These 1009 cases include:

- 319 cases based on citizens' complaints, out of which 1288 were new cases (opened in 2008) and 31 case was from previous years;
- 24 new cases from 2008, opened at the initiative of the Gender Equality Ombudsperson concerning the violations of gender equality principles or the individual gender based discrimination.
- 666 cases, including 625 new cases from 2008, opened at the initiative of the Gender Equality Ombudsperson for the monitoring of the implementation of the Gender Equality Law and based on the reports of other institutions, organizations and legal entities, 41 of which from previous years, respectively.

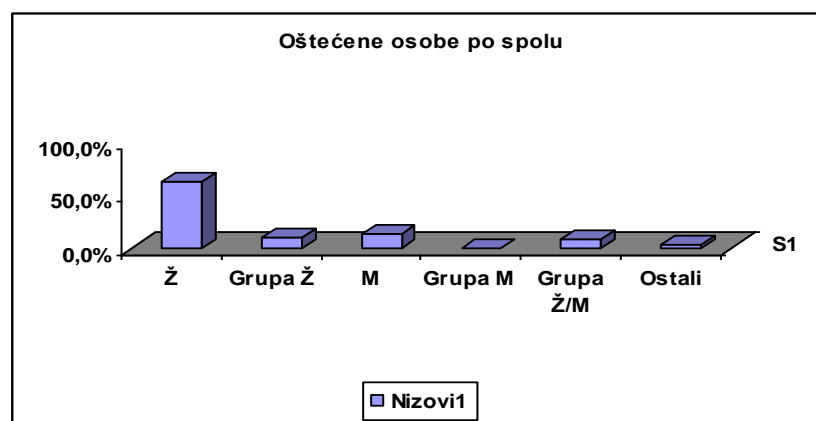
In 312 new cases<sup>1</sup>, complainants were:

- female 195 (62,5 %);
- male 42 (13,5 %);
- women's groups 33 (10,6 %);
- mixed groups 29 (9,3 %)
- group of men 2 (0,6 %);
- other cases, sex undetermined 11 (3,5 %).

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<sup>1</sup> The analysis refers to the cases from 2008, for 288 new ones based on citizen complaints and 24 opened on the Gender Equality Ombudsperson initiative.

Graph 1. Affected persons by sex:



After acting on complaints, the Gender Equality Ombudsperson has issued 34 written warnings, 39 recommendations and 37 suggestions, sum total being less than in 2007 as a result of the improved work by the police as well as the centers for social welfare.

Table 1 displays 937 newly opened cases in 2008, addressed by the Gender Equality Ombudsperson by areas of activity

Table 1. Structure of 937 newly opened cases in 2008 according to areas of activity

Areas of activity in 2008.	Number of cases
1. Employment and work	105
2. Job advertising	443
3. Parental care, violence in the family and other cases of violence	155
4. Education	7
5. Media	57
6. State bodies, legal entities with public authority	107
7. Civil society	29
8. Statistics	34
<b>TOTAL:</b>	<b>937</b>

During 2008, 975 cases have been resolved and closed, while 34 unresolved ones were carried into 2009 (relating to citizens' complaints).

## 1. STRUCTURE OF COMPLAINTS

The data refer to 288 new complaints received by the citizens in 2008, which is a 7,5% increase from 2007.

In the 288 the initiative for the procedure was started by:

- injured parties: women in 159 cases (55,2%), men in 41 case (14,2%);
- others in the name of the injured parties in 88 cases (30,6%) as follows: state bodies and other institutions in 33 cases (11,5%), NGOs in 23 cases (8%), individuals in 28 cases (9,7%), others in 4 cases (1,4%).

Injured parties according to qualifications: NK (low-skilled workers) - 7,2 %; PK (semi-skilled workers) - 7,2 %; KV (skilled workers) - 11,1%; SSS (secondary education) - 45,7%; VKV (highly skilled workers) -0,5%; VŠS (college or any form of shorter higher education) - 7,2%; VSS (university degree) - 18,7%; MA - 0,5% and doctorate - 1,9%.

Injured parties according to marital status: single - 11,4%; married - 53,2%; common law community - 3,5%; widow/er - 3,5%; same-sex community - 0,5%; divorced - 22,9%; member of the broken same-sex community - 2,0%; member of the broken common-law community 3,0%.

Injured parties according to the age group: 18-24 y - 4,0%; 25-34 y - 23,6%; 35-44 y - 36,2%; 45-54 y - 23,0%; 55-64 y - 10,9%; 65 and older - 2,3%.

As in the previous years, individuals from all parts of Croatia complained or sought help from the Ombudsperson, mostly from the City of Zagreb, from Splitsko-dalmatinska County, Primorsko-goranska County and Zagreb County.

## 2. STATISTICAL DATA

The data have been collected and analysed based on: gender discrimination, marital or family status and sex orientation.

The basis for discrimination:

- sex 274 (95,1%);
- other 14 (4,9 %)

Compared to 2007, the number of complaints for gender discrimination has been increased and the number of complaints based on sexual orientation, marital and family status has decreased.

The complaints related to:

- domestic violence - 29,5%;
- parental care - 12,5%;
- harassment and sexual harassment - 19,6 %;
- other - 38,4%.

### **Discrimination in the sphere of employment and work**

In particular cases relating to employment and work, the form of discrimination was:

- harassment - 29,1%;
- sexual harassment - 19,4%;
- infringement of motherhood rights protection - 7,8% i
- other - 43,7%.

Complainants were: workers - 59,4%; officials - 20,8%; other employed persons - 5,9% i unemployed persons - 13,9 %.

### **Complaints in the sphere of employment and work by the activity:**

- public administration and defense; mandatory social security - 19,8%;
- health care and social welfare - 16,8%;
- wholesale and retail trade; motor vehicles, motorbikes and objects for personal or household use repair - 9,9%;
- education - 9,9%;
- other social and personal service activities - 8,0%;
- transport, storage, communications - 5,9%;
- processing industry - 5,9%;
- construction industry - 4,0%;
- financial intermediation - 4,0%;
- agriculture, hunting, forestry - 3,0%;
- electricita, gas and water provision 2,0%;
- mining and extraction 1,0%;
- hotels and restaurants 1,0%;
- real estate dealings, renting and bussiness services - 1,0%
- unknown - 7,8%.

## **3. STRUCTURE OF OTHER CASES ADDRESSED IN 2008**

From 666 cases without citizens' complaint:

- in **443** cases initiated by the Gender Equality Ombudsperson (implementation of the GEL in the sphere of employment) the Gender Equality Ombudsperson sent the same number of warnings (Art.12 Para.2 GEL):

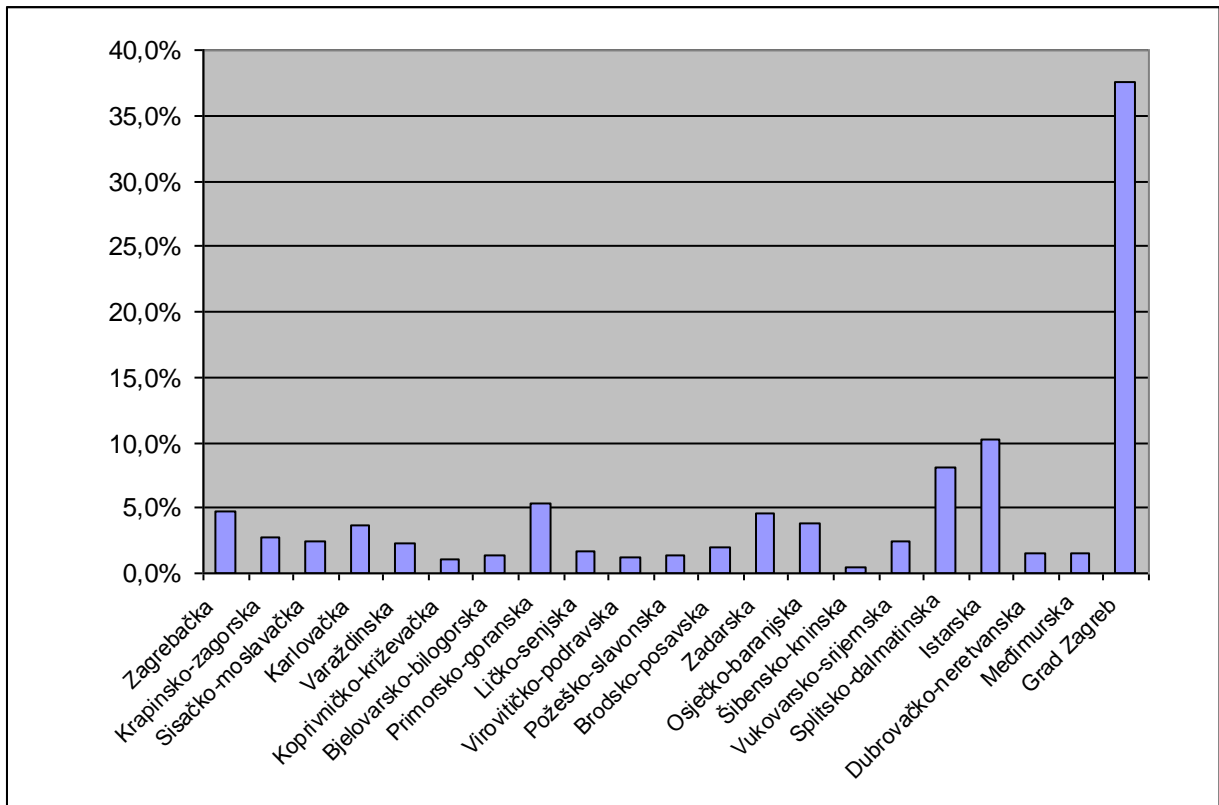
The Gender Equality Ombudsperson, acting upon the individual complaints and personal initiative<sup>2</sup>, was present on all levels of state administration as well as local (regional) government, including other legal entities and media, as seen in graph 3.

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<sup>2</sup> This is about above mentioned 443 cases initiated by the Gender Equality Ombudsperson (monitoring of implementation of the GEL in the sphere of employment)



Graph 3. Presentation of the Gender Equality Ombudsperson activities by the counties and City of Zagreb



## **II. ANALYSIS BY THE WORK AREA**

### **1. EMPLOYMENT AND WORK**

In relation to the earlier period, in 2008 the Gender Equality Ombudsperson received and considered larger number of complaints referring to the discrimination in the area of work and employment. Even so, the Gender Equality Ombudsperson thinks that the discrimination is still rarely reported and there is still a small number of conducted judicial proceedings in regards to this. The reason for not reporting the discrimination lies primarily in the wish to keep the job, to avoid worsening the working conditions and also ignorance of the possibilities to protect one's rights.

This conclusion is based not only on the number of complaints, but also on the fact that the complainants who had filed a written complaint often refuse to proceed, when called to specify or sign a complaint they sent by an e-mail before the Gender Equality Ombudsperson contacts the employer, or after being informed about the measures the Office will take regarding the complaint. Even those informed of the Gender Equality Ombudsperson authority and determined to follow on the complaint, sometimes withdraw the complaint because they found a new employment and would rather forget the problems of the earlier job, or they made a deal with the earlier employer even though they no longer work for him. That is the reason why the Gender Equality Ombudsperson has issued a smaller number of warnings, recommendations and suggestions than in previous reporting period.

However, it is obvious that there are far more cases of sex based discrimination in the area of employment and work than the number of complaints and judicial proceedings, as confirmed by the research by the Gender Equality Ombudsperson and the unions, scientific research and numerous surveys.

The most common form of discrimination is still harassment at work, employment discrimination, obstructing career advancement, preventing access to professional development and training.

The related complaints are referring to: concluding unlawful fixed-term employment contracts, unlawful overtime, unlawful employment termination, transfer to a lower-paid job, unlawful no contract employment and other violations of the Labor Law regulations. In the case of violations of the Labor Law regulations, the Ombudsperson, apart from requesting the report and documentation from the employer, also contacted the State Inspectorate asking for the case monitoring.

The most complaints, as in previous reporting period, are related to a discrimination of the employed. According to the received complaints, filed mostly by women, the discrimination is present in the public sector, state bodies included, as well as in the private sector.

Considering the employees' complaints referring to the harassment at the workplace as well as the law prescribed procedure of the workers' dignity protection, the ombudsperson has noticed the following:

- the majority of complaints related to the harassment at the workplace were submitted by women;

- women still rarely decide to complain to the employer for the protection of their dignity fearing possible consequences or believing that the employer will not or doesn't want to conduct the proper procedure, and also because the workers are not acquainted with the procedure and duties and responsibilities of the person authorized to receive and resolve complaints related to the protection of employees' dignity, and therefore lack the knowledge of their rights and the actions related to its protection;
- however, the number of complaints, showing that the complainants have first complained to the employer for the protection of their dignity, has increased;
- in cases where the workers filed a complaint to the employer for the protection of their dignity, the violation of the dignity in most cases has not been determined;
- employers directly affected by the Labor Law, whose duty was to include in their legal acts the procedures and measures for the protection of employees' dignity or appoint a person authorized to receive and resolve complaints related to the protection of employees' dignity, in most cases did so;
- the prevention is still lacking as well as more well concluded cases;
- some employers do not consider the complaint from the point of view of the workers' dignity protection, but as a possible disciplinary offense.

In this reporting period, same as before, the Ombudsperson has received the complaints relating to violation of the right to maternity protection. Considering those cases, the Ombudsperson has noticed that the employers violate female workers' rights in following ways: do not offer new fixed-term employment contract to pregnant women when they learn about their pregnancy; they unlawfully cancel permanent employment contracts for the pregnant women; they generally discriminate against female employees who return to work after maternity leave.

Gender discrimination begins at the employment level with the job advertising, where the sex is stated as one of the job requirements, or where it is not clearly stated that persons of both sexes can apply for the job. The Office of the Gender Equality Ombudsperson conducted a gender analysis of job advertisements which is included in this Report.

In this reporting period, the Ombudsperson has also received employment discrimination related complaints submitted by men as well.

Although researches in the Republic of Croatia indicate that, in average women are paid less than men, in 2008 the Ombudsperson did not receive a single complaint related to the wages imbalance eventhough if it is definitely one of the forms of gender discrimination.

It's been noted that some complainants, who were informed about the authorities of the Ombudsperson in the course of the procedure, asked that the procedure be held until they tried to solve the problem by peaceful means, in the view of the acquired information regarding their rights and the protection possibilities. Namely, the Ombudsperson cannot carry out the procedure without contacting the employer in which case the complainants fear possible consequences – continuing discrimination or job loss.

It is particularly important to include regulations relating to improvement of working conditions in the collective contracts with a purpose of coordinating workers' work and family duties.

In 2008, the Law on Maternity and Parental Benefits has been passed (The Official Gazette 85/08), for the protection of motherhood, care and protection of the newborn and coordination of the family and business life. The Law becomes effective on January 1<sup>st</sup>, 2009, except the Article 8 which becomes effective on the day of the admission of the Republic of Croatia to the European Union.

Until a child is 42 days old, the parental leave must be used by the mother and after that it can be used by the father too. News is that the right to parental leave and parental benefits has been confirmed as personal right of both parents. If this right is being consumed by one parent exclusively, both parents must submit a written consent.

Employed or self-employed parent, who doesn't meet the 12 months continual service condition, while consuming the rights established by this law, has the right on compensation in the amount of 50% of the budgetary base regardless of whether he/she works or volunteers full or part time.

This Law is important for coordination of business and family duties of the employed parents.

To conclude, the practice shows that the legislative system with the implemented protection mechanisms is not powerful enough for the prevention or eliminating the discrimination in the sphere of employment and work.

It can be expected that the new, more repressive GEL, as a legislative framework, brings a positive shift in the protection against discrimination in this area.

## **1.1. COMPLAINTS SUBMITTED TO THE GENDER EQUALITY OMBUDSPERSON**

**1.1.1. CASE SUMMARY (PRS 01-01/08-07):** The ombudsperson has received an anonymous complaint addressed to the Police Directorate and Ministry of Health and Social Care, concerning the behaviour of Dr. Z.K., employed at the Gynecology Department of a health institution. The same complaint was forwarded from the Ministry of Health Care and Social Welfare to the Ombudsperson. The anonymous complaint is indicating that Dr Z.K., using persuasion and some coercion had sexual relations with nurses in the Gynecological Department them while on duty. The complaint also states that some of them would even initiate the procedure against Dr. Z.K. for exposure to sexual harassment, if they didn't fear the revenge and loss of their jobs.

**MEASURES TAKEN:** After considering all the allegations from an anonymous complaint, as well as the reports from the health institution and insight in all the available documentation, the Ombudsperson did not determine the gender discrimination by the anonymous complainant. Apart from being anonymous, the complaint was completely abstract in relation to the alleged harassment („by persuasion and some coercion“) and the time of the accident.

The report from the health institution states that they, in order to verify the truth of the allegations from anonymous petition, made a written inquiry to the head of the department, Dr D.D. as well as the reported MD, Dr. Z.K. with the attached copy of the anonymous complaint. The report states that, in his statement, Dr D.D. claimed he had no professional complaints to the work of the accused MD, and that the Directorate of the health institution has never received a written complaint to his professional work. As for the part related to “sexual harassment”, the report states there was never any complaints on the work of the named MD. It is also stated that the named MD rejects all the accusations from the anonymous complaint. The report states that not a single nurse has ever approached them with a complaint about Dr Z.K.’s behaviour, and therefore, no measures were taken to protect the nurses’ dignity.

Furthermore, the report states that the health institution did not pursue the further procedure for determining the veracity of the allegations from the anonymous complaint, because all the persons named in it were of age and are professionally capable.

The report also states that, even though a fear of the job loss mentioned in the anonymous complaint is completely unfounded, because, according too the Law of Institutions and the Statute of the concerned health institution, it is being represented by the director who concludes employment contracts.

Besides, in the Ombudsperson's opinion, by stating the full names of the women that allegedly has sexual relationship with Dr Z.K.. and addressing it to several institutions, the complaint was mostly damaging to the women themselves.

**1.1.2. CASE SUMMARY (PRS 01-02/08-21):** The complainant R.K. from B., a longtime victim of domestic violence and a single mother, submitted a complaint to the Ombudsperson against the employer H.T.d.o.o. The complainant considers herself victim of gender discrimination at work. She states that the irregularities were present even at the time of her employment, because she started working on July 11th, 2005 and her fixed-term contract was concluded on July 23th when she was registered for the pension and health insurance. She states that the employer treated her discriminatorily as a women and a single mother of two with 13 years of continual service, by giving her no more that 18 days vacation. The other employees, having less work experience than her, had vacations up to 28 days. Also, in 2005, she was paid only one Christmas bonus, whereas all the other employees (including a male co-worker G.P. who started working in July, 2005) were paid two. Unlike other employees, the complainant was not sent to various courses, seminars and trainings, and was not paid overtime. The complainant states that, according to the work contract, she was supposed to perform the work in finances and accounting. However, by the procurator's and director's order, she performed the jobs like rooms cleaning, cooking and buying groceries, and had to use her own car for the transport of heavy materials (steel and other heavy packages), whereas other employees used official vehicles.

The complainant states that the discriminatory attitude toward her culminated on July 18th, 2008. When the company director informed her the no longer need her as a worker because her work position has been canceled and forced her to sign an mutually agreed termination. The complainant states she had been in a state of shock after learning about a notice, the situation that the director H.P. has used threatening her with the police if she would not sign, stating she would have problems in life. In return for her signing the termination he offered her a recommendation and a sum of 15,000 Kn, that she could well use as a single mother. The complainant stated that she had asked the director to give her a couple of days to think about

it, but he did not accept. She stresses he would not give her even a 5 minutes break, but followed her to the ladies toilet. Under such a pressure from the director and other employees, the complainant states she broke up and signed the mutually agreed termination, even though she did not see what she was signing. The complainant states that this accident made her feel ill, so she reported to the emergency medical service in the evening of the same day, and on the morning of the next day she reported the threats and coercion of the director.

**MEASURES TAKEN:** Acting on the complaint, the Ombudsperson acquired the report and documentation from the employer H.T.d.o.o., as well as the additional opinion and copy of the Regulation of the organizational structure and job qualifications dated October, 24th, 2008. The Ombudsperson also acquired the report and documentation of the State Inspectorate, Regional Unit Z., Department of Supervision in the field of labor relations and the General Police Directorate. In his statement, the employer rejects the possibility of gender discrimination in the complainant's case.

After considering the allegations in the complaint, the report obtained from the employer, the notification of completed inspection by the Labour Inspection, the report of the General Police Directorate, and after examining the acquired documentation, the Ombudsperson, based on the authority contained in Article 23. Para. 1 of the Gender Equality Law (The Official Gazette 82/08, hereinafter: GEL), has warned the employer that there was a harassment of the complainant on the basis of sex in the course of signing of a mutually agreed termination on July 18<sup>th</sup>, 2008.

It is undisputed that it took at least three hours for the complainant to sign the Agreement on the work contract termination (hereinafter: the Agreement). In that three hours the complainant, a single mother of two, overwhelmed by the possibility to lose her job, first asked the employer if it would be possible for her to remain in the company which the employer refused. In the beginning, the complainant refused to sign the Agreement, then, according to the director and the witnesses, ran out of the office first to the toilet, then to the storage. The complainant claims that the director followed her to the ladies toilet and witnesses' statements confirmed that the director personally informed the storage that the complainant went there. Besides, the witnesses confirm that the complainant was in a state of shock and was crying and they had to keep her from falling down, while the director, instead of giving her time to think about the offer and make a decision in peace, kept on insisting she sign the Agreement. The Ombudsperson sees no legal reason why the complainant's decision could not be postponed for several days, so that she could learn the legal consequences of signing (e.g. her rights at the Employment Office). The employer's insisting that the agreement be signed immediately represents an obvious ill treatment that hurt the dignity of the complainant creating unpleasant and humiliating situation that, according to the witnesses' statements, led to the state of shock and tears, causing her to seek medical attention on the same day. The Ombudsperson assessed that, in a comparable situation, the employer would not treat a man in the same manner.

**1.1.3. CASE SUMMARY (PRS 01-02/08-04):** The complainant D.V. from V. submitted a written complaint to the Ombudsperson stating that, as an employee in an electronic media, was harassed at work by the employee of the same company, in a manner that he insulted her, threatened her, and on one day physically attacked her causing her bodily injury. The complainant also states that the relevant PS in V. Was informed of the incident.

**MEASURES TAKEN:** Acting on the complaint, the Ombudsperson concluded that the complainant was harassed at work. The conclusion was based on the fact stated in the police

report, that the police officers, called by the complainant, came to the scene and established that the employee insulted, threatened and physically attacked the complainant, and so the police filed charges against perpetrator to the competent State Attorney's Office.

Therefore, the Ombudsperson based on the authority contained in Article 22. Para. 1 of the GEL, issued a warning to the employer about the harassment of the complainant at work and recommendation to secure working conditions in which the employers would not be exposed to harassment in future, in accordance with Article 30. Para. 1. of The Labour Law (The Official Gazette 137/04, revised text).

**1.1.4. CASE SUMMARY (PRS 01-02/08-27):** The complainant E.S. from Z., employed in V. D.o.o. from Z., complained to the Ombudsperson for harassment at work. The complainant states that his problem began in 2004, when he was transferred to the company's accounting, where he was constantly harassed in performing his duties by his colleague M.M. in a way that she constantly insults him, calling him „stupid“, „imbecile“, and accusing him of not working and being lazy. He states that the continuous exposure to the harassment and the public demonstration of intolerance by M.M. prevents him from unobstructed performing of his duties. He claims that he complained to the company director regarding his colleague's behavior, but nothing was done.

**OUTCOME:** Soon after submitting the complaint, the complainant submitted a note asking the Ombudsperson to dismiss the procedure related to his complaint, stating: „I ask you to dismiss any further proceeding related to my complaint for the fear of losing my job“. After that, the Ombudsperson has cancelled the procedure.

**1.1.5. CASE SUMMARY (PRS-01-02/08-06):** G. K. From Z submitted a written complaint to the Ombudsperson, stating that the institution where she works did not introduce in their legal acts the procedures and measures for the protection of employees' dignity or appoint a person authorized to receive and resolve complaints related to the protection of employees' dignity, that most key positions in the institution are held by men, men also being the majority of the employed. She feels this diminishes the prospects, of both her and other women, to compete for the leading position in the institution.

**MEASURES TAKEN:** The Ombudsperson demanded a statement from the employer, regarding the complaint. In his statement, the employer points out that the matter of the protection of employees' dignity in the institution has been regulated by the Workplace Rules. He also claims that the complainant's notion that most of the employees are men is false, because among 24 workers, 16 are women and 8 are men and the only leading position in the institution is that of the director. They state that so far they didn't have a person, apart from the director, authorized to receive and resolve complaints related to the protection of employees' dignity, but that person has been appointed in the meantime.

After acquiring and considering the reports and documentation from the said institution, the ombudsperson issued a warning and a recommendation to the institution. The ombudsperson warned the employer he did not act according to Article 81 of Law on amendments and supplements to the Labor Law (The Official Gazette 114/03) appointing a person authorized to receive and resolve complaints related to the protection of employees' dignity within 6 months of the Law coming in effect.

Also, the ombudsperson issued a warning to the employer that he did not pass an Action plan for the establishment and promotion of the gender equality, according to Article 11. Of GEL. Related to that, the Ombudsperson gave a recommendation. In that respect, the Ombudsperson gave the institution a recommendation to urgently act according to Article 11 of GEL and pass

the Action plan for establishing and promoting gender equality, and to monitor the implementation of any given decision during its planing, making and implementation in order to assure real gender equality.

Also, it is visible from the employer's Overview of the work positions according to sex, that there are 16 women workers out of 24 employees. Nevertheless, only one of six leading positions (assistant director, heads of departments) is being held by a woman. Therefore, the Ombudsperson gave a recommendation that special care be taken of the equal gender share in filling these positions.

**1.1.6. CASE SURVEY (PRS 01-03/08-18):** The complainant N.L. from S. submitted a complaint to the Ombudsperson for discrimination at work in company C.d.o.o. from S. In the complaint she states she was discriminated by the employer in the basis of sex, marital and family status relating to the termination of her work contract. She states she had been employed in the company C.d.o.o. since 1974, and that, on January 17th 2006, she received a resolution on the bususiness related termination of her work contract. She also states that she presented her extremely difficult family situation (divorce, eviction from a flat, minor child care) to the director and the company owner. The complainant states that the Municipal Court in S., on April 5th, 2007, has established the indmissibility of the decision related to the bususiness related termination of her work contract, but that her employer, C.d.o.o. didn't cmply with the Court's ruling. The complainant continued coming to work and on January 23rd, 2008, one more time received information about termination of employment. The complainant states that, on that occasion, her superior told her there was a possibility of her getting the job back. Several days later, on January 28th, 2008, due to the anticipation and stress, the complainant got ill and was provided with urgent medical care. The complainant points out that there never has been a possibility of getting her job back, as claimed by her superior, because on the same day (January 23rd, 2008) she had been checked out of the pension and health insurance, which she learned later.

In an amendment to the complaint, she states that she was not given a severence pay, naming particular male co-workers that were paid severence. She added that she informed her superior about being evicted from a flat and that she had moved, but he answered he didn't care and would not pay the travel expences difference, even though he does so to other workers.

She points out that the superior himself has been registred in J. Even though he lives in S., thus achieving certain privileges. She stresses that she was not sent to computer literacy courses or any other courses, even though the other workers had that possibility.

**MEASURES TAKEN:** Acting on a complaint, the Ombudsperson acquired the reports and documentation from the employer, and notification of the State Inspectorate regarding the inspection control, Regional Unit S., Department of Supervision in field of work relations. In the notification of the State Inspectorate it is stated that inspection control at the employer C.d.o.o. took place on May 16th, 2008. After the inspection contol was completed, a motion to indict was sent to the Magistrate Court in S. on May 21st, 2008, against the employer and the person in charge for the violation of Article 52, par 3 of the Labor Law, punishable by Article 246. par 1 cl 10 and par 2. Of the same Law.

After considering of the allegations from the complaint, allegations from the employer's report, notification from the Labor Inspectorate monitoring and insight in complete documentation, in accordance with her authority from Article 23, para. 1 of the GEL, the Ombudsperson sent to the employer a warning because, in business related termination of the



work contract he did not take into account the duration of the complainant's service, her age, and her marital and family status. The Ombudsperson pointed out that the complainant was willing to retrain to keep her employment status and that it was necessary that the employer, seeing that he employs cca 10% women takes action to lessen the under-representation of women. The employer was warned he did not implement an equal opportunity policy, that would allow the complainant an equal treatment in professional development, training and retraining, and that he did not give the complainant the severance pay she is entitled to.

**1.1.7. CASE SUMMARY (PRS 01-03/08-19):** The complainant D.M. from Z. submitted a complaint to the Ombudsperson for gender discrimination in company I.d.d. from Z. The Complainant, a single mother aged 57, states that, in the company I.d.d. she is the only PhD. in her scientific field. She claims it has been three years since she has achieved a doctorate, but on the work contract she was offered, from December 2007, it still stands MSc D.M. instead of Dr D.M. Therefore, she refused to sign such a contract and accept the claim she had not achieved a doctorate. The complainant also claims that, in the cases benefiting the employer, like demonstration of company's success and in communication with universities, the employer emphasized her doctorate. Besides, she claims that her work position was rated with humiliating and miserable index 4,0 (even though The Collective Agreement for research activities anticipates the minimum of 4.70). She considers this approach by her superior to be insulting to her dignity as a scientist and a woman.

The complainant claims that she tried to contact her superiors on several occasions and that she wrote a letter to the administration president of I.o.o. She never received an answer or the new contract and still receives her wages based on the old index.

D.M. points out that she was included in numerous projects as a researcher, and collaborated with numerous scientists abroad. Also, the work on her doctorate was complicated by not allowing her to use specialist equipment. In spite of this, the complainant states she is without a doubt among the three finest experts in I.d.d. judged by the number of analyses, reports, projects, quotes and scientific works. The complainant points out that she never used a sick leave, since she began working for the company in 1989, meaning that, in more than 18 years her work time utilization is a 100%.

**MEASURES TAKEN:** From the Collective Agreement, provided to the Ombudsperson by the employer, it follows that academic status MSc or PhD does not affect the indices and does not oblige the employer to use it as a factor in defining the appropriate index. The employer states that the Collective Agreement does not prescribe the conditions of the required index correction and that the correction is based on the work procedure demands, work results, workers' engagement and work efficiency, independence, creativity, initiative and, before all, the business results. Academic title MSc or PhD, without the above mentioned is not a foundation for the index increase.

Also, regarding the gender discrimination, the employer claims that in the complainant's department work seven PhDs in different fields, four women and three men and the lowest index is that of a male PhD. It has also been confirmed that the complainant was given a new contract with an appropriate academic title.

After considering all the allegations from the complaint, the employer's report and inspection of all the documentation, the Ombudsperson did not establish sex based discrimination against the complainant.

**1.1.8. CASE SUMMARY (PRS-01-03/08-39):** The complainant N.F. from Z. submitted a written complaint to the Ombudsperson stating she has been employed in an elementary

school in Z. as a professor and suffers sex based discrimination because she is, as a woman, denied job advancement. Elaborating the complaint, the complainant states that the recently retired school headmaster did not authorise her IT education at the expense of the school, although there was a need for it and although he had already filled the necessary forms. She points out that the former schoolheadmaster made her job advancement impossible by influencing the members of the Teachers Council not to accept her application for approval to start procedure of her appointment as a professor-mentor. In support of her claim related to gender discrimination, she states that a couple of years ago the same appointment was approved to a male teacher from the same school.

**MEASURES TAKEN:** Acting on complaint, the Ombudsperson demanded from the school a report relating to allegation from the complaint, as well as the copies of the corresponding documentation, namely the normative act regulating the promotion to professor-mentor, verified minutes from the sessions of the Teacher Council when it was discussing the complainant's application for approval to start procedure of her appointment as a professor-mentor as well as the appointment to the same status of the school catechism teacher, and all the other relevant documentation.

**OUTCOME:** After this, the complainant submitted to the Ombudsperson a statement where she withdraws the complaint, stating that the said problems emerged during mandate of the old schoolmaster and that now the Teacher Council again considers the problems. Therefore, the Ombudsperson gave up further proceedings.

**1.1.9. CASE SUMMARY (PRS 01-03/08-08):** The Ombudsperson was submitted a complaint by a citizen from R., relating to the job advertisement of the company E.P., published through the regional service of the Croatian Employment Office. In the advertisement, it is stated that, for the position of graduated lawyer, exclusively female applicants can apply.

**MEASURES TAKEN:** Since this type of advertising is in violation of the GEL which in Article 13, para. 2 regulates that the job advertisements must clearly state that, for the advertised position, both sexes can apply, the Ombudsperson, in accordance with her authority, gave recommendation to the regional service of the Croatian Employment Office that they should warn the employers about this particular law regulation, when receiving the advertisement. She also requested to be informed whether they act in accordance to the recommendation, and in which manner are they warning the employers to obey the law regulations.

**OUTCOME:** The regional service of the Croatian Employment Office reported to the Ombudsperson that, immediately after receiving the recommendation, the mentioned faults were eliminated, and that they acted in accordance with Article 13, para. 2 of the GEL. They state that all the employees in the Regional service, especially those working on job advertising were informed, so that future mistakes would be avoided. They point out that the employer E.P. was informed of the mistake and of the mutual responsibility to act in accordance to the regulations of the Law.

**1.1.10. CASE SUMMARY (PRS-01-03/08-13):** In this case, based on media articles, the Ombudsperson acted on her own initiative. Namely, different media reported on the protests against the notices given to the female flight attendants of one airline company, because, in December of 2007, after flight Z. – M. they refused to fly on an unannounced flight to D. According to the press, the protesters suggested a possibility that the female flight attendants

were unlawfully discharged and that the „personal and professional dignity of the plane hostesses and right of flight attendants to have a private life“ was endangered

**MEASURES TAKEN:** After acquiring and consideration of the reports, report supplements and by the inspection of employer's extensive documentation, the Ombudsperson did not conclude that the fired workers suffered the gender discrimination, or that the dignity or the private life of the plane hostesses was endangered. Namely, the four female workers have received an usual cancellation of the work contract because they refused an assignment during the working hours and left the working place inside the plane, which is strictly forbidden without the plane captain's approval, according to the regulations of the Law on Air Traffic. If the female workers had carried out the flight, the total flight duration for that day would be 5 hours 40 minutes, and the Rules of Procedure for the Crew Members allows the longest flight duration to be 13 hours. The additional flight to D. was announced according to the regulated procedure and in accordance to the competence of the Operation Center, during the crew members' working hours. Working hours for the crew members is any duration of time in which the employee is at work, available to the employer and when they perform the activities or duties (Article 2, para. 5 Regulation of the plane crew working hours). The Ombudsperson investigated whether, in the specific case, Article 2.4., para 5, item 3 of the Collective Agreement was obeyed, which orders the Employer to : in advance prepare and announce the working hours schedule (duty roster) for at least three working days, thus enabling the crew members to plan adequate rest period.

The employer has, in his answer, clarified that this regulation does not apply to the specific case, but deals with the monthly schedule that has to be published three working days before the end of the month, for the next month, allowing the crew members to plan an adequate rest period. Instead, the employer refers to the regulation in Article 2.8, para 1 of the Collective Agreement which regulates that the longest daily duration of flying duty can be 13 hours, which was not violated in this case. Besides, since the flight was not scheduled, it is pointed out that an additional flight to D. was announced according to the regulated procedure of the Operation Center, during the working hours of the crew members.

**1.1.11. CASE SUMMARY (PRS-01-03/08-01):** H.J. from Z. submitted a complaint to the Ombudsperson in which she claims that, as an assistant in a higher education institution, she was discriminated based on her sex. She explains that the head of department she works in forced her to sew a button on his lecture uniform, to clean up his working room, to pour him alcohol drinks and drive him home when he was drunk. Besides, she points out that he favored male students-assistants over her during performing of the practice, which was her job.

**MEASURES TAKEN:** After acquiring and investigation of a submitted reports, more report supplements and employer's documentation, the Ombudsperson concluded that the complainant, in her numerous reports to the employer relating to the gender discrimination, never stated any of the claims she later pointed out in her complaint to the Ombudsperson. In the reply from the employer it is pointed out that the person authorized to receive and resolve complaints related to the protection of employees' dignity only talked to the head of the department and it was not concluded that the complainant was forced by the head of department to sew a button on his lecture uniform, to clean up his working room, to pour him alcohol drinks and drive him home when he was drunk. The Ombudsperson concluded that, in the specific case, the employer did not conduct an appropriate procedure of considering and resolving the complaint in accordance with Article 30 of the Labor Law and Article 58-65 of

the Labor Regulations, even after being notified about the complaint by the Ombudsperson. Therefore, the Ombudsperson, in accordance with Article 23. para. 1 of the GEL, sent to the employer a warning and a recommendation for the future proceeding in case of the reception of complaints related to the protection of workers' dignity. Regarding the allegations of the complainant that she was discriminated based on sex by the head of department in the way that he favored male student assistants during practices instead of her who was in charge of them, the available documentation shows that 14 students were nominated assistants, 8 of them female, and in that respect the Ombudsperson did not establish the sex based discrimination.

**1.1.12. CASE SUMMARY (PRS-01-03/08-02):** New Union submitted a complaint stating that the employer, a textile company from P., during the Christmas bonus payment in 2007, reduced the bonus for the company workers who had used a sick leave during the year, deducting 1,5 kn for every day of the sick leave. It has also been stated that the New Union subsidiary in that company did not give its approval to the employer for such action.

**MEASURES TAKEN:** After inspection of the employer's report and other available documentation, the Ombudsperson sent a recommendation to the employer not to reduce the bonus because of sick or maternal leave in future. The recommendation points out that the employer is a company working with textile, employing mostly women, who are paid less than men, that female worker's sick leaves are frequently connected with maternity, and that reducing the bonus to the workers who used a sick leave has damaging existential consequences. It has also been suggested to the employer to pay later the deducted part of the Christmas bonus to all the workers who used a sick leave in 2007.

However, at the same time, with the notice of procedure, the Ombudsperson gave a recommendation to New Union, as the complaint submitter, to try to include in the Collective Agreement employer's obligation to pay out the gifts or bonuses in the same amount to all the workers, and that the union members must participate in the selection of the offers if dealing with non-cash gifts.

**1.1.13. CASE SUMMARY (PRS-01-01/08-08):** The complainant S.M. from S. submitted a complaint to the Ombudsperson stating that she was employed as a hairdresser in a hairdressing salon for men where she was exposed to sexual harassment by the employer's husband resulting in her humiliation and her losing the job. According to the complaint's allegations, the husband of the salon owner frequently stayed at the salon, usually reading papers or magazines, and, when alone with the complainant he would comment on the photos of naked women and, on one occasion, said to the complainant: *„look how small tits she has, same as you“*. Because of such employer's husband behavior, the complainant felt extremely uncomfortable, but did not want to react, mostly because of a fair treatment by her employer and also for fear of losing her job. However, the situation turned for the worse for the complainant while the owner of the salon was on vacation. Complainant explains the employer's husband behavior in detail, quote: *„He was sitting and moaning and saying what a nice time we would have, he had a Playboy magazine in front of him, saying „You like it baby, we could cuddle“, in the meantime he was sitting with his legs apart and his hand on his genitals. The husband came to the wardrobe every evening while I was changing and on the last day, on Saturday 23rd of August 2008, before the owner came back from the vacation, her husband came into the salon, closed the door and said: „We're done for the day“, then came to the wardrobe after me, grabbed my behind, pressed me with his belly against a wall and said: „You'll be mine, all of them were so far. “ I pushed him away and said: Are you mad, I*

*will quit!" and he said „I will fire you if you say a word.“ On Monday, when the owner came back to work I didn't dare tell her what happened because, as a single mother, I was afraid to lose the job, but I asked the owner to pay me for the 8 days because I have been working both shifts. The owner claimed she had no money. A couple of hours after that, the owner's husband came in and accused me in front of the owner and four customers to have stolen his Playboy magazine. I said I did not, started crying and he said: “You can start looking for another job.” The owner called me the next day and said she was sorry, but she couldn't do anything, told me to take the free days I have left and to come on September 1st to get my work book, because her husband has prepared everything for my dismissal.” The complainant states that on September 3rd 2008, she received the decision of the emergency cancellation of her work contract, which she thinks was written by the employer's husband who also forged her signature.*

**MEASURES TAKEN AND OUTCOME:** The Ombudsperson requested the report and the documentation from the salon owner on October 3rd, 2008. However, the complainant came to the Office of the Ombudsperson on November 19th 2008, and stated for the record that she gives up the complaint because she has reached an out of court settlement with the salon owner on October 30th 2008 (enclosing the copy of the same) and that she found another fixed-term job as a maid- Besides, the complainant stated she would like to forget the discomforts she was subjected to as soon as possible. It is visible from the out of court settlement that the complainant received a sum of money from the hairdressers salon owner, but the reason is not mentioned.

**1.1.14. CASE SUMMARY (PRS-01-01/08-10):** The complainant V.P. from U. submitted a complaint to the Ombudsperson from which follows that, working as an occupational therapist, was exposed to harassment and sexual harassment by the a handyman employed in the same institution, which made her to file a written complaint on October 6th, 2008 to the director of the institution. However, instead of receiving protection, in the proceedings not only the sexual harassment was not established, but the complainant was asked a written apology in the name of the accused. The complainant states that it is impossible that the person authorized to receive and resolve complaints related to the protection of employees' dignity did not see and do not see that the accused handyman turned the walls of the institution into boards for displaying large images with vulgar presentation of naked women. The complainant also claims: *“ On the said business trip to K. on January 1-3<sup>rd</sup> 2008, I felt raped with the unwanted communication, as I frequently felt in the institution, exposed to unwanted comments, suggestions, vulgar body language, the evaluation of my person, my looks, etc. I do not want to apologize for daring to resist and report it, and it is insulting that the employer should ask me for the apology in the name of person I reported for harassment after I could not change his behavior by polite requests, strong protests and warning I would report him.”*

**MEASURES TAKEN:** The Ombudsperson acquired the report and documentation from the employer in which the following is stated: By the complainant's report a proper procedure was conducted, the witnesses were interviewed who claimed there was no harassment of the complainant, leave alone sexual harassment. The report states that the employer did not request a written apology from the complainant but only informed her, on a request by the accused and after a concluded workers' dignity procedure, that the accused is looking for an apology or he would apply to the relevant court. In the employer's report it is also stated that there are not and never where there any paintings with vulgar representation of women, but

exclusively users' works and artistic paintings, and calendars in the offices. However, after the Ombudsperson inspected the Rules of procedure, internal structure and job systematization, on October 21st, 2003, she sent to the employer a warning that he did not adequately arrange the procedure and workers' dignity protection measures in accordance to Article 30, of the Labor Law. Namely, the employer regulated the workers' dignity protection merely by partly copying the regulations of paragraphs 1., 5. and 6. of Article 30 of the labor Law. Therefore in the specific case it was not possible to determine whether sexual harassment existed. Besides, the Ombudsperson gave to the employer recommendation to take action and measures for an appropriate organization of process and measures for workers' dignity protection in a way that will enable securing of the working conditions where the workers will not be subjected to the harassment based on sex or sexual harassment at work.

**1.1.15. CASE SUMMARY (PRS-01-02/08-02):** The complainant Š.B.B. from Z. addressed the Ombudsperson because, as a woman, she considers herself discriminated in work position of graduated engineer in company T.d.d. from Z. She states that, on January 11th 2008, she filed a complaint for protection of her dignity to the employer, i.e. the person authorised to receive complaints. In the complaint, she complained about the behavior of a colleague at work who harasses her in a work place and disparages her as a woman. The named colleague has changed her behavior and stopped harassing the complainant after being called for an interview by a person authorised to resolve complaints. However, the complainant states she did not receive any resolution, or was officially informed of the procedure outcome. The complainant believes to be discriminated at work as a woman, and that her status with the employer is quite uncertain, specially because she did not receive a rescript for the working position she holds at a time, and she has no courage to ask the employer for the rescript for fear of possible revenge by the employer if she should start a proceeding for protection of her rights or if anybody else would do something for her protection.

**MEASURES TAKEN AND OUTCOME:** The Ombudsperson acquainted the complainant with her competence and authority. However, in the next contact, the complainant could not decide to give her permission for the action of the Ombudsperson, again pointing out her fear of possible employer's revenge. Therefore, the Ombudsperson could not take further measures for protection of the complainant's rights.

**1.1.16. CASE SUMMARY (PRS-01-03/08-44):** The Ombudsperson was submitted a complaint by a complainant from R., who wished to remain anonymous, regarding the possible discrimination based on marital and family status during admitting of civil servants to the state service at Customs office R. The complaint states that the Ministry of Finance, Customs Administration, announced a competition for civil service vacancies in the Customs office R. for permanent employment. On the basis of the contract, announced in The Official Gazette 150/05 on December 21, 2005, the applicants were invited to fill the question-form and be interviewed at the Customs office R. on February 15<sup>th</sup>, 2006. It is further stated, quote: "In the named question-form, all the applicants had to provide their personal data as well as personal data of their family members." The question-form requires the data for the father, mother, foster parents, brothers, sisters, spouse and children, namely their first and family names (maiden name), family relationship, date of birth, place of birth, place of residence and address, occupation and the company where she/he works.

**MEASURES TAKEN:** The ombudsperson acquired the report from the Ministry of Finance, Customs administration, and a sample of question-form used in the procedure. The report stated that the applicants filled the question-forms, but the requested data were not new but of

general nature, relating to meeting of the requirements of the contest, and that there was no discrimination.

After considering the case, especially after inspecting the question-form submitted to the Ombudsperson, the Ombudsperson gave the ministry of Finance and the Custom administration, a warning, in which she states that, during the course of the civil service employment procedure in Custom office R., data was requested from the applicants that conflicts the provision of Article 27. of the Labor Law. Besides, in the named contest it was not clearly pointed out that both sexes can apply, which was an obligation based on Article 13. para. 2 of the current Gender Equality Law. Namely, the inspection of the submitted question-form showed that certain questions (number of children, marital status, family members data and military service) the applicants were asked, were not immediately connected with the employment.

It is regulated by the Article 27. para 1. of the Labor Law: *when concluding the work contracts, the employer must not ask of the worker data not in immediate connection with the employment.* Furthermore, after inspection of the contest that was announced in The Official Gazette 150/05 on December 21, 2005, and in daily newspaper Vjesnik on December 20, 2005, it is obvious that it was not clearly stated that the both sexes can apply. At the same time, the Ombudsperson gave a recommendation to the Ministry of Finance, Customs administration to refrain from asking for the data not immediately related to the employment in future contests.

**1.1.17. CASE SUMMARY (PRS-01-03/08-05):** The complainant B.Š. from Z. submitted to the Ombudsperson a complaint that relates to discrimination at work. The complainant claims that the employer unlawfully canceled her work contract during the time she was on a sick leave. She has been on the sick leave continually since January 9th, 2006, and she was obliged to report to the relevant medical commission on February 19th, 2008, but she was checked out by the employer on November 30th, 2007. The complainant also complained about the treatment of a member of the medical commission who did not extend her sick leave. In the supplement of the complaint, the complainant described the treatment of the named commission member who, allegedly called her an alcoholic and expelled her from the office in July 2007.

**MEASURES TAKEN:** The Ombudsperson acquired the report and documentation from the employer and Croatia Health Insurance Office and did not conclude that the complainant was victim of gender discrimination.

Namely, the report and the documentation of the employer show that the employer received decision of the CHII dated October 16th, 2007 that cancels the complainant's salary compensation paid by CHII during the sick leave, because the medical commission assessed the complainant capable of working starting with October 17th, 2007. Since the complainant did not report to work, the employer called the complainant to report to him. Responding to the complainant's appeal, the employer decided on the regular work contract cancellation with 30 days notice. Relating to the procedure of the medical commission members who did not want to extend her sick leave on October 16th, 2007, the Ombudsperson points out she is neither competent nor authorised to judge the validity or legitimacy of a professional medical opinion of medical commission regarding the sick leave justification. As for the supplement to the complaint, namely the treatment by the member of the medical commission who, allegedly, threw the complainant out of his office and called her an alcoholic, the Ombudsperson acquired a statement from a female member of the commission that contradicts that of the

complainant, whereas the other commission member cannot recall the event. It is stated that the president of the medical commission, in the behavior of the complainant, diagnosed elements that could point to the possible etilism, which he pointed to the complainant who reacted violently, as on several occasions before. Since she did not confirm the gender discrimination, the Ombudsperson informed the complainant she could protect her rights through the competent municipal court if she feels that the member of the medical commission behaved in a way that he committed some of the offenses against her honor and reputation (insult or slander).

**1.1.18. CASE SUMMARY (PRS-01-03/08-12):** The complainant A.J. from Z., employed in health institution Clinic J. in Z., at a position of a maid, submitted to the Ombudsperson a complaint stating that the maids are discriminated in relation to the medical staff (MDs and nurses) because they do not have a bonus for the work conditions (exposure to infection), do not have a permanent working place, and their working condition are very difficult in general. She points out that her union does not protect the maids' interests because it is mainly influenced by medical technicians, who have a bonus for the working conditions, i.e. working in spaces with the infection possibility. As a matter of fact, of all the employees, only maids and some other non medical staff, mostly women, have no working conditions bonus.

**MEASURES TAKEN AND OUTCOME:** The Ombudsperson acquired the report and documentation from the Union of health, social welfare and pension and disability insurance. After inspecting the documentation the Ombudsperson did not confirm the gender discrimination. Namely, in the union states that the labor rights and the rights based on labor were established by the Collective agreement for health and health insurance activities (The Official Gazette 9/05), and by the Regulations of the job names and job difficulty indices in public services (The Official Gazette 38/01), so the established labor rights and the rights based on labor were negotiated with the Government of the Republic of Croatia. The union's endeavor for leveling of the rights based on the working conditions for the workers in the same environment, disregarding its content, was refused by other subject of the negotiations.

**1.1.19. CASE SUMMARY (PRS-01-03/08-06):** The complainant M.P. from Z. submitted to the Ombudsperson a complaint stating that, as a woman, she was discriminated in Croatia Armed Forces (CAF), because four of her male colleagues (named in complaint), who retired at the same time as she, averaged more than 40 years of service, whereas she had to retire after 36 years of service. The complainant points out that her pension was reduced for the missing years of service, namely 3 years and 10 months which she misses for the full pension. Besides, the complainant states that the necessary requirements have not been met to determine her inability for promotion, because she was denied possibility of professional development by being scheduled to a position of brigadier in one of the departments in that was established with her participation and even though she was the only person who met all the criteria for the job. In the supplement of the complaint, the complainant states that, on April 24th. 2008, she received a certification from minister of finances for the position certified internal auditor for the public sector, and she believes she had to be scheduled to the position of Head of department or the established post of brigadier in the department. However, a male colleague who was an active military person with the rank of captain, was appointed the head of department instead of her, who had a rank of colonel.

**MEASURES TAKEN:** The Ombudsperson acquired the report from the Ministry of Defense. The report included information on all active military persons – women and men – retired during 2006 and 2007. After analysing of all information regarding active military



persons retired during 2006 and 2007 (their sex, retirement age, years of service and type of pension), the Ombudsperson did not confirm that women were put in discriminating position at retirement, or the existence of elements of gender equality principles violation, i.e. gender discrimination against the complainant. Namely, the complainant was determined unable for further professional development in accordance with the Regulation on standards of professional development and procedures for verifying the inability for further professional development of active officers (The Official Gazette 123/02), and the Ombudsperson is neither competent nor authorized to judge the justification or legality of establishing of inability of further professional development of military persons, except in cases of obvious gender equality violation or the discrimination by sex. Relating to the complaint supplement of April 24<sup>th</sup>, 2008, the Ombudsperson sent a letter to the complainant stating that the supplement does not specify whether the rules have been violated in appointing the male colleague head of department, in particular, whether the named male colleague met necessary conditions for the appointment, whether special or additional conditions for the appointment were given to the complainant i.e. whether there was exclusion or limitation based on sex that made impeded or denied the complainant's right to the appointment. Namely, the complainant could ask the Ministry of defense for a new report only with arguments that would point to possible violation of gender equality principles or possible gender discrimination. The complainant did not respond to the Ombudsperson invitation, so there was no reason for further proceeding by the Ombudsperson.

## **1.2. THE NATIONAL ACTION PLAN FOR EMPLOYMENT, FOR the PERIOD 2005 - 2008**

### **1.2.1. Results of the annual plan for the employment incentives in 2008**

In order to monitor the implementation of the key measures of the Annual plan from the point of gender equality, the Ombudsperson requested information relating to implementation of the approved operational measures for employment by the counties, based on sex of the beneficiary (for analysis of the beneficiaries by sex) from Ministry of economy, Labour and Entrepreneurship, Ministry of Family, Veterans and Intergenerational Solidarity, Ministry of Maritime Affairs, Transport and Infrastructure, Ministry of Tourism, Croatian Employment Office, Fund for Professional Rehabilitation and Employment of Persons with Disabilities and Croatian Health Insurance Office.

The detailed results analysis is published on the official web pages of the Gender Equality Ombudsperson - [www.prs.hr](http://www.prs.hr). and here it is only stated that the number of approved requests for women is in balance with the number of registered women, and that the women register in smaller number than men.

### **1.2.2. UNEMPLOYMENT - STATISTICS AND DEVELOPMENTS**

By the end of the December 2008, there were 233 661 unemployed persons registered at the Croatian Employment Office, which is 19 522 or 7,7% persons less than in the December 2007. From a sum total of the unemployed, there were 146 497 unemployed women, that is 6,1% less than in December 2007.

However, the share of women in the registered unemployment has risen from 61,6% to 62,7%. The office of the Gender Equality Ombudsperson has calculated the percentage of unemployed women by age in relation of sum total of the unemployed, using the data from the Croatian Employment Office on the number of the unemployed according the sex and age by the end of December 2008.

149 986 unemployed women by age groups:

6360 from 15 to 19 years or 4,2 %
18763 from 20 to 24 years or 12,5 %
20149 from 25 to 29 years or 13,4 %
17320 from 30 to 34 years or 11,5 %
16427 from 35 to 39 years or 11,0 %
16656 from 40 to 44 years or 11,1 %
17249 from 45 to 49 years or 11,5 %
<b>24685 from 50 to 54 years or 16,5 %</b>
11336 from 55 to 59 years or 7,6 %
1041 women from 60 end more or 0,7%.

By the end of the December 2008, according to the Croatian Employment Office information and data from the analysis made by the Office of the Gender Equality Ombudsperson, the biggest percentage of unemployed women is in the age group from 50 – 60 years, namely 16%.

### 1.3. GENDER DISCRIMINATION IN JOB ADVERTISEMENTS

Believing that gender discrimination in the labor market begins with discrimination in job advertising, the Ombudsperson continued to monitor job advertisements announced in daily national and regional newspapers and the official paper „The Official Gazette“ regarding the regulation of Article 13, para. 2 of GEL which stipulates that "the job advertisements must clearly specify that persons of both sexes can apply for advertised jobs".

A new National Job Classification (National Gazette, 124/2008) was created in October 2008 by the State Office for Statistics in cooperation with the Institute for Croatian Language and Linguistics and Croatian Employment Office. It includes the names of professions and job positions in both, male and female gender. Analysing the National Job Classification, the Ombudsperson found inconsistency in the use of both male and female genders for all the jobs.

Relating to the GEL regulation on job advertising in 2008, the Ombudsperson sent a total of 443 warnings to the state administration bodies, bodies of local and regional government, educational and health institutions and other legal entities because of the violation of Article 13, para. 2 of the GEL.

In 2008, the office of the Ombudsperson conducted periodic analysis of job advertisements announced in daily national and regional newspapers and the official paper „The Official Gazette“: in April 2008, May 2008, September 2008 and December 2008.

For analysis purpose a total of 1997 advertisements was collected. Out of this number 1422 (71%) were in compliance with the GEL and 575 (29%) were not.

The four detailed analysis of job advertisements are published on official web pages of the Gender Equality Ombudsperson [www.prs.hr](http://www.prs.hr).

On the grounds of all the analysis, constant increase of the number of advertisers who respect the provisions of the GEL was noticed. As an example, in September 2006, there were only 40% of the advertisements that respected the provisions of the GEL and in September 2008 – 78%.

#### **1.4. STATUS OF WOMEN WITH FIXED-TERM EMPLOYMENT CONTRACTS - SURVEY**

The Gender Equality Ombudsperson and female union groups of the Alliance of Autonomous Croatian Unions, Independent Croatian Unions and Croatia Association of Unions conducted a survey on the status of women with fixed-term employment contracts.

The survey covered a representative sample of 1123 women with fixed-term employment contracts, mostly from textile and food industry, trade, hotels and catering, health and education from several Croatian towns (Zagreb, Split, Varaždin, Osijek, Rijeka, Pula, Koprivnica). The survey was conducted by female union groups of the three union head offices. The survey questionnaires were distributed in the field by the female union activists as well as collected and returned to the trade unions' head offices, from where they were sent for computer processing and analysis.

It is important to point out that the female activists were often refused by the female fixed-term workers who were afraid to lose a job or did not believe that any data collected would improve their position.

##### **The most vulnerable group of employed women**

The reason why the fixed-term employed women were selected as a target group on a job market lies in statistics and job market trends, as well as on the earlier reports of the Gender Equality Ombudsperson. The most vulnerable groups of women on the job market are unemployed women, unregistered workers and fixed-time employers. In 2005/2006, even 85%<sup>3</sup> of all the newly employed were employed under the fixed-time contracts. Instead of being used as an exception – for temporary and occasional work - the fixed-time employment became a rule in the private as well as the state and public sectors. The legal fixed-term employment limitation of three years is abused in practice. In 2007, there was a very slight decrease in this form of employment – to 82,5%<sup>4</sup>.

As a result, the poverty risk is on average 17,4% higher for women than men (15,1%). With insecure jobs and breaking of the work continuity, the difference in wages between women and men will not be reduced.

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<sup>3</sup> Annual 2006. HZZ (Croatian Employment Agency)

<sup>4</sup> Annual 2007. HZZ (Croatian Employment Agency)

## Profile of the surveyed women

**AGE:** The surveyed women are mostly in fertile age – 83,1%.

*15-19 years* - 5,4%

**20-29 years** – 35,7%

**30-39 years** - 29,5%

*40-49 years* - 18,3%

*50-59 years* - 8,8%

60 years and more - 2,3%

**EDUCATION:** Most of the surveyed women has a secondary education (79,6%):

*No school or unfinished elementary school* - 0,5%

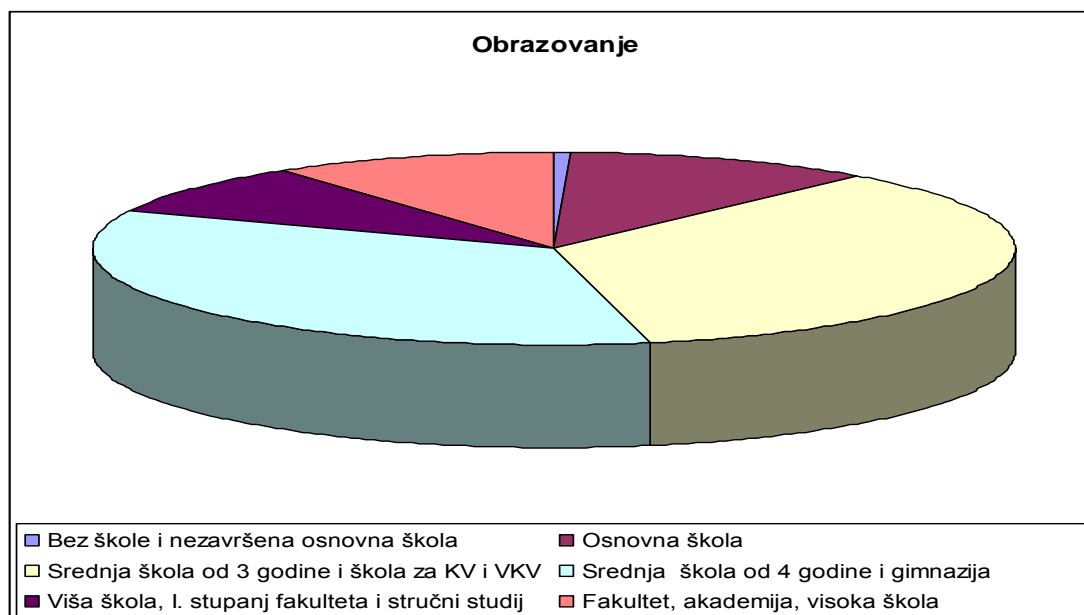
*Elementary school* - 11,0%

**3 years secondary education and school for KV i VKV** - 35,2%

**4 years secondary education and high school** - 34,8%

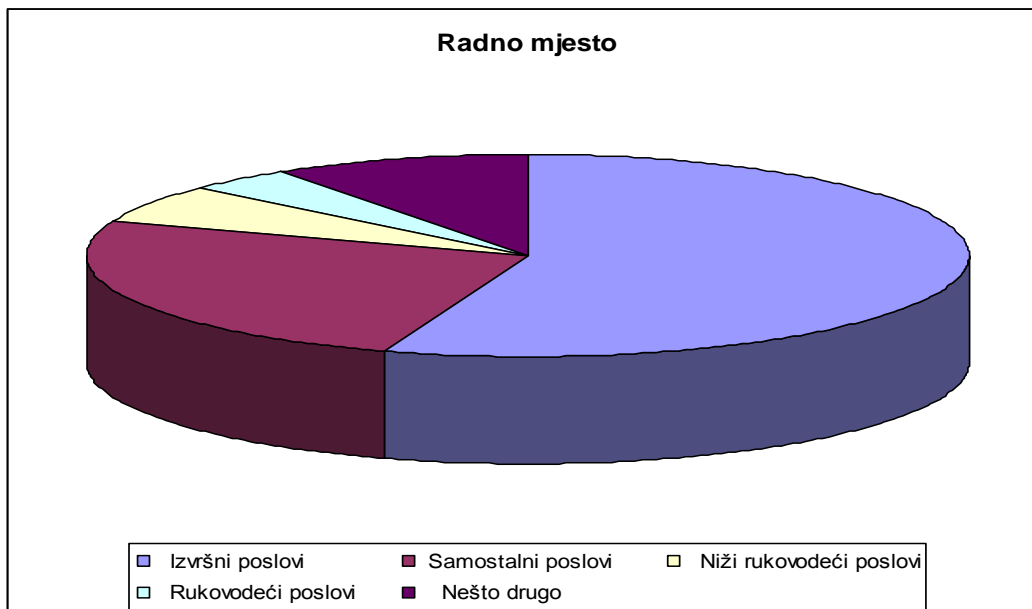
*Higher school, 1st level university, professional study* - 8,5%

*University, academy, college* - 10,0%



**WORKING POSITION:** The working position of the surveyed women is mostly of executive nature (\*not in a sense of executive position but in a sense they personally perform the jobs – like all physical workers for example).

- **Executive jobs** 55,2%
- Autonomous jobs 25,3%
- Lower managerial jobs 6,2%
- Managerial jobs 3,8%
- Other 9,5%



**MARITAL STATUS:** When it comes to the family status, there is a small share of married women considering the age group.

<b>Unmarried</b>	<b>36,2%</b>
<b>Married</b>	<b>48,5%</b>
<b>Widow</b>	<b>3,4%</b>
<b>Divorced</b>	<b>7,1%</b>
<b>Common-law community</b>	<b>4,8%</b>

**NUMBER OF CHILDREN:** The comparison between the number of children the surveyed women have and would like to have is indicative. It is important to note that of all the surveyed women 43% have no children, and of the sum total of children by 636 women, 410 are underage and 312 of age.

The surveyed women have only 1,14 children per mother, which is less than average for all the women in Croatia (1,2 children), which confirms their deprivation of wanted number of children.

<b>1 child</b>	<b>21,7%</b>
<b>2 children</b>	<b>25,6%</b>
<b>3 children</b>	<b>7,4%</b>
<b>4 and more</b>	<b>1,9%</b>
<b>No children</b>	<b>43,4%</b>

However, the comparison between the desired and actual number of children of the surveyed women, especially women with no children, shows that most women want to have two children: 48,3% compared to only 25,6% who presently have two. 14,8% of the surveyed women want to have three and more children compared to 9,3% who presently have them. 21,1% of the surveyed women want to have one child and even 15,8% women do not want to have children.

**PUBLIC SERVICES:** 31,2% of the small children is being guarded by their mothers, together with other members of the family, and only 12,8% situated in kindergartens. Furthermore, even 25% of the surveyed women have a senior person in family, a person with disability, a sick or needing adult they have to take care of, whereas the public services are not available, affordable, or there are not any.

**„FEMALE“ PROPERTY:** A very small number of the surveyed women has property registered in her own name, mostly by inheritance, or they bought up an apartment on which they had tenancy.

HOUSE	13,0%
FLAT	14,7%
SUMMER HOUSE	2,0%
CAR	25,0%
SHARES	6,1%
SAVINGS	20,9%

**CREDITS:** The reason why the women have no property registered in their name, lies in the uncertainty of their jobs, i.e. fixed-time employment, as well as in the fact that, consequently, their wage average is lower. The main reason is unavailability of the bank loans for the fixed-time employed. Therefore, the percentage of the women who managed to get the bank loan is very low, especially for the more valuable real estates (with exception of buy off credits for ex socially owned apartments).

- For house 1,7%
- For apartment 6,1%
- For the car 9,3%
- Nondedicated 10,3%

## **THE REASON FOR FIXED-TERM EMPLOYMENT**

The surveyed women were asked why they were employed on fixed-term, and the most of them said it was due to employment on new job (**93,5**), some of them due to the changes in contract for the same job (3,7%), and only few of them at their own request (2,7%).

The trend of new employment solely on a fixed-term basis is undeniable but not in accordance with the will and desires of the employed women. Very disturbing is the fact that 33,6% of the surveyed had been employed before they accepted a fixed-term contract and 25% waited for a job more than a year.

### **Before present job:**

**20,0% – up to 3 months unemployed**

**13,2% – 4-6 months unemployed**

**8,3% – 7-12 months unemployed**

**8,9% –1-2 years unemployed**

**16,1% – more than 2 years unemployed**

**DURATION OF FIXED-TERM EMPLOYMENT:** The Law defines fixed-term employment as an exception of known duration, up to three years (previous law allowed up to one year, with automatic transfer to permanent employment after that).

The present duration of fixed-term employment is mostly up to 5 months, namely for **46,0%** of the surveyed women, the next group of 35,8% women will work per such a contract up to a year. It is very alerting that only 4,6% of the surveyed had a fixed-term contract until the return of the absent worker, which was the main legislator's reason for introducing such a regulation.

- **Up to one month**            **4,8%**
  - **1-2 months**                **7,4%**
  - **3-5 months**                **33,8%**
  - **6-12 months**              **35,8%**
  - **1-2 years**                    **13,6%**
  - **Until return of the absent worker only** **4,6%!**
- 
- **No renewal**                    **24,2%**
  - **First time**                    **21,0%**
  - **Second time**                **18,0%**
  - **Third time**                    **12,3%**
  - **More than three times**      **24,5%**

The answers on the longest duration of a fixed-term employment for any employee are the same, documenting abuse of this regulation, especially in the view of the fact that 52,5% of surveyed women works on fixed-term for more than a year and the incredible 8,0% works in that insecure and unlawful situation more than five years.

**29,2%**            **1-2 years**  
**15,3%**            **3-5 years**  
**8,0%**             **more than 5 years**

**Average „fixed-term job woman“:** An average woman with fixed-term employment is in fertile age, with mostly one or no children and wanting to have more children. She has KV – SSS (skilled worker – secondary education) education, and was previously employed on fixed-term or shortly unemployed. She works on a fixed-term cotract at the average of 3,1 years, often in shifts, night work, on Sundays and overtime. Her pay is lower than average, has no right to bank loan in her own name. Her chances of getting a permanent job are very weak.

**The reasons for non-renewal of contract:** The surveyed women state that the insecurity of their employment significantly determines their lives. They easily lose their jobs, without much formality, usually on the grounds that the work position closes or because a fictious worker that she was allegedly substituting is returning. The work contract is not renewed to those who decide to give birth (6,9%), and often those who take sick leave for themselves or a child (7,4%). In case the employer finds out about it, sometimes even the membership in the union, is a reason enough that the employer refuse to renew their contract.

Work reduction	15,3%	
Return of the worker	13,0%	
Closure of work position	9,2%	
Personal plans	6,9%	
Employment of another person	5,6%	
Sick leave	4,8%	
Conflict with a superior		4,6%
Sick leave for the child	2,6%	
Union membership	1,2%	

### **Jobs description:**

- **72,0% works in shifts**
- **37,0% works overtime**
- **36,1% works on Sunday**
- **26,5% works on physically demanding jobs**
- **25,6% works on psychically demanding jobs**
- **19,2% works nights**
- **11,8% work outside the job description**

**UNDERPAID FEMALE WORKERS:** The average monthly gross earning per the employed in legal entities of the republic of Croatia in 2007 amounts to 7.047 Kn<sup>5</sup>. The surveyed workers earned less, even when the registered and *moonlighting* wages are put together. Only 10% earned more than average wages.

- **36,7%– only up to 2.500 kn**
- **52,3%– from 2.500 to 4.700 kn**

**WORK STANDARDS:** The questions we have asked the surveyed women have brought some alarming answers: 76,8% of women get in trouble if they stay pregnant, 48,8% of women have problems if they get sick, and an unbelievable 21,1%, of women, or one fifth of the total number, is not allowed to use toilet when needed.

- **79,9% have lunch break**
- 79,9% use toilet as needed
- 51,1% a good treatment by executives
- **51,2% no problem if they get sick**
- **23,2% no problem if they stay pregnant**

**FEES, BONUSES, BENEFITS:** 77,8% of women receive compensation for transport expences and 46,2 receive meal allowance. But, the fact that 71,5% of the surveyed women has not been paid for the overtime is alarming and shows the extent to which employers violate provisions of the law.

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<sup>5</sup> The Official Gazette 69/2008.



- 77,8% compensation of transportation expences
- 56,3% Christmas bonus
- 45,5% vacation bonus
- 46,2% meal allowance
- 28,5% paid overtime
- 12,2% reward or stimulation for good work.

**WAGES AND CONTRIBUTIONS:** Our survey showed that one third of the employed has not been registered on a full salary, but their income is still not sufficient for their life costs, so 20% of them is also moonlighting. The contributions paid by the employers:

- 67,6% - on full salary
- 9,6% - on minimal salary
- 5,7% - on part of the salary
- Others on the salary less than minimal or do not know.

### **HOW DID THEY GET THE JOB:**

The surveyed women described the experience of the first job interview, on which occasion they were asked by the future employer about their marital status, the number and health of their children and whether they plan to have more children.

- Asked about marital status 46,2%
- Asked about children 42,1%
- Asked about plans to have children 14,7%
- Signed she wouldn't stay pregnant 1,8%
- Recommended not to join the union 7,8%
- Work as long as the employer says 12,9%

**How they see their future:** Future planning of the surveyed women depends on their age and children they have or plan to have, and the education they have or plan to have. Every fourth surveyed woman plans to continue schooling, and only a few plan to get married. The main goal for the most of them is to get a permanent job, but in reality only every sixth woman expects this to happen.

- Looking for permanent employment 47,1%
- Continue schooling 24,9%
- Start her own business 8,5%
- Works per fixed-term contract 6,0%
- Marry, husband will support 2,7%
- *Moonlighting* - unregistered work 4,6%
- Will continue fixed-term employment 42,4%
- Will get indefinite-term contract 17,3%
- Don't know, constant fear of losing job 28,1%
- Fixed-term employment suits me 3,8%
- Overtime suits me 1,6%

**CONCLUSION:** The fixed-term employment increases the possibility of workers' rights violation, often implies degrading working conditions and constant fear of job and income loss. It is difficult to talk about the right to advancement in this type of employment.

## **1.5. ROUND TABLE DISCUSSION "WOMEN AND POVERTY – WORK UNCERTAINTY AND UNEMPLOYMENT"**

### **A summary from the round table discussion „Women and poverty – work uncertainty and unemployment“**

On November, 17th, 2008, the Office of the Genders Equality Ombudsperson organized a round table discussion called „Women and poverty – work uncertainty and unemployment“ with the participation of 11 speakers: Katarina Ivanković Knežević, head of department in the Ministry of Economy, Labor and Entrepreneurship and member of European Social Rights Committee of the Council of Europe ; M. Sc. Jasna Kulušić, head of Rijeka subsidiary of the Croatia Association of Employers, prof. PhD. Vlado Puljiz, head of the Department of Social Policy of Study Center for Social Work at the Zagreb Faculty of Law, Croatian representative in the Committee for Social Cohesion of the Council of Europe , Mario Švigir, glavni ekonomist Saveza samostalnih sindikata Hrvatske, chief economist of the Alliance of Independent Croatian Unions, M. Sc. Davor Žmegač, mayor of Kutina, member of Council of Europe – Congress of local and regional governments since 2005, Božena Vrbanić, deputy inspector general of the State Inspectorate, member of Consumers Protection Committee, Gordana Sobol, MP and president of the Gender Equality Committee of the Croatian Parliament, M. Sc. Helena Štimac Radin, head of the Office for Gender Equality of the Croatian Government, prof. PhD. Vojmir Franičević, professor at the Faculty of Economics and Lana Načinović, an associate in the Department for Cooperation with the public sector and the development funds on the portal „Moj posao“, where she monitors the gender aspects of the labor market and Gordana Lukač-Koritnik, the Gender Equality Ombudsperson.

The round table covered three topics:

1. topic: Fixed-term employment – gender aspect
2. topic: Moonlighting – gender aspect
3. topic: Unemployment – gender aspect

The reports of all the participants in the board discussion „Women and poverty – work uncertainty and unemployment“ are collected in the conference speech collection.

## **1.6. RESEARCH OF THE USE OF THE EMPLOYMENT SUBSIDIES (FOR 2008) OF THE SPECIAL GROUPS OF THE UNEMPLOYED: WOMEN VICTIMS OF VIOLENCE**

### **Measure 4 - Co-financing of employment of special groups of unemployed persons**

Within the State subsidies for employment and professional development, based on the Annual Plan for Stimulating Employment for 2008, The Croatian Employment Office has implemented the measures within its jurisdiction, including the measure of co-financing of employment of special groups of unemployed persons (Measure 4.), which, among other groups, also includes women victims of violence.

Measure 4 is intended for co-financing employment of women victims of violence. It refers to **women victims of violence who haven't been registered as unemployed the required length of time as well as women victims of violence who have been registered as the unemployed with the announced TR<sup>6</sup>, the chosen and selected by the Office.**

The employment subsidy is paid upon signing the contract. i.e. from the beginning of the employment, provided that the employer presents evidence about the paid wages and retirement and social security benefits for the co-financed individuals. The amount and the duration of subsidy are determined by the category of the employer, occupation and profession of the co-financed individual:

- for persons with no profession, monthly subsidy is on the basis of 2.298,00 Kn (Article 4. of the Instruction) lasting 18 months (50% for small employers<sup>7</sup> or 1.149,00 Kn, 40% for medium employers<sup>8</sup> or 919,20 kn, 30% for large employers<sup>9</sup> or 689,40 kn)
- for persons with **profession acquired after completed secondary school education lasting three or four years**, monthly subsidy is on the basis of 4.267,00 kn (Article 6. of the Instruction) lasting 18 months (50% for small employers or 2.133,50 kn, 40% for medium employers or 1.706,80 kn, 20% for large employers or 853,40 kn)
- for persons with profession acquired after the college education, monthly subsidy is on the basis of 7.221,50 kn (Article 7. of the Instruction) lasting 18 months (50 for small employers or 3.610,75 kn, 40 for medium employers or 2.888,60 kn, 20% for large employers or 1.444,30 kn).

### **The study of the Gender Equality Ombudsperson**

The Office of the Gender Equality Ombudsperson, in cooperation with the organization OASIS<sup>10</sup> from Beli Manastir, conducted a study of the use of the subsidies for the employment of women victims of violence, as a specific group of unemployed women, as defined in Measure 4, of the Annual Plan for Stimulating Employment of the Croatian Employment Agency.

The study was conducted to investigate the use of the measure 4 od co-financing employment of specific groups of the unemployed, including the women victims of violence, to what extent it is used and the reasons of the possible seldom utilization, which is suggested by the number of a total of women victims of violence employed according to Measure 4 (total of six in 2007, as reposted by the Ombudsperson in the Official Report for 2007).

The study was conducted during November and December 2008 in towns Darda, Grabovac, Vardarac, Kneževi Vinogradi, Karanac, Suza, Bilje, Batina, Petlovac, Jagodnjak and Beli Manastir.

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<sup>6</sup> Form TR (Seeking workers)

<sup>7</sup> **Small employer:** employs in average 50 employees annually and has the overall annual turnover of up to 16 million kn

<sup>8</sup> **Medium employer:** employs in average 250 employees annually and has the overall annual turnover of up to 60 million kn

<sup>9</sup> **Large employer:** employs in average more than 250 employees annually and has the overall annual turnover of more than 60 million kn

<sup>10</sup> Organisation Oasis is a nongovernmental, nonprofit, nonpartisan organisation from Beli Manastir, registered in 1998 as a project of the Center for Peace, Nonviolence and Human Rights

## The Research Results

**The data on the use of employment subsidies for the employing specific groups of the unemployed from the Annual Plan for Employment for 2008 of the Croatian Employment Agency** were collected based on questionnaire that were sent to the employers.

The survey included 75 craftsmen and 37 trade companies – the total of 115 employers – that is, according to the number of employees and the annual turnover, 107 small and 5 medium employers.

The survey sheet contained 11 questions with sub questions.

When asked whether they have applied for a grant award of any degree from the Annual Plan for Employment Incentive for 2008:

- **27 employers answered that they applied** (for 40 individuals)
- **85 employers answered that they did not apply**

Before 2008, **42 employers** applied (for 120 individuals), and **70 employers did not apply**.

Out of 27 employers who applied for a grant award in 2008, 11 received the support (employing 20 individuals), and out of 42 employers who applied before 2008, **41 received the support** (employing sum total of 104 individuals).

Employers applied for the support for various measures from the Annual Plan for Employment Incentives:

- In 2008:

<i>Employment incentive</i>	<i>Number of requests</i>
Long time unemployed	7
Employment of younger persons	6
From school to employment	1
Women over 45	1
Disabled and older persons	1
Women over 50	1
Highly educated without work experience	1

- Before 2008:

<i>Employment incentive</i>	<i>Number of requests</i>
Long time unemployed	10
Employment of younger persons	9
Employment of older persons	5

Women over 45	3
Veterans	2
Employment of novices	2
Persons with disablement	2
Employment of the unemployed	2
From school to employment	1
All the measures available	1
Measures 2	1
Employment of persons over 59	1
Employment of persons with SSS	1
Incentives for young entrepreneurs	1

When asked if they are familiar with the following measures from the Annual Plan for Stimulating Employment for 2008, employers answered:

<i>Measure from the Annual Plan for Stimulating Employment</i>	yes	%	No	%
<b>4.1.</b> Co-financing for young persons without work experience	73	69%	33	31%
<b>4.2.</b> Co-financing for long time unemployed	71	67%	35	33%
<b>4.3.</b> Co-financing of older persons	75	67%	31	29%
<b>4.4.</b> Co-financing of employment of special groups of unemployed persons	55	50%	56	50%
<b>4.5.</b> Co-financing for known employer	47	43%	63	57%

When asked if they were familiar with the necessary **attachments to the Request** for a grant award Co-financing of specific groups of the unemployed – Measure 4, that also applies to women victims of violence (that is co-financing of their employment)<sup>11</sup>, **12 employers (11%) answered they were familiar and 100 employers (89%) answered they were not.**

GENERAL CRITERIUM for granting support for co-financing of women victims of violence is the size of the employer, which is determined by an average number of the employed in the last year and a total annual turnover.

The measures aim at the employment stimulation of the persons from the Register of the Unemployed, on the open job market, providing that the stimulated employment be available to the employers divided in the three categories, namely: small employers, medium employers and large employers.

<sup>11</sup> The copy of Resolution of company registration in the Commercial Court Register or copy of the Trade licence; a photocopy of a TR (seeking workers) form; Certificate of the relevant institutions for the unemployed (targeted group from Measure 4. – victims of violence; Statement from the employer on performed inspectional and other supervision for the last 24 months; Financial documentation for establishing the criteria, ie the size of the employer.

When asked if they were familiar with the GENERAL CRITERIUM implementation for a Measure 4, for women victims of violence, only **10 employers (9%) answered they were familiar and even 102 employers (91%) answered they were not.**

The equal ignorance employers showed regarding THE GENERAL CRITERIA for implementation of Measure 4 - for women victims of violence (for co-financing of their employment).

Namely, after establishing the size of the employer, according to the previously stated general criteria and under the proposed financial documentation, the number of persons is determined for whom the employer can receive employment support by creating new jobs. The employer can be awarded grant for opening new jobs for the unemployed persons with difficulties in finding employment (Measure 4 – victims of violence), the condition determined by comparing the average additional employment for the last 12 months. The condition to create new jobs need not be fulfilled if the current job position became vacant due to the voluntary leaving, retirement, voluntary working hours reduction, or termination due to incompetence or guilt, unless the position is vacant due to departure of redundant employees. The grants can not be used by: the employers in the shipbuilding and maritime transport, employers with problems, employers whose means for work and workers' salaries are provided by the State Budget. The exceptions are newly opened trades that can use support for the employment of one person, newly registered trade companies that can use support for two persons. The trade companies or trades that were registered in 2007 and have used their right to employment support based on the measures from the Annual Plan for Stimulating Employment for 2007, also can not use the support.

The 102 employers (**91%**), were not acquainted with these general criteria, whereas only 9 (8%) were acquainted.

Regarding the Application for the grant support for the use of measure 4 – for women victims of violence (co-financing of their employment) there exists a poor communication between the employer and a competent regional office of the Croatian Employment Agency, as well as the communication between employers and women victims of violence or other persons who would contact employers on their behalf.

The Croatian Employment Agency or the competent regional office have contacted only 5 employers, and only 2 women victims of violence have contacted the employer personally. In only one case the employer was contacted by the third person on behalf of a woman victim of violence.

The employers who were acquainted with awarding support according to measures from the Annual Plan for Stimulating Employment and application of measure 4 for women victims of violence (co-financing of their employment), and did not apply for year 2008, or had not applied before 2008, have defined the reasons themselves:

*too much documentation required (8 employers);*

*too long waiting period for application resolution (16);*

*no need (8);*  
*too many documents required and too long waiting period (6);*  
*did not have appropriate profession (1);*  
*I have a female employee (1);*  
*I employ family (1);*  
*not interested (1);*  
*incomplete information and ambiguous criterion (1);*  
*I was reducing number of employees (1);*  
*„useless“ (1);*  
*„plain fraud“ (1)...*

Asked whether, after this survey, they would contact a competent regional office of the Croatian Employment Agency for more detailed information on getting employment support from the Annual Plan for Stimulating Employment for 2009 – even 69 (62%) employers answered they do not intend to, and 43 (38%) answered they would.

Asked whether, in that case, they would be interested in co-financing employment of special groups of the unemployed – for women victims of violence (measure 4.), 59 (53%) said they would, and 1 employer (1%) answered he did not know.

The study on the use of employment incentives (for 2008) of special groups of the unemployed – women victims of violence, shows that employers to a great extent do not use the measure of co-financing employment of special groups of the unemployed – including women victims of violence. The reasons for this are visible from the representation of the survey results.

On the positive side, the 53% of employers who did not know about the subsidies stated they would be interested in co-financing employment of women victims of violence. On the other side, even 46% of the surveyed employers, who did not know about the subsidies, clearly stated that, even after learning about them, they would not be interested in co-financing employment of the women victims of violence.

The Gender Equality Ombudsperson believes that this study, as well as the experience of the Croatian Employment Agency in implementation of Measure 4., indicate a need to improve effectiveness of this measure through enhanced informing, simplification of procedures and alleviation of general criteria and conditions.

## **1.7. POLICE ACADEMY**

Police academy started with a new system of adult education through retraining for an occupation policeman/policewoman beginning with academic year 2003/2004.

Department for Legal and Human Resources of the Ministry of Defence gave to the Ombudsperson information about the participants of this educational program arranged by years of the program implementation and by gender.

Academic year	2003./2004.		2006./2007.		2007./2008.		2008./2009.		2009./2010.	
Gender	Enrolled	Completed	Enrolled	Completed	Enrolled	Completed	Enrolled	Completed	Enrolled	Completed
Women	69	66	110	102	404	396	354		348	
Men	208	206	220	203	675	674	700		703	
Total	277	272	330	305	1079	1070	1054		1051	

If we calculate percentages according to the submitted data, then, from the beginning of the program, 3791 participants have enrolled, including 1285 women (34%) and 2596 men (66%).

Of the total of 1647 participants who have completed the program, ending in 2008, 564 are women (34%) and 1083 men (66%).

Regarding those employed as police officers, classified by gender, women make up 13% of the total number of employees in these positions, and among the female police officers, most hold the following positions:

- Police officer in border police control, with 30,6% women employed;
- Police officer, with 16,2% women employed;
- Police officer for crime processing, with 23,9% women employed;
- Police officer for illegal migrations, with 35,4% women employed.

## **2. FAMILY**

### **2.1. VIOLENCE IN THE FAMILY**

#### **VIOLENCE IN THE FAMILY**

In year 2008 the Gender Equality Ombudsperson received slightly smaller number of complaints concerning violence in the family than in year 2007. Acting upon the complaints she noted better functioning of both the police and the centers for social welfare in providing protection for the victims of domestic violence.

The assesment of the work of both, the police as well as the centers for social welfare, is based solely on the results of their acting upon the complaints in year 2008, confirmed by the insight of the Gender Equality Ombudsperson in the aquired reports and documentation in each specific case. During the interrogation procedure, the Gender Equality Ombudsperson primarily monitored how the Rules of Procedure in Cases of Family Violence (hereinafter:



Rules) have been implemented in practice, since the major purpose and goal of the Rules is to ensure the conditions for effective and thorough activities of the relevant departments with the purpose of improvement the protection and assistance for the victims of violence in the family.

As in the previous reporting periods, the complaints were submitted mostly by women. The majority of them were subjected to the violence by their present or former husbands or common-law partners and in very small number of cases by the other members of the family or the partners they were in relationship with.

In a great number of cases, the violence lasted for a long period of time until they reported the violence for the first time, due to the victims' fear for personal safety. Some women still cannot decide to report the violence to the authorities, trying first to find a solution for the housing and employment problems.

It is also being noted that some women, even after all the conducted procedures by the police, criminal and misdemeanor court procedures, appealing to the Gender Equality Ombudsperson and even after staying in the shelter for women victims of the domestic violence, decide to continue the cohabitation with the violent person.

Part of the complaints was filed by the women who were, as victims of domestic violence, temporarily placed in shelter for victims of domestic violence, almost always with minor children who were victims themselves or witnesses to the violence. In their complaints, apart from complaining about the treatment by the police and/or the centers for social welfare, they witness about numerous problems related to the securing of the very existence, employment and housing, look for help in dealing with these problems because the length of accomodation in the shelter is limited, and some of them can hardly bear this kind of accomodation.

For these, as well as all other complaints, it is characteristic that the victims of domestic violence point out the fact that criminal proceedings for the domestic violence were not completed, sometimes not even the misdemeanor proceedings (in one case the documentation shows it lasted for almost an year), as well as divorce procedures which they consider to be unreasonably long, and therefore there are no final court decisions about the custody of children, meeting arrangements and spending time with the other parent, as well as about alimentation of underaged children.

The additional prolems that the complainants indicate are the issues of determining marital aquirement, and inability to use of common movable and immovable assets. However, despite the different problems they face, their main problem is employment and housing.

Part of the complaints states dissatisfaction with the work of judicial bodies, especially the decisions of magistrates' courts.

Regarding the police work, even though in some cases the Ombudsperson found that the police had not acted in accordance to the Rules, the content of numerous complaints and the examination procedure by the Office, show that the main problem is not in providing protection for victims of violence, but in the lack of information about measures and actions

taken against offenders by the police, or the outcome of their reports to the police, that is, the outcome of the criminal and misdemeanor procedures.

From the reviewed cases one may conclude that the number of complaints in regards to the police treatment would have been reduced had the police, in accordance with Articles 3.2 and 3.4 of the Rules, informed the victim of the undetaken measures on time, and had they, during the police procedure, informed the victims of violence about their legal rights in an appropriate and transparent way, and if the complainants were informed about their rights to receive copies of the court decisions in cases of domestic violence.

In the actions of the Office of the Ombudsperson, the complainants were regularly informed about their rights defined by the Rules, particularly that they could get the copies of court decisions in cases of domestic violence.

Some of the complainants complain that they do not get help from the centers for social care, neither counseling (informing them of their rights) nor financial (sometimes they even do not get a response to their application) – and that the centers insist that the violent husband still sees the children even after the restraining order of approaching her or the children closer than 500 meters, that the misdemeanor proceedings against the husband were suspended, etc.

During the procedure, the Ombudsperson always informed the complainant that it is not possible to tamper with the work of the competent court. Thus, for example, when the court does not issue a restraining order benefiting the victims of violence or the higher court overrules the ruling neither the Ombudsperson nor the police can do anything about it.

However, in cases of prolonged duration of court process, the Ombudsperson would forward a treatment complaint to the Ministry of Justice, who regularly acted upon the complaint.

In some cases, after the Ombudsperson contacted the Police Directorate, the additional police investigations were performed in order to determine the commitment of the criminal offense „Violent behavior in family“ from Article 215a of the Criminal Code, or the relevant police authorities would ask the appropriate PD to conduct criminal investigation (usually of the former spouse or common-law husband) due to a reasonable doubt that a crime or a misdemeanor was committed to the detriment of his family members.

Besides, at the Office of the Ombudsperson, the complainants were regularly informed about the provisions of the Family Law, relating to child care, minor child support, marital attainments as well as the provisions of the Law on Social Care, or possibility of addressing the Croatian Bar Association for free representation.

Some complaints were unfounded because both, the police and the centers for social care acted in accordance to the Rules, but the parties did not have information relating to the outcome of court and police procedures.

Besides, a significant number of complaints with detailed descriptions of many years of domestic violence, received by the Office of the Ombudsperson by e-mail, could not be investigated because the complainants did not respond to the Ombudsperson's request to sign

or specify the complaint which reduced the number of warnings, recommendations and suggestions both to the police and to the centers for social care in this reporting period.

The good work by the police and improved work of the centers for social care, as well as the work of some coordinators for gender equality in public administration and some county committees for gender equality, indicate progress in this area. The systematic implementation of national policies and strategies also contributed to the progress, as well as the implementation of a campaign against domestic violence, which should be noted as very positive and encouraging examples of engagement related to domestic violence in 2008.

## **I. COUNCIL OF EUROPE CAMPAIGN TO COMBAT VIOLENCE AGAINST WOMEN, INCLUDING DOMESTIC VIOLENCE**

The Republic of Croatia joined the Council of Europe Campaign from the very start with the National Campaign to Combat Domestic Violence under the motto: „Violence cannot be justified“ (hereinafter: the Campaign). On the national level the Committee for Implementation of the National Campaign to Combat Domestic Violence Against Women at the Ministry of Family, War Veterans and Inter-Generational Solidarity was founded.

The end of the Campaign celebration was held in Sisak, on March 2008, the Deputy Prime Minister and Minister of Family, War Veterans and Inter-Generational Solidarity, Ms Jadranka Kosor, opened the Family center of the Sisačko-Moslavačka County, presented the results of the implementation of the Campaign at the national level, awarded the city and county, and persons whose activities during the campaign enabled significant progress in the field of protection against domestic violence, as well as the individuals whose activities were directed against violence against women.

On June 10th, 2008 the Deputy Prime Minister and Minister of Family, War Veterans and Inter-Generational Solidarity, Ms Jadranka Kosor, participated in Strasbourg at the closing conference of the Council of Europe Campaign to combat violence against women, including domestic violence, where she reported on the implementation of the Campaign in the Republic of Croatia.

The Gender Equality Ombudsperson believes that the campaign was successfully conducted, in regards to increasing public awareness, involvement of men in combating domestic violence<sup>12</sup> and specific and measurable results like co-financing of shelters and counseling centers for women victims of violence, publishing of the Manual with Guidelines for Media Reporting on Domestic Violence and the Address Book of Institutions, Organizations and Other Entities which Provide Assistance, Support and Protection to the Victims of Domestic Violence.

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<sup>12</sup> Round Table "Economic violence against women", Round Table „Systematic funding of civil society organizations that provide direct protection to victims of domestic violence“, Regional seminar "Active participation of men in combating domestic violence“, all organised by the Ministry of Family, War Veterans and Inter-Generational Solidarity.

It should be noted that, during the Campaign, new National Strategy of Protection Against Family Violence for period 2008 – 2010 was issued<sup>13</sup>, and a network of counseling centers for victims of domestic violence at the county and local level was established.

The Gender Equality Ombudsperson, as a member of the Committee, participated in all the activities of the Campaign in 2007, and in marking of the end of Council of Europe Campaign and the National Campaign, on March 8th, 2008.

## **II. CO-FINANCING OF THE SHELTERS AND COUNSELING CENTERS FOR WOMEN VICTIMS OF VIOLENCE**

On November 25th, 2008, commemorating the International Day Against Violence Against Women, the Deputy Prime Minister and Minister of Family, War Veterans and Inter-Generational Solidarity, Ms Jadranka Kosor signed, on behalf of Ministry of Family, War Veterans and Inter-Generational Solidarity, the contracts on co-financing shelters and counseling centers for women victims of violence with the representatives of the counties, cities and civil society organizations' shelters for victims of violence; Safe House Istra, Women's Help Now, Women's Group The Step, Autonomous Women's House Zagreb and Women's House Brod.

With these signatures, the Government made a commitment to the systematic funding of shelters and counseling centers for women victims of violence according to the model 30% Government : 30% City : 30% County. Shelters and counseling centers, and organizations that manage them are required to ensure the remaining 10% through donations.

Signing of this agreement is in conformity with the National Strategy of Protection Against Family Violence for 2008 – 2010<sup>14</sup>, and with the conclusions of the 52nd session of the UN Commission on the status of women, held in New York from February 25th to March 7th, 2008 under the name "Financing Gender Equality and Empowerment of Women". At the Session the Member States were invited to raise funds for strengthening the gender equality policy, including the introduction and implementation of gender responsible budget, because the protection of women victims of domestic violence is a responsibility of the society as a whole at all levels of state organization.

The commitment to systematic funding of the shelters was preceded by a campaign of the „Autonomous Women's House Zagreb“, which keeps a shelter for women and children victims of violence. On September 29th, 2008 a campaign *Say Yes* was presented, whose goal was to raise awareness of the public and the authorities about the need for financing shelter and counseling centers for women victims of domestic violence from the state, cities and counties

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<sup>13</sup> National Strategy for Protection from Domestic Violence for the period 2008 .- 2010, was presented by the . Deputy Prime Minister and Minister of Family, War Veterans and Inter-Generational Solidarity, in the Family Center of the Karlovac County on February 1st, 2008.

<sup>14</sup> Chapter IV., Shelter and support to victims of domestic violence, measure 9. "Ensuring financial support for the work of civil society organizations working on the prevention and elimination of various forms of family violence";10. "Encouraging the establishment of counseling centers for victims of domestic violence in areas where they have not yet been established and provide financial support";11. "To encourage the establishment of secret shelters for victims of domestic violence. "

budgets. The campaign was also supported by the Gender Equality Ombudsperson, because the consequences of family violence financially are so large for the state and society in general that it is not a matter of expenses but of an investment which has a very serious justification.

### **III. STUDY OF THE TEACHING INSTITUTE OF PUBLIC HEALTH OF PRIMORSKO-GORANSKA COUNTY**

In 2008, the Teaching Institute for Public Health of Primorsko-Goranska County has submitted to the Ombudsperson a document/study „Safe House“, that it compiled in collaboration with the authors that systematically deal with issues of violence, at the initiative of the Administrative Department of Health and Social Care of Primorsko-Goranska County. The study represents a snapshot of the problems of domestic violence in Primorje-Gorski Kotar, and brings Action Plan for the period from 2007 -2009 with the purpose of fighting this problem. As a result of the Action Plan, inter alia, on the basis of the conclusion of the County Assembly of the Institute of Public Health of Primorsko-Goranska County, a Department for Violence Prevention was established.

### **IV. ŽUPANJA – PROJECT „POLICE IN THE COMMUNITY“**

Victims of domestic violence are often forced to endure years of violence, not only because of their own indecisiveness and material circumstances that prevent them from leaving violent family environment, but often due to the lack of support from the local community and government bodies they turn to for help. The project "Police in the Community" is a good example of how local communities can contribute to resolving individual cases of domestic violence.

S.B and M.F. lived in common-law with two underage girls, one born in 2003, the other in 2005. They lived in a dilapidated, old house of 15 m<sup>2</sup>, without basic living conditions, without water or electricity, bathroom and kitchen, with open soil floor. They did not have a table and they all slept on two old beds. The whole family lived on welfare.

Mother M.F. could not leave the house because of the children, and father S.B. was an alcoholic who was abusing his wife and children during 2007. The police officers repeatedly intervened due to the report of the neighbors or the victim and filed charges against S. for domestic violence (the total of 11 misdemeanor and 4 criminal charges were filed). According to information received from the Vukovar-Srijem Police Department, PD Županja, ways in which S. molested the underage children and their mother "are truly monstrous and unusual and rarely noted in our practice." Mother M.F. tried to find the way out of the difficult situation for herself and her children.

In April 2007, the center for social care relocated M.F. and her children to a safe house in O. However, because the shelter was overcrowded, they could not keep M.F. for long. Due to the lack of alternative solutions, M.F. returned to the house in Zupanja where her common law husband S.B. remained living. After the return, the abuse and bullying by M.F. of the wife

and children continued even more fiercely which was again evidenced and processed by the police officers.

After violence in this family continued, the police initiated intensive discussions between the sector leader Mr Nikola Kajkić and the police official for coordination of the police in community project Mr Tomislav Miklošević on violence prevention and protection of the M.F. and her children, that included, among others, the Mayor of the City of Županje and Prefect of Vukovar-Srijem County, who promised assistance in finding accommodation for the family after they leave the safe house.

On December 21st, 2007, with the cooperation of the Center for Social Care Županja and officers of PD Županja, M.F. and her two children were relocated to the safe house without the husband's knowledge. The husband S.B. passed away in March 2008 from an excessive alcohol abuse, but the owner of the house challenged her ownership and forbade her the access to the house.

All these circumstances taken in account, and in coordination with the police (through the Police in the Community Project), with the Center for Social Care, shelters for domestic violence victims, the City of Županja, the Vukovarsko-Srijemska County and most of the county municipalities, a 40 m<sup>2</sup> flat was bought for M.F and her children, equipped with furniture and furnishings, including toys for children. The city of Županja plans to pay water, electricity and utility costs, and provide free day care for children until they start school.

On December 22nd, 2008, the Gender Equality Ombudsperson attended a ceremony of delivering apartment keys to the family of M.F. The keys were presented by the mayor of the City Županja Mr Davor Miličević together with the police officer of PD Županja Mr Nikola Kajkić, one of the initiators of this project. After the ceremonial handing over of the keys, there was a screening of the documentary "Prevention of Domestic Violence".

Within this project, the Police published a manual under the title "Guide for Victims of Domestic Violence".

## **2.2. POLICE STATISTICAL DATA ON DOMESTIC VIOLENCE**

The Police Directorate submitted to the Ombudsperson information on violations and criminal offenses related to domestic violence, for the period from January 1st to December 31st, 2008:

### **Presentation of status and number of interventions upon requests and the measures and actions taken**

- In the period from January 1st to December 31st, 2008, the police received 16 885 requests for police intervention for protection against domestic violence, which is 5.40% less compared to 2007, when 17 848 such requests were received;
- The requested intervention was provided in 16 885 cases;

- To protect the victim, and due to the concern of continued violence, the measure of detention in the police premises was taken against 6706 persons, which is 9,38% cases more than in 2007, when 6131 such measures were taken;
- Misdemeanor charges were issued for 16.169 persons, which is 7,03% less than in 2007, where 17.391 such charges were issued.
- In 2008, police suggested imposition of 9833 protective measures to competent magistrate courts, which is 11,41% less than in 2007, when 11.099 such measures were suggested.
- From the 9833 suggested protective measures in 2008, the police implemented 466 protective measures placed in their scope of work in accordance to the Law on Protection from Domestic Violence, which is 23,48% less than in 2007, when 609 such measures were implemented.
- A total of 20 566 persons were hurt in domestic violence, 2639 of those were children, 1298 minors, 11.248 adult women and 5381 adult men;
- During 2008, 1642 criminal acts of violent behavior in family, from Article 215a of the Criminal Code , were registered, which is 8,68% less than in 2007.

### **Application of the Article 18 regarding Article 4 of the Law on Protection from Domestic Violence**

By analysing the data relating solely to the Violent behavior in family as misdemeanor, it is clear that the police has, in the period from January 1st to December 31st, 2008, reported 16 169 Violent behavior in family as misdemeanor offenders, 6610 or 40,88% of which were taken in front of the magistrate judge, while 6706 or 41,47 % were kept on the police premises.

94 appeals on magistrate decisions were submitted by the police authorities, which is 27,66 % less than in 2007, when 120 such appeals were submitted.

By the perpetration of a misdemeanor of Violent behavior in family, for which the offender has been reported, total of 20.566 persons were injured (including 3937 or 19,14 % minors, among them 2639 children, and 16.629 adults, including 11.248 or 67,64 % adult women).

According to gender of victims, 13.321 were female (underage and adult women) or 64,77% out of the total number of persons hurt by the violent domestic behavior.

If we observe the victim-offender relationship, in 2008, the most common perpetrators of domestic violence were:

- in 5845 or 28,42 % cases husband over wife;
- in 4093 or 19,90% cases father over children;
- in 2650 or 12,89% cases son over parent;
- in 1173 or 5,70% common-law husband over common-law wife;
- in 1026 or 4,99% wife over husband etc.

## **Implementation of the provisions of the The Law on Misdemeanors and the Law on Protection from Domestic Violence**

In the period from January 1st to December 31st, 2008, the police suggested to the magistrate courts the imposition of 9833 protective measures, in regards to the domestic violence:

- 4607 protective measures of mandatory psychosocial treatment;
- 788 protective measures of restraint from approaching the victim;
- 233 protective measures prohibiting harassment or stalking of a person exposed to violence;
- 377 protective measures of removal from the apartment, house or other dwelling;
- 27 protective measures securing the protection of persons exposed to violence;
- 3517 protective measures mandatory addiction treatment;
- 284 protective measures forfeiture of objects designed or used in committing offenses.

From 9833 suggested measures, the police implemented 466 protective measures placed in their scope of work in accordance to the Law on Protection from Domestic Violence, namely:

- 265 protective measures of restraint from approaching the victim of violence;
- 72 protective measures prohibiting harassment or stalking of a person exposed to violence;
- 109 protective measures of removal from the apartment, house or other dwelling.

## **Implementation of the provisions of Article 215a of the Criminal Code – „Violent Domestic Behavior“**

By analysing the data relating to the committed criminal offense „Violent Domestic Behavior“ from Article 215a of the Criminal Code, in the period from January 1st to December 31st, 2008., the police discovered and pressed charges against 1412 persons for committing 1642 criminal offences.

The total of 1728 persons were injured including 1359 female persons, which is 78,65% of the total number of injured persons.

Regarding the age of the injured, 141 or 8,16% of all the injured by this criminal offence are children or minors.

## **Statistical indicators for the murder and attempted murder in 2008**

Total number of murders: 67

Total number of attempted murders: 137

Number of murders committed among family members: 20

Number of attempted murders committed among family members: 22



Number of female murder victims<sup>15</sup>: 11

Number of female attempted murder victims: 9

### **Statistical indicators for the rape and attempted rape in 2008**

Total number of rapes: 107

Total number of attempted rapes: 21

## **2.3. THE COMPLAINTS ADDRESSED TO THE GENDER EQUALITY OMBUDSPERSON**

**2.3.1 CASE SUMMARY (PRS. PRS-03-02/08-02):** Complainant A. B. from P., temporarily accommodated in the shelter for victims of domestic violence, submitted a complaint to the Gender Equality Ombudsperson stating that the police and the relevant Center did not provide her with adequate protection from domestic violence. The complainant states she has been exposed to violence from her common-law partner from the beginning of their living together, that is from year 1997, that he has abused her both psychologically and physically, and when he told her she had to leave their common home in year 2007, she was forced to abandon her place of residence. By the resolution of the Center for Social Welfare, the complainant, together with her three minor children, was accommodated in the shelter for victims of domestic violence. However, acting upon the police notification stating that in her case the violence in the family was not established, The Center later issued a decision to disconnect her accommodation in the shelter for victims of domestic violence. The complainant emphasizes that the accommodation in the shelter is not being discontinued only to herself, but also to her minor children, the witnesses and victims of the domestic violence.

**MEASURES TAKEN:** The Gender Equality Ombudsperson obtained the report and documentation from the relevant Center and a report from the General Police Directorate in which is stated that, after the Gender Equality Ombudsperson contacted the Directorate, the relevant police department requested that the relevant PS conduct criminal investigation of the ex common-law partner because of the reasonable doubt that he, at the expense of the members of his family, has committed an offence from article 18 related to article 4 of the Law on Protection from Domestic Violence, as well as criminal acts “Violent behavior in family” from article 215 of the Penal law and “Neglecting and maltreatment of a child or minor person” from article 213 of the Penal law. Therefore, the Gender Equality Ombudsperson sent to the relevant Center the following recommendations: to examine all possibilities of the continuation of the complainant’s accommodation in the shelter for victims of domestic abuse, until the relevant departments bring the decision regarding the grounds of doubt that the complainant was a victim of domestic violence; to treat the complainant with consideration in order to avoid her feeling of secondary victimization in a manner that shows the respect for her dignity; to keep on following the situation in the family of the complainant, informing promptly the Gender Equality Ombudsperson of the measures taken. After

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<sup>15</sup> only criminal offended among family members

receiving the recommendation, the Center informed the Gender Equality Ombudsperson that the complainant will remain in the shelter for the victims of domestic abuse, together with her three minor children, during the appeal procedure, because she has appealed against the decision of the accommodation discontinuation in time. After that, the Gender Equality Ombudsperson received the new report from the General Police Directorate stating that, after further informative interviews with the complainant, it was confirmed she was a victim of domestic violence. In the last report, the Center informed the Gender Equality Ombudsperson that the complainant has left the shelter for victims of domestic violence together with her minor children, and, because she will continue living with her common-law partner, the Center will remain in permanent contact with her family, giving them advisory and expert assistance.

**2.3.2. CASE SUMMARY (PRS-03-02/08-15):** The complainant O.Č. from G. submitted a complaint to the Ombudsperson as a victim of domestic violence by her husband. The complainant states that she is unemployed and that her husband has behaved violently against her since 2005, namely from the time they got married, that their marriage definitely ended two months ago, and that, because of the violence, she was placed in a safe house from May, 2005 until April, 2006, where their common child was born on June 16th, 2005. The complainant alleges that her husband was violent towards her child from a previous marriage, and that she was reporting the violence to the police and the workers of the competent Center. Although the complainant was satisfied with measures taken by the Center from the beginning, she points out she is recently unhappy with their work, because she thinks that, as a victim of violence, she does not receive appropriate assistance. She states that, due to her ill health, the Center did not help her with her personal support and the support of her underage child. Regarding the police conduct, she states she does not know whether the police have filed criminal charges against her husband.

**MEASURES TAKEN:** The Ombudsperson has obtained the report from Police Directorate, report and documentation from the Center. The report of the Police Directorate shows that the police filed criminal charges against the husband, twice for the offence „Violent domestic behavior“ and once for the offence „Neglecting and Molesting a Child or a Minor“. The PS has also received a report that, before the Magistrate Court in G, a motion was brought against the husband, to indict the criminal offence „Threat“.

In an attachment to the report, the Center has submitted a log statement by the complainant, stating she was not dissatisfied by the work of the Center, and that she did not complain to the Ombudsperson to the work of the Center, thus disproving her statement that she had signed in the Office of the Ombudsperson on April 24th, 2008. As the complainant gave up her complaint, the Ombudsperson had no reasons for further procedure.

**2.3.3. CASE SUMMARY (PRS-03-02/08-16):** The complainant S.P. from B. submitted to the Ombudsperson a complaint, stating that that he, as a man, was discriminated against by the police and judicial bodies treatment. Relating to the police treatment, he states that his ex daughter in law reported him because of the alleged threats, and because of that he was arrested on March 13th, 2008, and sent to prison after shorter interrogation and without any

evidence, where he was held in detention. After that, he was ordered a detention, where he had been until April 18th, 2008, when the competent municipal court issued a ruling, dismissing charges against him, because his ex daughter in law, before the trial, dropped the charges. The complainant believes he was unjustifiably detained in the police station, where the police officers acquainted him with a complaint from his ex daughter in law, where she states that he had threatened her with death by cell phone on March 11th, 2008, and he claims this is not the truth. He believes that his human rights were violated, as well as the principle of gender equality, and points out that he has never been violent to women, wanting only to protect his grandchildren who had lived with him for some time, because their mother was not taking care of them.

**MEASURES TAKEN:** Based on the report of the Police Directorate, the Ombudsperson confirmed that the police, in their treatment of the complainant, did not commit a gender-based discrimination and that the principle of gender equality was not violated. Namely, the report of the Police Directorate shows that the ex daughter in law, on March 12th, 2008, in the relevant police station submitted a proposal for the criminal prosecution of the complainant for the criminal offence „Threat“. Within the framework of criminal investigation, the complainant was arrested on March 12th, 2008 (not March 13th, 2008, as he states), and questioned as a suspect of a reported offence. After the consultation with the relevant municipal state attorney, and because of the existence of a prior final verdict of the relevant municipal court against the complainant for previous criminal offence of the same kind, the complainant was taken to the Investigation Center of the competent County Court, where he was ordered a measure of retention by the judicial bodies and later a measure of detention.

**2.3.4. CASE SUMMARY (PRS-03-04/08-03):** Complainant I.G. from S. submitted a complaint to the Ombudsperson, stating her dissatisfaction with the treatment by the police, police officers and measures taken by the police regarding the event of December 31st, 2007, when she was subjected to physical violence by her ex partner, she had been in relation until then. Namely, on that day, around 14,00 she reported her ex partner for hitting her with fists in a public place, in PS S. The complainant states that she she could not get a record in the PS, did not get her statement to sign, and she was not informed of the measures that the police would take. The complainant also states that, three months after the event, with the call from Misdemeanor Court, the statement she gave to the police on December 31st, 2008, was altered. Namely, the statement reports she was hit by an open palm of a hand, and that both her and her ex partner were disturbing public order and peace. Besides, the complainant states that she had been subjected to threats and coercion by her partner during the relationship, thus fearing to report him to the police earlier.

**MEASURES TAKEN:** Having examined the report and documentation of the police department, the Ombudsman concluded that the police had taken all necessary actions and measures. Namely, regarding the event of December 31st, 2008, from formal police notes follows that the complainant stated, during the informative interview with the police, that, on the same day, she also spoke to her ex partner in a derogatory manner, and the possibility that she „touched him by hand while defending herself“ was not ruled out. From this the police concluded that the complainant committed a violation of Article 6. of the Law on Misdemeanours against public order and peace, and therefore a competent magistrate court

fined both her former partner and the complainant. However, since the complainant in her complaint addressed to the Ombudsperson stated that she had previously been exposed to abuse by a former partner, the police, following a request from the Ombudsperson, conducted an interview with the complainant about previous abuse. As the complainant, on that occasion, stated for the first time that her partner was often violent to her during their life together, a criminal investigation was conducted of him. The competent police department subsequently informed the Ombudsman that police officers conducted a criminal investigation of former partner for reasonable doubt that he committed the criminal offense of "Domestic Violence" of Article 215a of the Criminal Code, at the damage to the complainant.

The police has informed a competent Municipal Attorney for the Youth on all the measures and actions taken in form of a Special report, according to the previous consultations with the deputy of the relevant Municipal Attorney. The police informed the competent Centre for Social Care on the above findings.

**2.3.5. CASE SUMMARY (PRS 03-02/08-39):** The complainant M.F. from P. has submitted a complaint to the Ombudsperson where she states that, for the last year, she has been suffering hard psychological violence from her husband Ž.F., who is an alcoholic. The complainant states that her husband used to keep her awake all night, usually after the night shift, insulting her, threatening her, forcing her out of the house without their three minor children. Her husband also used to call her parents, insulting them and forcing them to come to get her. The complainant alleges that, on several occasions, namely in November 2007. and early 2008., she had requested assistance from police, but that the abuse has continued.

Because of the exposure to domestic violence, the complainant raised the criminal and misdemeanor charges against the husband, as well as the application for divorce and temporary custody of the children.

**MEASURES TAKEN:** Having examined the report and documentation of the Police Directorate, the Ombudsperson concluded that on the November 4th, 2007, police filed a Request for criminal proceedings against F. F. for domestic violence, and on September 5th, 2008. also a motion to indict. At the same time, a competent PS, on September 4th, 2008, had received for the record, by the complainant, criminal charges against the husband Ž. F. for domestic violence, therefore filing criminal charges against him to the Municipal State Attorney's Office in V. and the Municipal State Attorney's Office for the Youth in V. for committing criminal offenses of threats, neglect of a child or underage person and violent domestic behavior. The complainant stated to the police on December 22nd, 2008, that, after their actions in September 2008, she has no longer been exposed to violence, therefore she suspended the divorce procedure and lives again with her husband.

**2.3.6. CASE SUMMARY (PRS 03-02/08-10):** The complainant Ž. R. from S. D. has submitted a complaint to the Ombudsperson stating that the officials of the Center for Social Care and the police have not given her an appropriate protection from domestic violence. The complainant alleges that she has been the victim of years of violence by her ex-husband, J.S., who had abused her even before marriage (they got married in 1993.), and the violence had

continued during the marriage (the marriage ended in 2000, and divorce was finalized in 2001.). The complainant states that she had been subjected to physical and psychological violence by her husband, in particular, she points out that her former husband was strangling her on two occasions in the presence of their underage child. She claims that the violence continued after the divorce, and, as forms of violence, she emphasizes verbal violence, insults, threats and other forms of harassment. The complainant stated that she has reported the domestic violence to the police in late August 2000. Later, she had reported the violence on several occasions, last time in 2003, when her ex husband came to her flat, banged on the door and made threats. The complainant states her dissatisfaction with the police because, in her opinion, they have failed to take appropriate measures for her and her underage child's protection. The complaint also states that the center for Social Care, where she reported her exposure to violence, also failed to take appropriate measures for her and her underage child's protection. In a supplement to the complaint from August, 13th 2008, the complainant states more situations when the police, in her opinion, failed to take appropriate measures and actions against her ex husband. She points out that her ex husband attacked her in August or September, 2000, in the town, before their underage child, starting to break her arms when she wanted to use the cell phone to call the police, and that on March 19th, 2002 she reported to the police that her ex husband harasses her and bangs on her door, but she had been waiting for police intervention for more than two hours.

**MEASURES TAKEN:** After reviewing the documentation of the relevant Center and Police Directorate, the Ombudsperson gave **warning and recommendation** to the Center D. The Ombudsperson thinks that the complainant hasn't been given an appropriate protection from family violence by the professional of the Center in accordance to the Rules of Procedure in Cases of Family Violence. The report from the Center from May 15th, 2008 states: „...there were alleged incidents and requests for police interventions, but the Center has no official notifications on those, only indirect findings received from Ž.R. (...) It was assumed that, in the situations when Ž.R. called the police, she also received necessary protection.“ The ombudsman points out that in this case the treatment by the Center was not in accordance with the Rules of Procedure in Cases of Family Violence, according to which the Center must immediately upon learning or receiving reports of domestic violence, promptly and without delay, make report to the police regardless of whether it had already been done by another body, and submit all information received about the case, promptly form a file on the report and findings and make an official note entering the information about the victim, perpetrator, and committed violence. Therefore, the Ombudsperson, in accordance with her authority from Article 22. para. 1. of the Gender Equality Law, gave a warning to the Center for failing to take measures and actions for protection against domestic violence in accordance to the Rules of Procedure in Cases of Family Violence, although there were findings on domestic violence in the complainant's case, and a recommendation that in all domestic violence cases, immediately upon learning or receiving reports of domestic violence, promptly and without delay, make report to the police regardless of whether it had already been done by another body, and that in all domestic violence cases immediately start with other protective activities aimed at protection of domestic violence victim.

The Ombudsperson has also recommended that the Centre continue to undertake measures and actions to protect the complainant and her family, and that, since the relations between the former spouses were heavily disturbed, notify the Ombudsman of the measures taken.

With regard to police procedures, reviewing the records the Ombudsperson found that the police officers have acted in accordance with the regulations that were in effect when the intervention took place.

At the request of the complainant, the police officers of PS Đ. have, on August 25th, 2000, provided intervention, during which they had not established elements of misdemeanor or criminal acts. The Ombudsperson points out that one must take into account that, during the provision of these interventions, regulations that would allow adequate protection against domestic violence were not yet in effect. The Law on Protection from Domestic Violence was implemented in mid 2003.

Besides this event, the police had not recorded any other complainant's reports or request for assistance for exposure to domestic, so there was no need for the other police interventions.

**2.3.7. CASE SUMMARY (PRS 03-02/08-40):** The Complainant V.K. from K. submitted a complaint to the Ombudsperson stating that she has been a victim of many years of domestic violence by her ex husband with whom she has two adult children. The complainant points out that, from the start of their marriage, she was isolated and economically dependent from the husband, and that, in 1999, when she stopped working, that isolation has even increased.

She points out that her husband prohibited her contacts with other people, and that no one was allowed to visit her. The complainant states that the violence has increased in 2007. She points out an accident from December 18th, 2007. when the husband physically assaulted her, beat her on the head, then locked her up, and finally left the house. The complainant was able to call her daughter who drove her to the emergency room. The complainant points out that the ambulance reported her case to the police, but the police officers did not interview her or requested a statement on that occasion. After this incident, the complainant had gone to live with her parents, where she still lives. She states that in February 2008, she filed a complaint for divorce. The complainant points out that the mediation before divorce began in March and was ended in August, 2008, and that she requested from the Center K. on three occasion to speed up the process of mediation. During mediation process, the complainant mentioned the violence she was subjected to, but did not state everything that went on, for fear of the husband's influence. The complainant also points out that nobody before has advised her to report the violence to the police or the relevant Center, which is the reason why she reported the violence only in April, 2008. to the competent State Attorney. However, she claims not to have received any information regarding the proceedings after her report. She also believes that the police did not take actions for her protection because the police officers are biased. As a reason for that, she states her husband's connection in police and other institutions where he had taught as an safety at work engineer.

**MEASURES TAKEN:** Having examined all the available documentation of the Police Directorate and the Center, the Ombudsperson could not establish that, in this case, any of these bodies committed gender-based discrimination or violated the principle of gender equality in their treatment of the complainant. The officers of the PS K. have taken all the actions and measures provided in Rules of Procedure in Cases of Family Violence. From the report of the Police Directorate, it is evident that the police officers provided intervention to the family of the complainant on the occasion of the events of December, 2008, after which a motion to indict for committing misdemeanor of domestic violence was filed against both the complainant and her husband. Then, in accordance with the Rules of Procedure in Cases of Family Violence, the firearm and the gun licence was taken from the complainant's ex husband. Both the complainant and her ex husband were exempt from the prosecution for a misdemeanor by Magistrates Court in K.

From the report and submitted documentation of the Center, it is evident that, after receiving a letter from PS K., regarding the violence, the Center invited both the complainant and her ex husband for conversation related to the domestic violence, of which a record was made on February 1st, 2008. The Center states that the complainant has stated for the record that she did not want to give any statements regarding family violence, that she did not need help from the Center at that time, and that she was informed, by a professional, with types of assistance as well as her legal rights regarding domestic violence. At a request by the Municipal Court in K., the Center conducted a mediation process before the divorce, formed an Expert opinion and delivered it to the complainant and her husband within the legal timeframe.

**2.3.8. CASE SUMMARY (Pov. PRS-03-02/08-05):** Shelter for the victims of domestic violence sent a request to the Ombudsperson to react, in accordance with her authority, to the manner of behavior of Croatian Bar Association, which, in its decisions on the appointment of attorneys to represent victims of domestic violence without the right to award, states the name and the address of the shelter where the victim has been placed.

The particular case was about their accommodation beneficiary D.B. from B., to whom the Croatian Bar Association has twice appointed lawyers who have justifiably rejected the duty, because they were representing her husband. However, by inspection of the decision of the Croatian Bar Association the information about the institution in which the beneficiary is located was available to them. Through them, the husband of a beneficiary, which they represent, could find out about the place of her accommodation and of accommodation of their common underage children, and in this way the peace and security of all the beneficiaries in the Shelter were threatened. In the Shelter they believe that in the appointments of attorneys to represent victims of domestic violence without the right to award, the name of the place where the institution is located should not be given, because of the problems they have already had after the data were made available to spouses, and even journalists. Namely, the attorneys of domestic violence victims have to include those appointments in the judicial case file which the opposing party has the right to inspect. The employees of the shelter that has contacted the Ombudsperson believe that those appointments should only specify that a person is in a shelter for victims of domestic violence, without specifying the address.

**MEASURES TAKEN:** The Ombudsperson gave a recommendation to the Croatian Bar Association to consider, in their decisions on the appointment of attorneys to represent victims of domestic violence located in shelters (safe houses), a way of delivering the decisions which would enable the preservation of confidentiality and security of the addresses of the victims of domestic violence. Croatian Bar Association has accepted the recommendation in principle, and will talk to the Ombudsperson on the ways of its implementation at the special meeting.

**2.3.9. CASE SUMMARY (PRS-03-02/08-31):** I. T. from O. submitted a complaint to the Ombudsperson stating that she and her father are victims of domestic violence by her husband, his father and brother. In the complaint she states that the police did not treat her in accordance with the general equality principle because, during police interventions (June 28th and 29th, 2008) the police officers did not take a statement from her but only from her husband.

**MEASURES TAKEN:** By inspecting the reports from the Police Directorate - Crime Police Department and the relevant Center for Social Care, the Ombudsperson concluded that the police did not commit gender-based discrimination against the complainant. Namely, the available documentation shows that the police has taken a verbal statement from the complainant during the intervention, on the basis of which the official notes were made, that a motion to indict was filed against the complainant to the competent Magistrate Court for domestic violence, and that the complainant's husband was a processed on suspicion of committing violent behavior and neglect of an underage child.

**2.3.10. CASE SUMMARY (PRS-03-02/08-02):** Female organization "IZVOR" from Tenja submitted to the Ombudsperson a brief of the anonymous report on domestic violence against A.K. from L. and her underage child by her common law husband. They state that the locals have on several occasions informed the competent Center for Social Care and the police, but nothing has been done.

**MEASURES TAKEN:** By inspecting the reports from the COMPETENT Center for Social Care and the Police Directorate - Crime Police Department, the Ombudsperson concluded that the police has taken all actions and measures in accordance with their authority from the Rules of Procedure in Cases of Family Violence, which was not the case with the relevant Center. Namely, immediately after receiving a notification from the victim of domestic violence the police arrested her common law spouse, brought him to Magistrates Court where he was found guilty, and filed a criminal charges with the competent Municipal State Attorney's Office. Besides, the report shows that the competent Police administration, after receiving the anonymous charges against the spouse for the victim domestic violence, on the same day conducted criminal investigation of the reported person and submitted their report on the taken actions and established facts to the competent State Attorney for further procedure.

However, the report by the Center for Social Care shows that the employees of the Centre, on two occasions, in 2006. and 2007., immediately after receiving anonymous reports of violence



in a given family, did not promptly and without delay notify the police about it, which they were obliged to do in accordance with the Rules of Procedure in Cases of Family Violence. Therefore, the Ombudsperson based on her authority, gave the Center an appropriate **warning and recommendation**.

**2.3.11. CASE SUMMARY (PRS-03-02/08-41):** Complainant V. K. from Z. submitted a complaint to the Ombudsperson where she states she has been a victim of many years of domestic violence by her husband, and that, since 2007, the violence has intensified. She points out that the husband has threatened to blow up their common house, built on her mother's land. This threat the complainant has reported to the police in July, 2007, but believes that the police did not take her seriously. After the police have interviewed her they did not inform her what was done about her complaint. Besides, she states that on October 9th, 2007, her husband changed the locks on the front door of the house they lived in together until then. She points out that she has called the police to intervene, but they did nothing except advising her to go to sleep to the Red Cross.

**MEASURES TAKEN:** The report of the Police Directorate states that, on June 28th, 2007, the complainant has reported the threats by her husband, but refused to file a motion to start criminal prosecution for the criminal offense „Threat“ from Article 129. of the Criminal Code , on which an official note was made. Regarding the report from October, the police points out that, acting on complaints, they came into contact with the complainant's husband who told them that the lock on the front door of the house was changed by his father, who is also the owner of the house. They also point out that the complainant was offered to spend the night in the shelter of the Autonomous Women's House, which she refused. The official record was made on the given intervention. However, after the Ombudsman address, the police officers of the Department of general crime of the Police Administration Z. conducted a review of the file, relating to the conduct of the police officers of III.PS Z., during which it was established that the police officers failed to take action in order to accurately establish whether the complainant's father in law has, on October 9th 2007, changed the front door lock, and by preventing entry into the residential area to the detriment of the complainant, committed a violation of Art. 18. related art. 4th of the Law on Protection against Domestic Violence. Also, the appropriate actions were not taken to determine whether, during the shoving on October 10th, 2007, V.K and I.K. have committed a misdemeanor of family violence.

Because of the detected failures, the commander of III. PS Z. was ordered to inform all the police officers of the above, in order to avoid future irregularities in police treatment.

The police officers of the Department of general criminality completed on December 3rd, 2008. a criminal investigation of I.C. because of the reasonable doubt that he has, to the detriment of his wife, committed the criminal offense of "Domestic Violent Behavior" from art. 215a of the Criminal Code . During the procedure, it was not confirmed that he had committed the offence, and the Special report was submitted to the General Municipal State Attorney's Office in Z., regarding all the action taken and the established facts.

Therefore, the Ombudsperson believes that the police has partly taken all necessary measures, and partly committed failures that were corrected by subsequent actions.

**2.3.12. CASE SUMMARY (PRS 03-02/08-27):** The Ombudsperson received a complaint from the female organization from T stating that received an anonymous report on domestic violence in family Š., over their S.O.S. phone.

The complaint points out that the anonymous source stated that, on June 14th and 15th, 2008, he saw Mr R.Š. physically attacking his wife and starting to beat her. Their underage son tried to separate them, but was repeatedly slapped by R.Š. The anonymous source claims that is not the first case of violence in family Š., but it was never reported.

**MEASURES TAKEN:** The Ombudsperson has acquired the report from the relevant Center which states that they interviewed the members of family Š. and that both spouses denied all allegations from the report, same as their son from whose data was evident that he was of age. The investigation at the address confirmed that, regarding the position of the flat, it was impossible for anyone to see all that was described in detail in the report.

Besides, the husband R.Š., that the report alleges as the abuser is very sick and hardly moves. The police were included in the case, which had disturbing effects on the family members. The Center has received a report from the police on August 11th, 2008, that states that no evidence of criminal offence were determined after conducted procedure for domestic violence in family Š., and that the denunciation was inaccurate.

The Center also found no elements of any form of violence in the family.

After closing of the case, the said organization reported to the Ombudsperson that it can be concluded from the police findings and the opinion of the police and the Center that their S.O.S. phone was misused for the first time in their longtime practice.

**2.3.13. CASE SUMMARY (PRS 03-02/08-24):** The complainant M.U. from Z submitted a complaint to the Ombudsperson stating that, in her long marriage, she has been submitted to various forms of violence that she did not report because of the children who have grown now. In February, 2008 she moved out of the common home for fear of escalating violence, as husband's treatment for alcoholism did not improve the situation. She says that her husband threatens to sell the apartment, which is their legitimate marital gain, and that she currently lives in a studio flat with the younger son. She points out that the doctors advised her that her husband should be divested of work ability, and that she started such a procedure at the Center, on June 19, 2008. She also alleges that the Center knows about the domestic violence in her family, but she does not know whether they did anything. When filing a complaint she asked for the record the Ombudsman to wait for two months before she starts with the actions.

**OUTCOME:** The complainant asked the Ombudsperson to suspend work on her case because her husband has been hospitalized and currently is in a difficult health situation. She pointed out that for the same reasons her case rests with the competent Center.

**2.3.14. CASE SUMMARY (PRS 03-02/08-29):** The complainant D.Š. from Z. submitted a complaint to the Ombudsperson stating she has been a longtime victim of domestic violence by her husband. She points out that she has been submitted to physical, psychological and economic violence from the very beginning of the marriage. She states that she reported the violence for the first time in June, 2008, when the the police filed misdemeanor charges. Following this report, her husband was sentenced for the violent domestic behavior, committing an offense under Article. 4. The Law on Protection from Domestic Violence, was fined and barred from approaching the complainant as a protective measure. The complainant points out that she has been satisfied with the police treatment in general when filing misdemeanor charges, but she did not know whether the criminal charges were filed against her husband, or what will happen when the restraining measure expires. In addition, the complainant points out she has been suffering violence by her mother who wants her and her children out of the apartment where she they live now, offering her accommodation in her house. She says she has reported her mother to the police for wanting to throw her out of the apartment so that she can sell it, but she was told the do not to interfere in family matters, and that her mother can do whatever she wants with her private property.

**OUTCOME:** The complainant once again contacted the Ombudsperson, claiming that she has reconsidered the whole complicated family situation and has decided to talk to her mother in order to reach an agreement. She states that, as long as there is possibility to reach agreement with her mother, she would not like to further intensify the situation, so she gives up on the Ombudsperson proceedings related to her mother and husband.

## **2.4. NATIONAL STRATEGY OF PROTECTION AGAINST FAMILY VIOLENCE FOR PERIOD 2008 - 2010**

The Government of the Republic of Croatia, on the session of November 29th, 2007, adopted a National Strategy of Protection Against Family Violence 2008-2010 (The Official Gazette 126/07 hereinafter: National Strategy).

With the aim of monitoring the implementation of measures of the National Strategy, the Ombudsman sent an inquiry to the carriers of the measures whose implementation deadline was 2008.

### **I. EDUCATION OF PROFESSIONALS WORKING IN THE FIELD OF PROTECTION AGAINST VIOLENCE IN THE FAMILY**

**Measure 1 – To establish common and specific contents and the optimal methodical approach in improved training programs for the employees of state administration bodies and public institutions.** The main carrier: the Ministry of Science, Education and Sport. Deadline: 2008.

**Measure 2 – To conduct systematic training of the employees of national authorities, public institutions and a part of civil society organizations on the family violence issue**

**(activities from point 1, 2 and 5).** The main carrier: the Ministry of Science, Education and Sport. Deadline: 2008.

Ministry of Science, Education and Sport submitted to the Ombudsperson response from which it follows that the measures were not implemented because: *"according to the Strategy, Ministry of Science, Education and Sport is a co-carrier of these measures. Since there was no initiative by any of these co-carriers, the Ministry of Science, Education and Sport, in cooperation with the Agency for Upbringing and Education, undertook activities within its jurisdiction, in connection with the prevention domestic violence. Professional training of employees in the education system is carried out systematically and continuously. Please note that the Central Office Administration should be the holder of all the activities related to the training of the employees in bodies of public administration. Implementation of the professional training of organizations of civil society is also not the responsibility of the Ministry of Education and Sport. Regarding this, the Ministry cooperates systematically with organizations of civil society, co-financing projects and programs related to education of children and youth, as well as the professionals in education, against domestic violence. "*

**Measure 3. – To define positions in the State Budget in order to conduct activities for promotion of protection against family violence (activity in point 1).**

The main carrier: Ministry of Finance. Deadline: 2008

Ministry of Finance did not submit the information on the implementation of these measures

## **II. PSYCHOSOCIAL TREATMENT OF PERPETRATORS OF FAMILY VIOLENCE**

**Measure 1 – To determine a plan of development of the network of institutions and authorized natural persons for the implementation of psychosocial treatment of perpetrators of violence.** The main carrier: the Ministry of Justice. Deadline: 2008.

**The measure was implemented.** Ministry of Justice has submitted the following information on the indicators of implementation: Principles of network development and development plan of treatment centers were made in the three phases. In the first phase (2007 - 2008), in 14 major cities and county seats, in the second phase (2009 - 2010) county seats and another 13 cities, while in the third phase (2011) other places (about 20) which will enable the availability of the treatment for the perpetrators. Ministry of Justice in 2008. issued approval for the implementation of psychosocial treatment for perpetrators domestic violence outside of health facilities for the seven physical and legal persons, and with the same number signed a service contract for psychosocial treatment of perpetrators of domestic violence, outside the health institutions.

**Measure 2 – To ensure financial preconditions for the systematic implementation of treatment for perpetrators of family violence.** The main carrier: the Ministry of Justice. Deadline: 2008.

**The measure was implemented.** Ministry of Justice submitted has following information on the indicators of implementation: "During 2008. the difficulties have been identified in implementing the treatment of perpetrators of domestic violence who are serving their sentences in prison. Since there were no trained professionals to conduct psychosocial treatment in the system of the imprisonment, the activities were launched with the aim to train professionals for the work in these jobs. For the prisoners serving sentence for domestic violence based on Art.215a of the Criminal Code, some of the individual programs of sentence execution provide the inclusion in treatment in accordance with the diagnosed causes of domestic violence (eg, alcohol abuse, lack of social skills in resolving conflicts in the family, attainment of violent forms of conflict resolution, etc.). Ministry of Justice has issued seven permits for the conduct of the psychosocial treatment for the perpetrators domestic violence outside of health facilities in 2008, a public call was published in the Official Gazette no. 59/07. In November, 2008, the Ministry of Justice issued a public call for applications for the authorization of the implementation of psychosocial treatment for perpetrators of domestic violence outside the health institutions, public invitation was published in the Official Gazette no. 138/08., and a total of 27 individuals and corporations have applied. During 2008 special funds for the implementation of this measure were not spent, but were used for the regular activities - serving a prison sentence. Magistrates' Court in Zagreb has spent EUR 67276.99, Magistrates' Court in Rijeka EUR 83279.82; Magistrates Court in Zadar 5682.66 EUR (pilot courts for the implement of psychosocial treatment). "

Measure 3. - To train experts for the implementation of psychosocial treatment for perpetrators of domestic violence (activity in point 1.) The main carrie: the Ministry of Justice. Deadline: 2008.

The measure has been partially implemented. According to data submitted by the Ministry of Justice in 2008, there were no specialized training activities for professionals for the implementation of psychosocial treatment for perpetrators of domestic violence. However, in 2008. Administration of Penitentiary System in cooperation with the Dutch Embassy, conducted the project MATRA-MPAP involving the training of prison officers for the treatment and handling of perpetrators of criminal offenses with characteriscs of violence, which also include the perpetrators of domestic violence. In September, 2008. a plan of necessary funds was created, required for the training of professionals in the prison system of implementation of psychosocial treatment for perpetrators of domestic violence.

### **III. ANALYSIS AND IMPLEMENTATION OF THE LAW IN THE FIELD OF PROTECTION AGAINST FAMILY VIOLENCE**

**Measure 1 - To establish a task force for the analysis of the legislation of the Republic of Croatian in the field protection against family violence and for drafting a proposal of amendments to the relevant legislation and conduct of their implementation.** The main carrier: the Ministry of Justice. Deadline: 2008.

**The measure has been in the implementation phase.** The Ministry of Justice has submitted the information that the analysis of Croatian legislation in the field of protection of by

violence violence is being prepared in the Ministry of Family, War Veterans and Inter-Generational Solidarity.

**Measure 2 – To draft supplements to the analysis of compliancy of laws in force in the Republic of Croatia with fundamental international documents for elimination of family violence and to make a comparative analysis of good practices in other states, and collect statistical data** - Main Carrier: Ministry of Family, War Veterans and Inter-Generational Solidarity. Deadline: 2008.

**The measure has been implemented.** According to information on the indicators of the implementation, the Ministry of Family, War Veterans and Inter-Generational Solidarity has concluded an author's contract with prof. PhD. Ksenija Turković and PhD. Dubravka Simonovic in order to make *An Analysis of compliance of Croatian laws with fundamental international documents for the elimination of family violence*. Considering that this is a an extensive analysis, the Ministry has been submitted a draft, while the final version of the analysis is still in progress.

**Measure 5 - To propose a new Act on Protection against Family Violence and draft implementation regulations for the relevant Act.** The main carrier: the Ministry of Justice. Deadline: 2008.

**The measure has been implemented.** According to data submitted by the Ministry of Justice, a new draft proposal for the Law on Protection from Domestic Violence has been made, putting it under authority of the Ministry of Family, War Veterans and Inter-Generational Solidarity.

**Measure 7 – To draft amendments to the Act on Criminal Proceedings with the aim of protecting victims of family violence.** The main carrier: the Ministry of Justice. Deadline: 2008.

**The measure has been implemented.** The new Law on Criminal Procedure has been passed on December 15th, 2008. (OG 152/08). According to the information submitted by the Ministry of Justice, the new Criminal Procedure Code contains provisions for the protection from domestic violence, especially those concerning the examination of witnesses and protection of the rights of the victims and the injured. For the first time, the Croatian legal system introduces a victim as a participant with special rights in the proceedings. Chapter V regulates the rights of the victims. The victim has been conceptually defined in Art. 202. Para. 10., according to the definition of the victims in international law and international legal sources. The Act provides particular duties for bodies of the criminal procedure in the treatment of victims. The victim of a criminal offense, according to the Act, enjoys an indirect protection (eg as a threatened or vulnerable witness). The legal position of the victims has been differentiated. Regulated are the four (general) rights of each victim (Article 43., para. 1). Paragraph 3 of the same Article prescribes the duty to inform the victims about their rights.

**Measure 12 – To draft a proposal of the Act on the Compensation to Victims of Violent Crimes in accordance with the Convention of the Council of Europe on the Compensation of Victims of Violent Crimes.** The main carrier: the Ministry of Justice. Deadline: 2008.

**The measure has been implemented.** According to the information submitted by the Ministry of Justice, the Law on financial compensation to victims of criminal acts was passed on 2 July 2008. (OG 80/08), and shall come in effect upon the Croatian accession to the European Union.

The law regulates right to financial compensation for victims of criminal offences committed with intent, requirements and the procedure for exercising the right to compensation.

**Measure 17 – To draft a form for the standard methodology of reporting on the implementation of Rules of Procedure in Cases of Family Violence.** Main Carrier Ministry of Family, War Veterans and Inter-Generational Solidarity. Deadline: 2008.

**The measure has been in the implementation phase.** The Ministry of Family, War Veterans and Inter-Generational Solidarity has established a working group in 2008 to prepare a standard methodology of reporting on the implementation of the Rules of Procedure in Cases of Family Violence. As stated, given the time consumption of collecting of comments and suggestions of the bodies involved in making the form of a standard methodology of reporting on the implementation of the Rules of Procedure in Cases of Family Violence, the making of the form has been in progress.

#### **IV. SHELTERS AND SUPPORT FOR VICTIMS OF DOMESTIC VIOLENCE**

**Measure 1. – To draft an overview of legal acts and by-laws regarding housing issues of victims of family violence (activity in point 1, 2 and 3).** The main carrier: Ministry of Maritime Affairs, Tourism, Transport and Development. Deadline: 2008.

**Measure was not implemented.** The Ombudsperson sent an inquiry to the Ministry of Transport and Infrastructure regarding the implementation of the measure, and the said Ministry has forwarded the inquiry to the the Ministry of Agriculture, Forestry and Water Management. In a submitted reply the latter Ministry stated that there was no activity in the Administration for the Special State Care.

**Measure 2 – To create preconditions for systematic and continuous dealing with the needs of housing, legal and institutional protection of victims of family violence (activity in point 1, 2 and 3).** The main carrier: Ministry of Health and Social Care. Deadline: 2008.

**The measure has been implemented.** Ministry Of Health Care And Social Welfare has submitted the following information: During 2008, Ministry Of Health Care And Social Welfare has allocated an amount of 3.055.582,00 kn for the housing of the children and adult victims of domestic violence in homes for children and adults - victims of domestic violence,

and in other legal entities engaged in activities of social care for children and adult victims of domestic violence. 11.572,92 kn was spent for promotion and informing in the field of the domestic violence. By the Decision on distribution of revenue from lottery in 2008. for financial support to projects of NGOs dealing with social and humanitarian activities, 6 grants were approved for a project to protect victims of domestic violence, in a total amount of 428,972.00 kn. A representative from the Ministry Health Care and Social Welfare has participated as a member of the Working Group of the Ministry of Justice for making of the Draft Law on Protection against Domestic Violence.

**Measure 4 – To make an overview of existing legal and sub-legal regulations in the area of health insurance and health protection in relation to victims of family violence.** The main carrier: Ministry of Health and Welfare. Deadline: 2008.

**The measure has been implemented.** The Ministry of Health and Social Care created an index of legal and subordinate regulations in the field of health insurance and health care. In accordance with the new regulations and amendments thereof, for all the persons insured by Croatian Health Insurance Office, the same scope of rights and the manner in which they can be insured has been determined. It also noted that the right to receive additional insurance premiums from the State budget is, among others, also exercised by the unemployed persons, persons who have been recognized as a military or civilian war invalids, beneficiaries of the family disability benefits, and persons who are incapable of independent life and work and have no means of support.

**Measure 5 - To plan and program the employment of victims of family violence (activity in point 1 and 2).** The main carrier: Croatian Employment Office. Deadline: 2008.

**The measure has been implemented.** However, Croatian Employment Office has outlined the problems associated with the implementation of this measure. Namely, as stated in their response to the Ombudsperson, the implementation of the activity has been made extremely difficult by the fact that the informations on victims of domestic violence are confidential, and the unemployed person does not have to give it to the employment counselor who can include the person in the given program only on the basis of transparent documentation or statements of the unemployed. Only the information of the persons who agree to reveal their status can be presented to the employer, with the aim of employing victims of domestic violence, and the victims often do not agree to the above, considering it to be an additional stigmatization. The approach and course of action in dealing with the target group from the moment of identification to the successful work and social integration is insufficiently developed. Croatian Employment Office has also submitted the following information: Through the implementation of the Annual Employment Promotion Plan for 2008, 6 unemployed victims of domestic violence have been employed, and 2 persons were employed outside of these measures. The representatives of the Croatian Employment Office have participated within the framework of their activities in workshops, conferences and round tables, where they have presented their activities.



**Measure 6 – To encourage employers to employ victims of family violence (activity in point 2).** The main carrier: Croatian Employment Office. Deadline: 2008.

**The measure has been implemented.** Croatian Employment Office has submitted the following information: In March and April 2008, in all regional offices (22) and local offices (95), all partners and employers were introduced to the Annual Plan for Employment for 2008. The measures of the Annual Employment Promotion Plan for 2008. were presented at 270 different presentations and conferences, and 50 000 different informational materials have been printed, distributed and also published on the website of the Croatian Employment Service [www.hzz.hr](http://www.hzz.hr). In 2008, the employment mediation advisors from all regional offices of the CEO, conducted a total of 17 519 visits to the employers with the aim of presenting the activities of the CEO.

**Measure 7- To plan and implement the program for further education of adult victims of family violence (activity in point 1).** The main carrier: the Ministry of Science, Education and Sports. Deadline: 2008.

**Measure 8 – To create conditions for inclusion of children victims of family violence into kindergartens and pre-school, elementary primary and secondary education (activity in point 1).** The main carrier: the Ministry of Science, Education and Sports. Deadline: 2008.

**The measures have been partially implemented.** With regard to Measure 7 and 8, Ministry of Science, Education and Sports submitted to the Ombudsperson the response, stating that there are various programs for training and/or retraining of adults, but there are no programs designed only for victims of violence, especially for children and young people for whom this ministry is responsible. In accordance with Article 3 of the Law on Preschool Education (The Official Gazette 10/97 and 107/07) the preschool education is organized and conducted for children from age six months to school age, and is being implemented in accordance with the developmental characteristics and needs of the children as well as the social, cultural, religious and other needs. All the children of early and preschool age as well as the primary and secondary school age have equal rights to participate in the programs of education, regardless of place of residence and other benefits. Consequently, the children and young people, the victims of violence, including domestic violence, are included in all levels of education under the same conditions as other the children and young people. Moreover, those cases have been favored, so that the children and young people are provided not only with the educational, but also the professional assistance. In such cases, the educational institutions connect with the social welfare centers and together find the best solutions for each individual case.

## **V. IMPROVEMENT OF THE STATUS OF VICTIMS IN PROCEEDINGS IN WHICH THEY PARTICIPATE**

**Measure 2-** Specify the main carrier of creation of the policy of providing support to victims/witnesses of domestic violence, who would also oversee the implementation of policies to protect the rights of victims of domestic violence. The main carrier: Office of Human Rights of the Croatian Government. Deadline: 2008.

**Measure has been implemented.** The Office of Human Rights of the Croatian Government in its reply stated as follows: After several consultative meetings with other carriers of the measures, it was suggested that, within the already established Commission for improving the protection of domestic violence, a working group should be formed, composed of the representatives of institutions that are carriers of the implementation of these measures. In order to improve the position of victims/witnesses of domestic violence, Human Rights Office has actively participated in numerous professional working groups related to the preparation of proposal of new legislative solutions.

**Measure 3.- Conduct an analysis of international documents, good practices in other countries and the Croatian legislation dealing with the protection of the rights of victims/witnesses and providing support to victims/witnesses and also prepare proposals for the amendment to or adoption of new regulations, taking into account the needs of victims of domestic violence.** The main carrier: the Ministry of Justice. Deadline: 2008.

**Measure has been implemented.** Ministry of Justice has submitted the information that new Criminal Procedure Act has been passed (The Official Gazette 152/08), containing provisions aimed at protecting against domestic violence (see more about the measure under the Act No. 7 of program areas / heads / III.) Furthermore, the Law on Amendments to the Law on Courts (Official Gazette No. 113/08) prescribes that the county courts, within the court administration, may establish Department for providing support to victims and witnesses in judicial proceedings. The above regulation comes into effect on November 1st, 2009.

Regarding the implementation of the National Strategy for Protection Against Domestic Violence, the Ombudsperson considers it positive that a large number of measures with the implementation deadline in 2008 have been implemented.

### **2.5. Rules of Procedure in Cases of Family Violence**

#### **INTRODUCTION**

The Croatian Government, at its session of September 15th 2005. adopted the Rules of Procedure in Cases of Family Violence<sup>16</sup> whose purpose is to provide conditions for effective and complete operation of the competent authorities in order to improve protection and assistance to victims of domestic violence as well as to assist the offenders in changing their

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<sup>16</sup> On September 7th, the amendments to the Protocol were adopted.

behavior, ie change their value system with the aim of non-violent conflict resolution and the respect for gender equality. The Rules of Procedure in Cases of Family Violence also contains the obligations of competent authorities<sup>17</sup> and other factors<sup>18</sup> involved in detecting and preventing violence and providing assistance and protection to persons exposed to domestic violence.

Regarding the forms, methods and areas of cooperation between these bodies and factors, the Rules of Procedure in Cases of Family Violence, among other things, determines:

1. Establishing cooperation and information exchange with local and district (regional) governments, ie coordinators for gender equality in government offices and the committees for gender equality in the counties and non-governmental organizations with programs intended for protection of victims of violence and recognition of their rights, in order to exchange experiences and establishing good practices;

2. Holding of regular meetings of representatives of the competent authorities in local and regional (regional) governments, ie coordinators for gender equality in government offices, the committees for gender equality in the counties and representatives of nongovernmental organizations with programs aimed at protecting victims of violence and recognition of their rights related to **the issues of individual cases of domestic violence and achievements in addressing the problem of domestic violence;**

3. That, based on the data collected from the competent authorities and NGOs dealing with programs intended for protecting victims of violence and recognition of their rights, the coordinators for gender equality in government offices will prepare reports on domestic violence and submit them 2-3 times annually to, among others, the Ombudsperson for Gender Equality and the Office for Gender Equality of the Croatian Government.

4. Establishing cooperation with other factors who could help in a particular case , for example with non-governmental organizations, religious groups, family counseling centers, and experts dealing with issues of domestic violence.

## **IMPLEMENTATION OF THE Rules of Procedure in Cases of Family Violence**

In order to monitor the implementation of the above mentioned provisions of the Rules of Procedure in Cases of Family Violence, the Ombudsperson sent inquiries to all the coordinators in State Administration Offices by counties (20 in total), and all county committees for gender equality as well as to the Commission for Gender Equality of the City of Zagreb (21 in total), requesting the information on the implementation of the Rules of

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<sup>17</sup> The competent authorities are: a) police, b) social care centers, c) medical facilities, d) educational institutions and e) the judicial authorities.

<sup>18</sup> Among the factors involved in detecting and preventing violence and providing assistance and protection to persons exposed to domestic violence, the Protocol lists the local and district (regional) governments and nongovernmental organizations, religious groups, family counseling centers, and experts in dealing with issues of domestic violence.

Procedure in Cases of Family Violence, particularly regarding the forms, methods and areas of cooperation of the competent authorities.

From the responses submitted by the coordinators for gender equality follows :

Although most of the coordinators participate regularly in the work of the commissions for gender equality, usually as members, some coordinators state that they can not participate in these sessions because they have not yet been appointed to the commission for gender equality (although it is not a condition to be called to a committee meeting, on the contrary, under the obligations of the Rules of Procedure in Cases of Family Violence, they should participate in some activities of the committees, regardless of the appointment), or because they have not been invited.

Regarding the cooperation of all bodies and other factors in the implementation of the Rules of Procedure in Cases of Family Violence, the Ombudsperson believes that there has not yet been established a satisfactory co-operation, as well as the mutual exchange of relevant data, and some coordinators did not even know who the other factors involved in the implementation of the Rules of Procedure in Cases of Family Violence were.

Some coordinators emphasize the lack of support in their work, and some obviously do not even know their obligations under the Rules of Procedure in Cases of Family Violence.

Furthermore, the meetings of the commissions for gender equality or other meetings of the competent bodies generally do not discuss the individual cases of domestic violence (except that some of them have discussed the accommodation of the victim in a shelter for women victims of violence and helping the victims of violence after they leave the shelter) or the achievements in addressing domestic violence, the obligation which was placed in the Rules of Procedure in Cases of Family Violence on purpose.

Namely, the individual cases of particularly severe domestic violence, which occur in a particular community, should be an alarm to that community, especially to the competent authorities, making them consider the situation regarding the domestic violence in their midst. Without consideration of domestic violence in a social context, there is no effective prevention of domestic violence at the local level. Besides, the failure to report on achievements prevents the monitoring of progress in the battle against domestic violence.

## **PREPARATION AND SUBMISSION OF REPORTS RELATED TO DOMESTIC VIOLENCE**

The coordinators for gender equality in government offices are required to prepare reports on domestic violence 2-3 times annually, and submit them, among others, to the Ombudsperson for Gender Equality and the Office for Gender Equality of the Croatian Government.

**In 2008, only three coordinators in government offices have submitted the said report for the first half of 2008, on their own initiative, to the Ombudsperson for Gender Equality: from Karlovačka, Brodsko-posavska and Požeško-slavonska county.**

The others responded only to the inquiries from the Office of the Ombudsman and submitted reports for the previous year, but even then not all of them<sup>19</sup>. Many of them have not created a single report since the Rules of Procedure in Cases of Family Violence has been in effect.

After examining all the submitted reports it is evident that:

The reported data is mainly collected from the police, social welfare centers and municipal state attorney's office, and rarely from secondary schools, gender equality commissions, courts and medical institutions.

The submitted data is, as in the previous years, inconsistent and not standardized. Namely, each of the the coordinators, at their discretion, collects the information only from certain, but not all, competent bodies and factors. The data differs significantly, depending on the bodies that are submitting them, because those bodies are in position to create the data themselves, also deciding which data to submit, thus making them unsuitable for comparison and not a proper benchmark of progress regarding the prevention of and protection from domestic violence. Only the reports of a few coordinators are extensive and meaningful including the coordinators' own analysis of the situation with regard to domestic violence. Since the Office of the Ombudsperson has already noted the problem, it was suggested that National Strategy for Protection from Domestic Violence for the period from 2008. until 2010. (OG 126/07) should include a measure called "Develop a model of standard reporting on the implementation of the Rules of Procedure in Cases of Family Violence", which has been accepted. The Ministry of Family, War Veterans and Inter-Generational Solidarity, as the main proponent of the implementation of this measure, founded in 2008 the Working group for preparation of a standard methodology of reporting on the implementation of the Rules of Procedure in Cases of Family Violence.

The Ombudsperson has appointed a senior expert consultant Branko Borota in the Working group as the Office representative.

Reporting on the domestic violence by the methodology that is under development will significantly contribute to determining the situation on the local level.

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<sup>19</sup> It is obligatory to report two or three times a year.

According to the Gender Equality Law, the coordinators for gender equality in public administration, apart from the above reports, must also monitor the implementation of the Law and the National Policy for the Promotion of Gender equality, cooperate with the Office for Gender Equality and prepare the reports on the implementation of the National Policy for the Promotion of Gender equality that the state administration bodies submit to the Office for Gender Equality of the Croatian Government twice a year.

Since these are serious, legal obligations, the Ombudsperson still believes that the coordinators of gender equality, civil servants, should receive a compensation for this work, because it is not in their job description.<sup>20</sup> The new methodology of reporting will require even greater commitment, which further justifies the payment of fees.

## THE REPORTS FROM THE COMMISSIONS FOR GENDER EQUALITY

According to the reports submitted to the Ombudsperson by county commissions for gender equality and Commission for gender equality of the City of Zagreb, there are many activities shared with many or all of the the committees, namely:

-establishment of the cooperation and data exchange with the factors involved in protection of the victims of violence (eg, centers for social welfare, the police, family centers, municipal county health and social welfare departments, NGOs, etc.) in their county, and especially with the coordinators for gender equality in government offices who often attend committees' meetings;

- organization of round tables and panel discussions, educational lectures and seminars;
- participation in radio and television programs related to domestic violence issues;
- annotation of important dates and anniversaries relating to human rights and gender equality;
- making of the work and activities program;
- cooperation with the NGOs from their counties acting according to programs intended for protection of women and victims domestic violence.

The particular commissions:

- initiated the strategic document for the protection from domestic violence. Thus, the Zagreb City Assembly, on July 15th, 2008. adopted Zagreb strategy of uniform policy for protection against domestic violence in the period from 2008. until 2010.;

- submitted to the competent ministries proposals and petitions with the aim of improving the situation of victims of violence, as well as implementing the appropriate treatment for perpetrators of domestic violence;

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<sup>20</sup> One coordinator states the following in her memo: „Regarding the meetings with the relevant factors ... in 2008. meetings were not held due to my commitments in state administration offices.“

- discussed at the meetings the need for the establishment and funding of shelters for women victims of violence in the counties where the "safe houses" have not been established yet;

A higher police effectiveness has been noted, and among problems other than taking care of victims of domestic violence and the need for psychosocial treatment of perpetrators of violence, the commission state a small possibility of employing victims of domestic violence and alcoholism.

In addition to the typical data above, some of the activities and problems of individual county commissions for gender equality can be distinguished:

- **The Commission for gender equality of Krapinsko-zagorska county** states that some members have continuously ignored the invitations to the meetings, and so the commission has conducted a only a few activities namely: marking of May 14th, International Family Day, with the emphasis on topic "How to preserve the healthy family, " marking of December 10th, International Human Rights Day with a public forum "Respect for all human rights. " They emphasize collaboration with the the Family Center.

- **The Commission for gender equality of Karlovačka county** states they have discussed the implementation of National policy to promote gender equality for period 2006 -2010, as well as the report on the employment of women in their county. They have also considered the financing of the shelters for women victims of violence.

- **The Commission for gender equality of Varaždinska county** states they have established a good cooperation with the Home for victims of domestic violence „Utočište Sveti Nikola“, with the Solidarity foundation of the city of Varaždin as well as the Community of associations of persons with disabilities of Croatia, which resulted in the activities of the Commission and the police administration for help in establishing an SOS phone and purchasing a gynecological table for women with disabilities.

On the International Day of Combat Against Violence Over Women, with the release of the newsletter "Together against violence", the county campaign against violence over women has been completed.

- **The Commission for gender equality of Koprivničko-križevačka county** states that 2008. was the first year of their activity. They were involved in the founding of a Safe house. In order to raise the public's attention in the cities in the county they have provided a survey support for the idea called "Support the idea of the Safe house. "

They point to the good cooperation with the Department of Health and Social Care of their county as well as the Family center.

- **The Commission for gender equality of Primorsko-goranska county** lists numerous and very diverse activities, including starting of work of the Department for Suppression of Violence, and press conferences. On October 20th, 2008. the conference of all

commissions/committees for gender equality in the area of Primorje-Gorski Kotar was held in the presence of the Ombudsperson and Head of the Government Office for Gender Equality, Helena Stimac Radin, and in December 2008, the website of the Commission was designed. They report that, in their county, 12 city and 12 municipal commissions for gender equality were established.

- **The Commission for gender equality of Ličko-senjska county** states the cooperation, among others, with kindergartens. As the commission has not had a single reported case of domestic violence by the competent institutions, the the state administration office or nongovernmental organizations, nor were there any individual problematic cases of domestic violence that the competent institution could not solve themselves, the ongoing meetings were not maintained.

- **The Commission for gender equality of Virovitičko-podravska county** points out that they maintain the thematic meetings with the police administration of Virovitica-Podravina with the participation of representatives of city commissions, and as an example of the cooperation they emphasize S.O.S. phone organization. Twice a year, they have coordination meetings with city committees in order to present their individual cases and local issues. They warn of a large number of of violence recurrences, alcoholism and low employment opportunities for the victims of domestic violence, problems related to psychosocial treatment of violence perpetrators, but they consider their achievement the increased sensitivity of the units of local government on issues related to domestic violence.

- **The Commission for gender equality of Požeško-slavonska county** states that in January, which they declared the "Gender Equality Month ", they had organized the cooperation with police authorities, the Centre for Social care, Department of Public Health, and the civil association "Butterfly" from Pakrac. There were no regular exchange of specific data.

- **The Commission for gender equality of Požeško-slavonska county** states the cooperation with the town committees of Slavonski Brod and Nova Gradiška. In this committee they also emphasize that they are involving the media in all their actions: radio, local television and print. On some individual cases of domestic violence they learn from the media, they advertise themselves in their press releases. They report that the project "Safe House" is being realized with the Commission for Gender Equality of Slavonski Brod and the NGO "Women's Boat", and that the construction works have been completed.

- **The Commission for gender equality of Zadarska county** states that have established the cooperation with the Zadar county and units of local government, and non-governmental organization "Rainbow". With all the factors, the bi-monthly meetings are held, and even more frequently, if necessary. The most frequently discussed problems were those concerning individual cases of accommodation of victims of domestic violence in a safe house, and assistance to victims of violence after they leave the shelter.

- **The Commission for gender equality of Osječko-baranjska county** states good cooperation with units of local government, while they assess as insufficient the cooperation



with the Commission of the City of Osijek. They believe that the Rules of Procedure in Cases of Family Violence is implemented appropriately in respect to all the relevant factors.

- **The Commission for gender equality of Šibensko-kninska county** states that, in the case of individual cases of violence, they contact the Municipal State Attorney's office in Sibenik, a Juvenile judge and the Centre for Social care. A person exposed to violence is given guidance on how to protect his/hers integrity, or who to contact in case of violence,. They also organize lectures on the topic domestic violence.

- **The Commission for gender equality of Vukovarsko-srijemska county** in an extensive report states that they have established the cooperation with the commissions of cities Ilok and Vinkovci, and the Association of women Vukovar and that this cooperation is reflected in the joint work on implementing the projects, the exchange of statistical data (S.O.S. phone, providing free legal assistance, etc.) jointly organized workshops etc.

The Commission has received recognition for their Campaign to combat domestic violence against women from the Ministry of Family, War Veterans and Inter-generational Solidarity, and in cooperation with the organization B.a.b.e. from Zagreb, they have opened the Shelter for women and children victims of domestic violence, in July 2008.

- **The Commission for gender equality of Splitsko-dalmatinska county** states that they maintain two meetings a year with all the relevant bodies and factors, one of those meetings being organized by the Croatian Association of Social Workers of Splitsko-dalmatinska County. The conclusion of the meeting held on May 19th, 2008. is their request to adopt a national strategy for combating alcoholism, a conclusion that has been sent to the Ministry of Health and social welfare and the Ministry of Family, War Veterans and Inter-generational Solidarity. The Commission had organized a roundtable entitled "The role of county commissions for gender equality" in which, along with the Commission members, police, NGOs and community representatives, there participated Community of women Katarina Zrinski, Croatian Association of Social Workers, Clinic for Rehabilitation of Persons with Disabilities, Clinical and Hospital Center Split, Split Faculty of Law, the House for education Split and Family Center Split.

On the this round table "The role of county commissions for gender equality, " the following conclusions were stated: it is necessary to establish a crisis team to act in cases of domestic violence, at all levels of treatment, according to the Rules of Procedure in Cases of Family Violence, there is a lack of skilled personnel; the course from the misdemeanor procedure to the criminal procedure takes too long, thus increasing the possibility of recurrence; it is necessary to establish better communication and better coordinate actions of all the participants in proceedings according to the Rules of Procedure in Cases of Family Violence.

- **The Commission for gender equality of Dubrovačko-neretvanska county** states that the cooperation with the Association Phoenix from Dubrovnik has been established, and that the problem of length of proceedings before the judicial authorities (magistrate and municipal courts) has been noticed as well as the reluctance of imposing safeguard measures under the

Law on Protection from Violence in the Family, especially the measures of compulsory psychosocial treatment. They also believe that the Ministry of Justice should initiate a discussion about this problem, conduct the training of judges and encourage the imposition of protective measures which, even without the imposition of fines, can act adequately to the perpetrators. In the period 2007 - 2008 the City of Dubrovnik collected substantial funds for the construction and equipment for the shelters for victims domestic violence, which should be realized in 2009.

- **The Commission for gender equality of Međimurska county** states a good cooperation with the Međimurska County, the Society for Psychological Assistance, city and municipal committees, the Municipal and the County court in Čakovec, health and educational institutions. At the initiative of the Commission, the Home for victims of domestic violence for Međimurje County, "Safe House" has been established. With regard to individual cases of domestic violence, the meetings with the Centre for Social care were held. At the roundtable about the domestic violence, some domestic violence victims described their problem. A problem has been noticed in the lack of training of judicial and police staff to work with victims of violence.

- **The Commission for gender equality of the City of Zagreb** states that the City Assembly of Zagreb, on July 15th, 2008., adopted a strategic document entitled Zagreb Strategy of a uniform policy for protection against domestic violence in the period from 2008. to 2010. On November 20th, 2008, Zagreb City Council has adopted the Plan for Implementation of Zagreb Strategy of a uniform policy for protection against domestic violence in the period from 2008. to 2010 which contains 13 concrete measures or activities, with the carriers, set deadlines and indicators of implementation as well as the necessary fundings. Also, the Zagreb City Council established the Commission for protection from the violence.

### **Conclusion:**

Although the Commissions for Gender Equality were answering our questions about the implementation of the Rules of Procedure in Cases of Family Violence, in their reports they actually presented all of their activities during 2008. Analyzing all the reports one comes to the conclusion that several committees have been very active and engaged about the various topics essential for gender equality issues, while others were focused exclusively on issues of domestic violence. Some of the Commission have negligible activity due to the lack of support from the unit of local government in which they operate or because of possible lack of interest of the presidents of commissions, which is not openly expressed, but a way of answering the questions together with the apparent inactivity of those Commission clearly indicate the possibility that this assumption of the Ombudsman has grounds. Also, some of those Commission have developed a very meaningful cooperation with the various bodies, NGOs, experts and institutions as well as the media, while the others seem to exist only formally. Therefore, the Ombudsman finds it necessary to arrange meetings in 2009. , primarily with those committees whose activity she evaluates as purely formal and insufficient, even though she will still respond to the invitations of those commissions for

gender equality that systematically organize very well-attended round tables and discussions relevant to issues of gender equality.

## **2.6. PSYCHOSOCIAL TREATMENT OF PERPETRATORS OF DOMESTIC VIOLENCE**

From the data collected by the Society for Psychological Assistance from Zagreb, on the implementation of the treatment for the period from June 1st, 2008. to December 31th, 2008., submitted by mr. sc. Dragan Jusupović, Secretary the Society, it follows that:

In the reporting period, the misdemeanor courts from Zagreb, Sesvete, Vrbovac, Samobor, Sv. Ivan Zelina, the District State Attorney from Zagreb and Municipal Court from Zapresic, sent a total of 72 clients (56 men and 16 of women) a into the treatment, or by the courts:

PS Zagreb:	34
PS Sesvete:	22
PS Vrbovec:	6
PS Samobor:	5
PS Sv. Ivan Zelina:	1
ODO Zagreb:	3
OS Zaprešić:	1

From the clients sent, one has in the meantime died, and from the other 71:

Not reported for the treatment:	13
Not accepted:	18
Refused treatment:	3
In process of evaluation:	16
In treatment:	21

The reasons for not admitting a person into treatment are existence of contraindications to successful implementation of the treatment (alcoholism or other addiction and mental illness) – 14 clients, and in 4 cases, the imposed protection measure was shorter from the duration of the treatment. The treatment duration (including the reporting time and assessment procedure) is 6 months, and clients with the imposed protection measure of less than 6 months can not be received. On clients who refused to report, did not report or were not admitted, a report was submitted to the relevant courts. With all clients involved in the treatment a prior assessment was conducted. 16 clients have been included in a group treatment while the individual treatment is performed with others. A treatment work with the first group began on October 22nd, 2008 and with another group on January 19th, 2009. The results of the treatment are regularly reported to the courts that sent the perpetrators into the treatment.

In May 2008, Society for Psychological Assistance signed the contract with Ministry of Justice for services of psychosocial treatment for perpetrators of domestic violence outside the health institutions.

Last year, the Ministry of Justice has ensured 300 000 € for misdemeanor courts to cover the costs the treatment.

Over the past year, the Society for Psychological Assistance conducted two rounds of training of professionals for the implementation of psychosocial treatment. The total of 61 experts from all of the Croatia were trained. Support in the financing of the training of the Society was provided by the Ministry of Family, War Veterans and Intergenerational Solidarity in the amount of EUR 57 000 ( covering about 15% of the cost of education).

Ministry of Family, War Veterans and Intergenerational Solidarity provided the support in the financing of this training by the Society in the amount of EUR 57 000 ( covering about 15% of the cost of the education). The rest, or most of the expenses, were covered by the participants themselves or their educational institutions (social welfare centers, family centers, city or county authorities, medical facilities, etc.). But the number of trained professionals is not sufficient to cover the needs for treatment on the State level. It is estimated that about 60 more professionals should be educated.

In November 2008 the Ministry of Justice has released the second public call for applications for approval of the implementation of psychosocial treatment, that was open until December 31th, 2008. However, the biggest problem faced by those who have completed training and want to start treatment work is problem to ensure the appropriate space (room for individual and group work, waiting room and separate toilet) that must meet a minimum of technical and sanitary-hygienic conditions. Without the help of the cities or counties, this problem will not be solved.

Within the Ministry of Justice there also operates the Expert Commission for the implementation of psychosocial treatment for the perpetrators of domestic violence.

#### **Working visit to Osječko-Baranjska county on the occasion of International Day Against Violence Against Women - visit to the shelter for women victims of domestic violence**

November 24th and 25th 2008 the Ombudsperson visited Osječko-Baranjska County on the occasion of International Day Against Violence Against Women. On that occasion, among other things, she personally spoke with the women users of Shelter for victims of domestic violence in the Osijek (hereinafter: Shelters) who informed her with their problems. Also, the Shelter employees informed her with the Shelter activities, especially with current statistical data.

The shelter began working in 2000. It provides care for women and children who are exposed to domestic violence. From July 1st, 2000 to December 31st, 2007, more than 700 children and women victims of domestic violence from all the parts of the Croatia were taken care of. It is evident from the data on occupancy of Shelters that the number of the users has constantly been increasing (2000 - 7 users, 2007 - 68 users). Apart from beneficiaries from Osječko-Baranjska County, since 2003 the Shelter accepted women from other counties. In 2007, a total of 156 persons had resided in the shelter, as follows: 68 women and 88 children (57 of preschool age and 21 of school age).

The largest number of users still come from Osječko-baranjska (42 or 28.85%) and Vukovarsko-srijemska counties (62 or 39.74%). Compared to 2006 there is a noticeable increase in users from Vukovarsko-srijemska county. The largest number of adult users, namely 64.60% of them, has no qualifications, 33.25% have completed a secondary education mainly in food, textile and trade profession, while there were only 2 or 3 women, i.e. 3.94%, with college or university education.

It has also been pointed out that users of the Shelter, regardless of their education degree, are mainly unemployed. Of the total number of users, 64 or 94.12% were unemployed during the accommodation in a shelter, and only 4 users had jobs. The employees of the Shelter emphasize 14 women have found employment, acquiring thus the conditions for independent living.

The condition for placement in a shelter is violence by a partner or a family member - physical, psychological, economic, social or sexual. Women who come to the Shelter most frequently state the physical or psychological abuse, or both as reasons for coming. Apart from that they mention problems associated with PTSD, drugs and alcohol as a phenomenon most commonly associated with domestic violence and the abuser. Only alcoholism occurs in around 67.32% cases.

In 2007, the largest number of users, 77.56% of them, resided with children in the shelter up to 3 months. Also, most of them requested the Shelter accommodation only once; only 4 of them, or 2.56% came to the Shelter twice.

According to data from the Shelter, the length of residence in the shelter of women with children is individual and depends on the time they need to solve their problems which are primarily related to the material existence.

Out of the total number of women (68) who were residing in the shelter in 2007, 26 of them with 31 children (36.54%) have returned to the primary family. 22 women (32.35%) became independent, and organized their lives by renting a flat, finding employment and the like. Also, 5 women with nine children were forced to go to another shelter for safety reasons, while others have resolved their situation otherwise (family, social welfare institutions).

As a special problem in the work of the Shelter they state the lack of professional work with the abusers. In addition to the work on the empowerment and strengthening of the victims, as

well as providing assistance in the termination of a violent relationship, it was also proved necessary to implement the therapy programs for the violent partners.

In the shelter they emphasize that they are constantly full and therefore not able to meet all the requirements of the centers for social care and the police for the accommodation, and in 39 cases of the abused persons the accommodation had to be rejected.

### **3.1. PARENTAL CARE**

**CASE SUMMARY (P PRS-03-01/08-02):** The complainant M.B. from P. submitted a complaint to the Ombudsperson for infringement of the principle of gender equality in the exercise of parental care, stating that by the court decision she was forbidden to meet and socialize with her underage children. She claims that during the marriage she was exposed to many years of domestic violence by her ex-husband, the situation with which she had acquainted the professional staff of a competent Centre for Social care. Apart from her, the victims and witnesses of violence are their minor children, who, she alleges, have an extremely negative attitude towards her while the relevant institutions do not do enough to assist her and the minor children. The complainant states that the former husband avoids partner and family therapy defined by a court decision without any consequences, and as a result it is not possible to help the minor children to establish the relationship with her. Besides, the complainant states that she had reported the domestic violence to the police in April 2004, and that she was not satisfied by their treatment because she was not informed of their particular actions.

**MEASURES TAKEN AND OUTCOME:** After examining the reports and documents issued by the competent Center, and the report of the Police Directorate, the Ombudsperson found that, in this case, the discrimination based on sex or the violation of the principle of gender equality did not occur. Namely, with regard to violence against the complainant by her ex-husband, the police have taken all the actions and measures stipulated by the Rules of Procedure in Cases of Family Violence, of which the Ombudsperson has notified the complainant. From the report and submitted documentation of the Center follows that the competent municipal court has rendered a decision prohibiting the complainant to meet and socialize with the children and ordered the implementation of partner and family therapy at the Clinic of Psychological Medicine. From the documentation it is also evident that the Centre proposed to the competent court to ban the ex-husband the meetings and socializing with the minor children, to determine the complainant meetings and socializing with the minor children, and that the Centre has repeatedly warned and informed the competent municipal court of the conduct of her ex-husband and his non-cooperation with the Centre. Also, the Center has asked the Clinic of Psychological Medicine on two occasions, October 15th, 2007. and May 5th, 2008., to inform them if the ex husband has initiated the implementation of partner and family therapy as directed by a competent court, but the Department of Psychological Medicine did not respond to their inquiries. Therefore, the Ombudsperson **suggested** to the Center to address the relevant Ministry of Health and Social Care, which under its authority has the possibility of taking measures towards the said health institution. In addition, bearing in mind that the complainant is still not able to establish

contacts with her minor children, the Ombudsperson made a **recommendation** to the Centre to take measures and actions in accordance with its powers that would enable the complainant to establish contact with the children as soon as possible, and asked for a written report of their actions and measures taken. After this intervention, the Center informed the Ombudsman that, in accordance with her suggestion they have requested assistance from the competent Ministry of Health and Social Care, and have sent, in accordance with the recommendation of the Ombudsperson, a report to the new competent local Center requesting that the measures of legal family protection be taken, considering that ex husband with minor children has moved and is living under the jurisdiction of the new local Center. After that, the new local competent Center notified the Ombudsman which actions and measures have been taken. The Clinic of Psychological Medicine was asked again to inform them if the ex husband has initiated the implementation of partner and family therapy, defined by the court decision, and because of the lack of the co-operation by the Clinic they turned to the relevant Ministry of Health and Social Care. Four official calls were sent to the ex husband, and since they were returned with the note of non-delivery, two field surveys of residence were carried out, but the ex husband and minor children were not found at that address, so the verification of the address was requested from the Ministry of Interior. The police has notified her ex-husband he was sought by the Center, but even then he did not respond to the call. The complainant was informed about the possibility of realization of her rights through court, considering that obligations of family and partner therapy was defined by court decision.

**CASE SUMMARY (PRS-03-01/08-17):** M.K. from Z. submitted a complaint to the Ombudsperson stating that he was discriminated against by the relevant Center for Social Care. He points out that an employee of the Centre has never, during his personal visits to the Center, made a record of all of his verbal statements relevant to the realization of his right to an unobstructed meeting and socializing with their his child who lives with the mother, according to decision of the Court. The complainant claims that his ex-wife prevents the unobstructed meetings and socializing with the child, which influences the child's negative attitude towards him. He also states that, during his appeals for help, the employees of the Center do not make any notes, not taking into account that the complainant states facts which are very important for solving a specific case before the same body.

**MEASURES TAKEN:** After examining the report by the Center for Social Care and insight into the available documents, the Ombudsperson gave **warning** to the Centre that in this case they did not act in accordance with the Law on General Administrative Procedure and have not compiled a record of verbal statements made by the complainant, relating to the impossibility of realization of his meetings and socializing with the minor child who lives with the mother, as well as the reasons for this inability. The Ombudsperson based her attitude on the fact that, in this specific case, the verbal statements by the complainant were important in the realization of his right to an unobstructed meetings with the child, while the Center has composed only official notes by a psychologist, regarding the complainant's and his ex wife's visits to the center, without personal statements by the complainant. In addition, from the psychologist notes of a conducted interview with the parents of May 27th, 2008. it is evident that professional staff of the Center wrote only what child's mother had said about the complainant's meeting and socializing with the child, but not the allegations of the complainant's, who is the father of the child. In her warning, the Ombudsperson emphasizes

that the absence of the records with registered verbal statements from the both parents, important for resolving the issues of the exercise of the rights of the complainant to unobstructed meetings and socializing with the minor child, with some parties may create an impression of unequal treatment by the competent authority to one of them based on their gender.

The Ombudsperson, under her authority, gave a **recommendation** to the competent Center to register in their records the statements of the parties that are relevant to the exercise of their rights in the future intervening under their competence, in accordance with the Law on Administrative Procedure, and to take care of the principle of gender equality during procedures within their jurisdiction.

**CASE SUMMARY (PRS-03-01/08-35):** The complainant R.J. from G.S. submitted to the Ombudsperson a complaint stating that the competent Social Care Centre treated him unequally with respect to his wife in the process of mediation before divorce. He states that the employees of the Center sided with his wife, who lied about the situation in their family, and unjustifiably accused him of physical abuse, and that employees of the Center did not verify the veracity of such allegations.

**MEASURES TAKEN:** The insight into a number of official notes of the Centre did not confirm an unequal treatment of the complainant as a man in the relation to his wife, considering that the official notes contained only what the complainant and his wife have quoted as reasons for the inability to establish normal communication between spouses and other circumstances which caused the inability of spouses coexistence. Moreover, there is no record that the complainant's wife mentioned a physical abuse in any of the official notes or the report by the competent Center. Members of the expert team who conducted the mediation proceedings are also not aware that she gave such a statement.

**OUTCOME:** After reviewing reports and documents of the Center for Social Care, the Ombudsperson concluded that in this case the complainant was not discriminated on the basis of gender by unequal treatment in the relation to his wife.

**CASE SUMMARY (P-PRS 03-01/08-03):** The complainant N.O. from R. submitted a complaint to the Ombudsperson stating the problems associated with her underage daughter M.O. (born in 1991.) Her daughter gave birth on September 15th, 2007 to son L.O., and shortly afterwards was placed on treatment in Psychiatric Hospital L., while the complainant was entrusted with custody of a minor grandchild. The complainant states that she could not get a permission from the hospital director to visit her daughter, because of the director's assessment that she was not ready for a visit, and also that her daughter was lying on the ward with severe mental patients for more than 100 days. She points out that she has not seen her minor daughter at all for 150 days, and that the daughter in the same period was not able to see her child. The complainant states that only with help of the media in the May 2008. was she allowed to visit her daughter and that this meeting took place in the an inappropriate area of the ambulance.

**MEASURES TAKEN:** The complainant has obtained a report and documentation from Psychiatric Hospital L., and report and an update report of the Center for Social care. The report of the Psychiatric Hospital L. alleges that the minor M.O. has been received in their institution on the intervention of social workers and the director of the Centre which the complainant turned to for help. It is emphasized that the patient was immediately involved in



the process of resocialization and rehabilitation with pharmacotherapy, and that she has arbitrarily left the group therapy. Misdemeanor proceedings are conducted according to Art. 18 / 3 of the Law on Protection from Violence in the Family against underage M.O. in misdemeanor court in R. The report states that the minor M.O. could initially communicate with the mother only in writing, in consultation with the therapist. It is also stated that the complainant was advised to join the family group within the hospital, but she came only a few times, and was not actively involved in work of the group. The report points out that the complainant was interested in her daughter's condition for the first time en passant in the corridor, and the second time she came to the room asking whether she could bring a child to the department. She was told that it was not appropriate to bring such a small child to the department among patients, but is never forbidden. The report of the Centre from June 10th, 2008., states that, since November 2007. ,the minor M. O. has been receiving medical treatment in Psychiatric Hospital L. where she was not allowed contact with the mother and son considering her health. It is also stated that the first meeting occurred on May 2nd, 2008. at the strong insistence of the mother. The report of the Centre also states that the M.O. was transferred to the group for adolescents and included in work therapy. The supplement to the report from the Center dated September 22nd, 2008. states that the minor M.O. had been in treatment in the Psychiatric Hospital from L. from November 30th, 2007. until July 1st, 2008. when she was released from the hospital because of the improvement of her health status. The Center refers to the information acquired from the complainant, saying that her daughter was well shortly after discharge from hospital, but soon returned to the old habits (frequent and uncontrolled escaping and absence from home, socializing with people with asocial behavior, suicide threats, and threats to the mother should she again place her in any institution for treatment). After medical control and the admission that she had consumed drugs, on August 18th, 2008. minor M. A. was again retained for treatment in the Psychiatric Hospital L. The report highlights that the Centre had no reason to doubt the assessment and the expertise of a competent physician about when the meeting and contact of the complainant and her daughter as well as to the daughter's contacts with her underage son would take place. It is stated that this was the only reason why the Centre did not think it would be necessary to take measures and actions aimed at establishing contacts and meetings. Center also refers to an interview with the complainant when they learned that minor M.O. spent Christmas holidays at home, and that it went just fine. It is also stated that they expect she will soon be discharged from the hospital.

**OUTCOME:** The complainant was informed of the allegations in the report and documentation from the Center, with the remark that she can once again contact the Ombudsperson, should she feel that the allegations from the Center, particularly regarding the maintaining of contacts, are not authentic.

**CASE SUMMARY (PRS 03-01/08-31):** The complainant T.P. from Z. submitted a complaint to the Ombudsperson about conduct and passivity of the Centre for Social Welfare Z., Office S. He believes that the Centre treats him unequally, as man and father of minor child, in the relation to the wife and mother of a child D.R.P. Complainant states that, in June 2008., his wife has left him, taking with her their minor child of one month. He points out that, after her departure, his wife has enabled him to see the child on several occasions, but since mid-August, she does not allow him to see the child at all. On September 22nd, 2008, the complainant turned to the Center with a written petition, asking for help with mediation in establishing contacts with the child. Emphasizes that he did not receive any response or an

invitation from the Centre, but that the he himself, as well as his parents, on their own initiative, went to the Centre several times in order to facilitate contacts with the child, but without any success. The complainants also said he was aware that the professional workers of the Centre were in the contact with the mother of the child, that they have information that he was not seeing the child, but that the he was not given any serious reason why he could not see his child. In addition, he states that he was not informed of his rights as a father by the employees of the Centre, and did not get their professional advice about possible actions he could take in the specific case.

**MEASURES TAKEN:** The Ombudsperson has obtained the report and documentation from the Centre from which it follows that the complainant, after he turned to the Center with a written request, was informed that the Municipal Court Z. is responsible for regulation of personal meetings and meetings of parents and children in the situation where the parents of a minor child live separately, but that the Centre can intervene and try to reach agreement between parents. Complainant was also informed of the fact that, due to the age of the child, only the mother was authorized to initiate divorce. The Center informed the Ombudsperson that they requested from the centre Z., Office P., a report on the circumstances in which the complainant's wife has and the child live, and a log statement on holding of personal meetings and socializing of the complainant with his child. The report from the Centre alleges that, after receipt of the response of the Office P., the complainant was invited for an interview and informed about the contents of the report which shows that the the mother does not challenge maintaining of the contacts, and that will allow them after the complainant or his parents contact her by phone. The report from the Centre also emphasizes that a social worker personally contacted the complainant's wife, who repeated that the would allow the contacts, but with prior telephone appointment due to weather conditions and low age of the child. After that, the Ombudsperson informed the complainant about the possibilities of a possibility of consensual meetings with the child before the court decision.

**CASE SUMMARY (PRS 03-01/08-10):** D. G. from R. submitted a written complaint to the Ombudsperson stating that the his wife, who left their common law marriage with her underage child of eight months, has denied him seeing the child. He states that, because of this, he has appealed for assistance to the relevant Social Welfare Centre, but that they did not do anything to enable his meetings and socializing with the child.

**MEASURES TAKEN:** On the basis of the report and documentation issued by the Center, the Ombudsperson concluded that the gender discrimination towards complainant was not committed. Namely, from the the report and the available documentation it is evident that the complainant approached the Centre for help because his wife denies him the right to see their minor child, and that parents have reached an agreement on a scheduled hearing in the Center on the manner of the complainant's meeting with the child. Since his wife still did not allow him contact with the child, the complainant again turned to the Centre, which resulted in scheduling of the hearing for April 25th, 2008., in which the complainant's wife did not appear. On that occasion the complainant informed the employees of the Center, in an advisory interview, that he has started a procedure for the divorce and the decision about the meetings and socializing with the child. The Center scheduled another meeting for the complainant and his wife for May 8th, 2008 in order to achieve agreement on the meetings with the child. At the second scheduled hearing neither of the spouses appeared. The complainant's wife justified her absence with medical reasons while the complainant did not justify his absence. This suggests that the competent center has taken all necessary actions

within its jurisdiction in the particular case, and that its actions did not discriminate against the complainant on the basis of gender.

**CASE SUMMARY (PRS 03-01/08-13):** The complainant S.K. from P. submitted a written complaint to the Ombudsperson on conduct of the officials in to the Centre for Social Welfare P. The complainant, a victim of domestic violence, is in the process of mediation before the divorce conducted at the Centre. The complainant especially points out the biased behavior of an official involved in solving her case, who served as head of the supervision over parental care. Furthermore, she points out that the Centre does not respond to her allegations of domestic violence. In addition, she claims that the employee of the Centre stated before the complainant that her husbands fears that the complainant is able to take the kids and go with them to Australia were justified. S.K. is also complaining about other three employees of the Center who also manifest the favoritism by constantly supporting her husband. The complainant points out that her husband is a powerful man and that, in the official capacity in before the City Administration, he took over and hired an employee of the Centre at the City Administration. She also states that the Centre P. announced filing of criminal charges against her personally to the Municipal State Attorney's Office, after having decided to suspend the supervision of the parental care.

**MEASURES TAKEN AND OUTCOME:** After the inspection of the report and documentation of the Centre, the Ombudsperson could not conclude that gender discrimination was committed towards the complainant by the Centre P. In regard to domestic violence, ie. the procedure by the police and the Centre, from the the available documentation follows that the the Centre P. acted the accordance with Art. 5th of Law on Protection from Violence in the Family, because upon learning of domestic violence it promptly and without delay informed the police, and the police filed misdemeanor and criminal charges against the complainant's husband Z.K. Acting upon receiving the letter of Centre P., the police found that on August 15th, 2007. there occurred violent behavior in the family by Z.K. at detriment of his wife, S.K., partly seen and heard by their underage children. After that, the police officers, in accordance with Art. 145. of the Misdemeanor Law arrested Z.K., took his automatic pistol for which he had no license, and brought him before the misdemeanor judge with a request for legal proceedings. Also, police filed criminal charges against Z.K. to the Municipal State Attorney's Office for illegal possession of weapons and explosives from the article. 335. Para. 1 of the Criminal Law. Regarding the other procedures of the Centre, the Ombudsperson can not engage in the evaluation of professional work of social welfare centers and other bodies in solving of their cases, nor in the evaluation of decisions relating to the supervision over the execution of parental care or in the evaluation of the quality of that supervision. Considering the complainant's statements that the Centre P. hinted at the filing of criminal charges before the Municipal State Attorney's Office against her personally, the Ombudsperson informed the complainant that the filing of criminal charges was exclusively under the jurisdiction of the Centre. However, she warned the complainant that, according to the Criminal Law, falsely reporting crime was a separate offense. The Ombudsperson has also determined, based on a very detailed report from the Centre P. regarding the supervision of the execution of parental care, that neither the complainant nor her husband had shown willingness to communicate and collaborate with the person authorized to conduct supervision of the execution of parental care over the underage children. The Ombudsperson has also informed the complainant that, according to the Law on Amendments to the Law on Civil Servants, which came into force in March 2008., the civil servant's civil service is terminated

by force of law, if convicted of a crime against public order (such as the unauthorized possession of weapons) or the criminal act of violent behavior in the family.

**CASE SUMMARY (PRS 03-01/08-25):** The complainant A.H. from S. submitted to the Ombudsperson a written complaint, complaining about an unequal treatment by the Centre for Social Welfare V. The complainant claims to be discriminated against as a man by the Centre, and that his wife, I.H., is constantly in better position than him, from the moment of leaving their home, through the start of the proceedings for divorce, and even through the process of divorce and the procedure for granting a child. He points out that the Centre from the very beginning belittles his testimony and his parental rights, solely on the basis of gender, without valid arguments, led by the prejudice that only the mother has the right to parental care. In support of these allegations, the complainant states the opinion and the proposal of the Centre with which parent the child should live, that the Centre on its own initiative submitted to the Municipal Court in S. in charge of the divorce proceedings. The complainant claims that the above opinion was based only and exclusively on a conversation with the mother of the child, with no real insight into the state of affairs, and without checking the mother's statements and the circumstances under which the child lives. The complainant also points out that the Centre S., not the Centre V. is competent for the passing the above opinions and suggestions about parenting.

**MEASURES TAKEN:** Having examined the report of the Centre and other documentation, the Ombudsperson found that in this case the Centre did not commit gender-based discrimination against the complainant, and that it is not evident that the complainant was treated unequally in relation to his wife. The report from the Center V. states that that the Centre provided their opinion and suggestions about which parent the child should live with at the request of the Municipal Court in S. The said Court has first called the Centre to provide the case history of the complainant's wife I.H. for the purposes of the procedure. In the second memo dated April 7th, 2008., the Court called on the Centre to amend the case history and submit its suggestion with which parent the child should live. Consequently, the Centre has prepared their opinion and a proposal by order of the Municipal Court in S. In this context, a psychosocial treatment has been performed over the complainant's wife, I.H., as well as the insight into the place of residence of her and her minor child, so it can be concluded that the mother's statements as well as the circumstances in which the child lives were checked.

Regarding complainant's ability to care for the child, the Centre V. has not exercised psychosocial treatment over the him (the complainant falls within the jurisdiction of another center), and his ability was never questioned.

The report from the Center points out that the Court is not obliged exclusively by their opinion and suggestion, and can obtain other opinions in making of the decision on the care of the child.

**OUTCOME:** From the submitted documentation, of the Centre, it is also evident that the complainant sent a letter on October 25th, 2008. to both Center V., and Center S., informing them that an agreement has been reached between him and his wife on seeing the child during the court procedure, and the thanks the Centers for professional and expert assistance. Consequently, the complainant no longer has serious objections to the work of the Centre V.

**CASE SUMMARY (PRS 03-01/08-30):** The complainant K. P. from Z. submitted a written complaint to the Ombudsperson on the employees of the Center for Social Welfare Z., Office S. The complainant claims that professional workers of the Office S., especially social worker V.M., have discriminating attitude toward him as man. The complainant believes that he was discriminated against because he, as a man, is never believed, the statements and reports he submits to the Center are disregarded, while his wife J.P. enjoys absolute confidence. The complainant points out that, in the past month and a half, he visited the Office S. and the designated social worker three times and reported on those occasions that his ex-wife does not treat their underage child in an appropriate manner. He reported, among other things, that the mother was abusing a child mentally and physically, and claimed that the professional workers of the Office have not responded even to that. Also, because the mother of a child was not capable of caring for the child, the complainant has requested supervision of the parental care. The complainant states that a social worker V.M. on that occasion made a record, but that he still has not been informed about whether the supervision of the parental care would be realized. Also, the complainant pointed out that he was not informed, by the social worker, of his rights as a father, for example, that he can initiate proceedings to revise a decision about the care for the child.

**MEASURES TAKEN:** Having examined the the allegations from the complainant, the report of the Centre and other documentation, the Ombudsperson found that in this case the Centre did not committ gender-based discrimination against the complainant. From the reports and documentation of the Centre it follows that the Centre has examined each allegation by the complainant, and immediately contacted the mother and the kindergarten. Regarding the complainant's claim that his ex-wife abuses their child, the Center states that the complainant provided a medical report only after repeated warnings, and it turned out that the injury had occurred during the conflict with the other boys in kindergarten, about which the kindergarten composed a memo and informed the mother. The report of the Centre also states that the complainant came to the Office S. on November 7th, 2008. and in front of their minor child in a raised voice spoke to the social worker, saying: "Mrs. M., she does not like P. (their underage child)! She does not like P. ", after which he was warned that such a way of communication has a disturbing effect on the child. Disregarding the warning, the complainant continued to persuade the social worker of the violence against the child and the mother's "coldness". According to the of the Centre, the complainant was warned that, in such circumstances (before the child), he can not continue the conversation, and he left the Centre threatening with lawsuits, inspections, firing and television. After he returned, the complainant continued to talk in the same tone, and ended with the words: "I'll pull you all with me." The Center also states that the complainant brought the child's letter to Santa Claus December 1st, 2008., that he wrote by the dictation of the child, arguing that the letter shows

immediate signs of abuse and demanding that the Centre take action and claiming that he was so instructed by psychiatrist J. After talking to the psychiatrist, the Center found this was not true, namely, the psychiatrist did not instruct him to show the letter to the logopede. The report of the Centre also states that the police was notified about the suspected abuse, that the boy is in treatment process in the Institute for Children, while the Centre is in constant contact with the mother and the kindergarten in order to monitor the situation. It is also stated that the complainant's demands were met in determining the measure of control over exercising of the parental care, and it was decided that the Centre will decide, after several months of the measure implementation, on possible further measures of legal protection of the child in relation to both parents.

**CASE SUMMARY (PRS-03-01/08-04):** The complainant A.B. from Z submitted a complaint to the Ombudsperson stating that, as a wife and a mother, she had an unequal treatment in the actions of the Center relating to her divorce, because she was invited to the Centre on only two occasions, while, on the other hand, her husband was invited many more times and was in a position to express his views on their marriage and children that she disagrees with. Besides, the complainant states that had not received professional help from the Center.

**MEASURES TAKEN:** With the rush note, the Ombudsperson obtained the report and documentation of the Centre, and concluded that the Centre did not put the complainant in an unequal position with their actions. Namely, from the report and the documentation, it follows that the divorce proceedings are underway between the complainant and his wife in front of the competent municipal court, while the mediation before divorce was conducted before the Centre, being, among other things, one of the forms of providing professional help to the spouses before the divorce. Besides, the supervision of the exercise of parental care imposed by of the Centre is underway, which is also a form of professional help to the parents.

**CASE SUMMARY (PRS-03-01/08-21):** The complainant M.V. from Z. submitted a complaint to the Ombudsperson claiming that the competent Center for Social Welfare showed discriminatory treatment to him, as the father, in relation to his ex-wife. The complainant states that he, as a father, was excluded from the proces of establishing the working incapability for their son, both by his ex-wife and the competent Center, and that he requested information from the Center about the mentioned process of establishing working incapability, but an employee who was working on the custody case did not give him any information, but told him he would get a court order. The complainant states that also requested to see the documentation upon which was the process of establishing the working incapability was initiated, but the documentation was not submitted to him for inspection.

**MEASURES TAKEN:** Having examined the report and other documentation from the Centre, the Ombudsperson found that in this case the Centre did not committ gender-based discrimination against the complainant, as a father, favouring his ex-wife. Namely, the submitted reports and documents issued by the competent Center show that the Centre, on the suggestion of the mother, the complainant's ex-wife, started the process of establishing working incapability and appointing of a special guardian for their adult son. The complainant participated in this process, which was led before the Centre, as a party, and on that occasion was interviewed for the record. The center has in the same process issued a resolution appointing the mother, complainant ex-wife, as a special guardian appointed to their adult child, and the same resolution was delivered to the complainant, who did not appeal.

Regarding the complainant's possible participation in the process of deprivation of working capacity, which is being led by a competent court in a non-contentious proceeding, the decision can be made only by the that court.

**CASE SUMMARY (PRS-03-01/08-18):** The complainant D. M. from T. submitted a complain to the Ombudsperson for the violation of gender equality principle in executing the parental care, pointing out an unequal treatment by the bodies competent for making decisions on the care for an underage child, especially the work of professional workers of the competent Center, who have an extremely discriminatory attitude toward him, as a man, ever since he first contacted them for help in 2006. Namely, the same professional workers told him then that the child, being female, would be much better off with the mother, his ex-wife. The complainant states that he addressed different media, because the competent institution had failed to provide an equal care as well as his right to the parental care, and that afterwards the discriminating attitude of the Centre towards him has increased. In support of the above, he states that the Centre, on his ex-wife proposal, filed a motion to the competent court for interim measures, prohibiting him the contact with his underage child, which the court accepted. Finally, he states that, regardless of the fact that his underage child repeatedly expressed a desire to live with him, not only the contacts with the child were not secured, but were banned.

**MEASURES TAKEN:** Having examined the report and other documentation from the competent Centre, the Ombudsperson found that in this specific case the gender-based discrimination was not committ neither the gender equality principle was violated. Namely, the documentation shows that, since February 28th, 2008, when the competent municipal court issued a new resolution on the contacts with the minor child, there was only one contact between the complainant and the child at premises of the Centre, on which occasion the complainant informed the employees of the Center he would attend no more meetings and socializings at the Center premises. After that the complainant has approached the Centre when called, and on that occasion the professional workers tried to advise him to comply with the court decision relating to the contacts with the child, but he accused them of incompetence, and then demonstratively left the center. However, considering that the contacts between the complainant and the minor child have not been taking place for a long time, the Ombudsperson made a recommendation to the Centre to take measures and actions, in accordance with their authority, that will ensure the impementation of the decisions of the municipal court regarding the contacts with the, and that the written Communication on measures and actions, requesting a written report on the actions and measures taken.

**CASE SUMMARY (PRS- 03-01/08-08):** The complainant I. D. from Z. submitted a complaint to the ombudsperson for an unequal treatment towards him by the bodies competent to make decisions regarding the care for an underage child. The complainant states that, on Novembre, 15th, 2007, he submitted a request to the competent court for a new decision with which parent the child to live. However, although the competent court had to decide on the care without delay, no later than 60 days from the date of the application, the same court has not made the decision within the statutory period, and the complainant was not even informed about when the next hearing will take place. Therefore, the complainant believes that his ability to care for an underage child in the community with extramarital spouse, has being questioned only because he is a father, ie a man. Furthermore, in relation to the work of the competent Centre, the complainant points out the passivity in procedure,

undue delay, constant questioning of his ability to care for the child and failing to take measures to protect the child.

**MEASURES TAKEN:** Making decision regarding parental care is under the jurisdiction of the court, so the Ombudsperson examined only the actions of the competent Centre for Social Welfare. Having examined the report and other documentation from the competent Centre, the Ombudsperson decided that the complainant was not discriminated against in relation to his ex-wife. In fact, the Centre submitted a report and an opinion to the competent court, suggesting that the underage child continue to live with the complainant until the completion of expert evaluation. The representative of the Centre at a court hearing, expressed her opinion that continuing to live with his mother would cause an irreparable damage to the child. In addition, the Centre has taken the appropriate family law measures to protect the child.

**CASE SUMMARY (PRS-03-01/08-06):** A. T. from V. submitted a complaint to the Ombudsperson stating that she had informed the competent Centre for Social Welfare on several occasions that her underage daughter was constantly abused by her ex-husband who has a child in his care according to the court decision, but the Center did not react.

**MEASURES TAKEN:** Having examined the report and other documentation from the competent Centre, the Ombudsperson decided THAT THE EMPLOYEES OF THE Center did not act according to the Rules of Procedure in Cases of Family Violence, ie after after the complainant's notification about domestic violence they did not urgently and immediately inform the police about it. Namely, from the available documentation and reports, it follows that, after several phone reports by the complainant about the violence against her underage daughter, the Center conducted field survey and interviews with both her former husband and the child, but did not urgently and immediately inform the police about the domestic violence. Therefore, the Ombudsperson, in accordance with their her authority, gave the Centre a warning and a recommendation on future practice in case of reports of domestic violence.

**CASE SUMMARY (PRS 03-05/08-13):** I.P. contacted to the Ombudsperson with a complaint related to the registration of newborns in birth registers at the Registry Office S. The complainant states that the the notice is placed on the door of the Registry Office S. saying that to register a child in the birth registers the presence of both parents is required, and it is necessary to provide a marriage certificate, which the complainant believes to be discriminating against unmarried and single parents.

**MEASURES TAKEN:** The ombudsperson has obtained a report from the competent state administration office, regarding the allegations of the complainant. The report states that it is quite understandable that the parent who cares about the child alone (eg, if one parent is not alive, or can not perform their parental rights, or is unknown) will provide the necessary information for the registration of the fact of the birth to the competent registrar specify the child's name. It also states that the presence of both parents or the parent that cares for the cild is necessary for the entry at the birth register of the data which are determined on the basis of statements of parents (name, nationality, etc.). Office of State Administration points out that



parents often come together to provide data for the entry of birth of the child in the birth register in order to more quickly regulate the specific issues. Such practice does not imply that a parent who is unavailable for any reason cannot subsequently give a consent to the information, already provided by the other parent. It is also clear that the parent who cares for a child by himself/herself will be the one to provide the necessary information for the registration of a child's birth. The report from the Office of the State administration points out that it is not possible for all the documents necessary for registration of the child at the birth (for all cases) to be displayed on the door.

**OUTCOME:** The employees of the office agreed that the disputed note, pointed out by the complainant, was indeed „*awkwardly written*“ and they removed it from the door of the Registry Office S.

### 3. SEXUAL AND GENDER MINORITIES IN 2008.

#### Legal framework

In 2008, a new Gender Equality Law<sup>21</sup> was passed, which, among other things, **bans discrimination on the grounds of sexual orientation**<sup>22</sup> (that was also banned by the provisions of the Law on Gender Equality in 2003.<sup>23</sup> and the provision of the Labour Act<sup>24</sup>).

On July 9th, 2008, the Croatian Parliament has passed the Anti-Discrimination Act<sup>25</sup> with the effect from January 1st, 2009. This law regulates the protection against discrimination, among other things, on the basis of gender identity, expression and sexual orientation<sup>26</sup>.

The European Parliament has passed a resolution on homophobia, based on the United Nations Convention on Human Rights and the European Convention on Human Rights and Fundamental Freedoms, 2006. (RC-B6-0025/2006), which requires that the EU countries adopt the legislation prohibiting the discrimination and **hate speech**<sup>27</sup> **against sexual minority groups**, in Article 5 encourages the Member States and the Commission to intensify the fight against homophobia through education - such as the **campaigns against homophobia** in schools, universities and the media.

#### Campaigns in 2008

Believing that the media advocacy campaigns aimed at sensitizing the public to the issues of sexual and gender minorities are important and necessary for the further democratic development of society, the Gender Equality Ombudsperson in 2008. supported the non-profit

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<sup>21</sup> OG 82/08

<sup>22</sup> OG 82/08, Art. 6., para. 3.

<sup>23</sup> OG 116/03, Art. 6., para.2.

<sup>24</sup> OG 137/04, Art. 2., para. 1.

<sup>25</sup> OG 85/08

<sup>26</sup> OG 85/08, Art. 1., para. 1.

<sup>27</sup> On January 26th, 2008. the Municipal Criminal Court in Zagreb issued the first conviction for a hate crime based on sexual orientation in the duration of 14 months to the defendant J. W. due to the Molotov cocktail attack on participants of the Zagreb Pride manifestation in 2007.

campaign of Queer Zagreb Festival for Protection and Promotion of Human Rights of Sexual and Gender Minorities.

The Ombudsperson has also supported the 7th Zagreb Pride, held on June 26th, 2008. Although the parade, guarded by strong police forces, proceeded without incident, after its official closure, the activists of organizations Kontra and Iskorak were physically attacked in front of the entrance to their organizations premises, as well as the three young men who were the participants in the parade, who were attacked elsewhere in the city.

The Ombudsperson immediately condemned the violent attack against the activists of Kontra and Iskorak and the parade participants, by the public announcement.

The Pride parades are being held all over the world with the purpose of sensitizing the public for tolerance towards diversity, for nonviolence and nondiscrimination. Since the media play a significant role in creating a tolerant and non-violent social environment, the Ombudsperson believes that, prior to Saturday's Zagreb Pride parade, the public television should have shown the spot made for the purposes of **the campaign for tolerance towards homosexual persons.**

Besides a need to maintain Zagreb Pride, there is also a need to implement a broader, systematic awareness campaign on tolerance and non-violence against members of sexual and gender minorities in which the media play one of key roles. Not a single case of violence against anyone and at any level should be treated as less important and go unpunished.

#### 4. FIELD OF EDUCATION

The Ombudsperson regularly monitors the implementation of relevant international documents<sup>28</sup> and national laws and regulations regarding the protection and enforcement of gender equality in education.

##### **The Gender Equality Law**

**The Gender Equality Law** (OG 82/08), hereinafter: GEL, which came into force on July 15th, 2008., in Article 14 brings modified and amended provisions for the field of education in relation to GEL from 2003.

Paragraph 1 stipulates which bodies are obliged to systematically implement measures of ensuring equal access to education at all levels<sup>29</sup>;

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<sup>28</sup>UN Convention on the Elimination of All Forms of Discrimination against Women - CEDAW (hereinafter: the Convention"), which is a legally binding international document to all signatories, including and Republic of Croatia since 1991., in Article 10, relating to education, obliges the states to take all appropriate measures to eliminate discrimination against women in education.

<sup>29</sup>"National body responsible for education, agencies related to education and the the institution where education is the primary activity" (GEL, Art. 14 Para 1)

Paragraph 2 stipulates that the contents related to issues of gender equality are the integral part of education of preschool to higher education levels and lifelong learning;

Paragraph 3 stipulates that these activities will promote non-discriminatory knowledge of men and women, elimination of gender inequality and gender stereotyping at all levels of education and appreciation of gender aspects in all educational areas;

Paragraph 4 stipulates the care of a uniform representation of gender in pupil and student population and the management structures of all educational institutions.

According to paragraph 5., "All educational and all the other institutions, must, in the contents of their certificates, licenses and diplomas, use the language standards in accordance with this Act, stating professional qualifications, title and occupation in masculine or feminine gender, depending on the gender of the recipient of the document" which is proportional to measure 3.1.6. of National policy to promote gender equality 2006-2010<sup>30</sup>

### **National policy to promote gender equality for period 2006-2010**

The Ombudsperson also monitors the implementation of national policies to promote gender equality for the period 2006. - 2010. (OG 114/06.)<sup>31</sup> (hereinafter: National Policy).

The National policy, in Chapter V, *the Strategic Framework for the implementation of gender equality policy and a plan for action*, includes *Gender-sensitive education*<sup>32</sup>. Implementation deadline in 2008., for which the carriers: the Ministry of Science, Education and Sports (hereinafter MSES) and the Agency for Professional Education, have the following measures:

3.2.1. *Professional education will be harmonized with the results of the analysis of labor market needs, and a balanced representation of both sexes during enrollment in secondary schools will be systematically promoted.*

3.2.2. *A separate, gender-sensitive vocational guidance program for pupils will be prepared.*

3.3.1. *A database of existing courses of women and gender studies at universities will be set up.*

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<sup>30</sup> 3.1.6. In accordance with the principles of gender equality, the language standard will be introduced for the content of diplomas, certificates, licenses, etc, stating the professional qualifications, title and occupation in masculine and feminine gender, depending on the gender of the recipient of the document. Carriers: Ministry of Science, Education and Sport, Council for Croatian language Standard, the Office for Gender Equality. Implementation deadline: 2008-2009. National policy to promote gender equality 2006-2010h, Chapter 3 Gender-sensitive education.

<sup>31</sup> National policies to promote gender equality for the period 2006- 2010. (OG 114/06.) stated that "a national priority in the education field is detected in the need to introduce gender sensitive education into the curricula and programs, the elimination of gender stereotypes and the education of educators and teachers on gender equality" and to that end we should "accelerate the implementation of concrete measures to achieve these goals "(p. 27).

<sup>32</sup> item 3

Therefore, the Ombudsperson sent inquiries to the carriers on the implementation of these measures. The carriers of the the measures provided the following responses:

Regarding the measure 3.2.1. MSES delivered an answer that *"a high school education programs and their content do not contain discriminatory elements, and that during selection of educational programs both sexes have equal rights without any restrictions. In the development of professional education, special attention is paid to developing cooperation with social partners and all other partners (CCE, CCT, CES, CBS, ministries, colleges, professional associations and chambers, small, medium and large companies, local and district (regional) governments in order for the education to develop in accordance with the needs of the labor market. By systematic professional informing of students and the cooperation with the Croatian Employment Office the labor market needs are to tried to be met, and students are enrolled in secondary school curricula in line with their interests and abilities."*

The submitted answers suggest that **measure 3.2.1 has not been implemented in its entirety**, since they never state that the analysis of labor market needs was carried out, nor that balanced representation of both sexes during enrollment in secondary school was **systematically encouraged**, and that encouragement is exactly what needs to be promoted more actively, since, according to the data on the students who have completed secondary education in school year. 2005/2006., by the Central Bureau for Statistics publication "Women and Men in Croatia in 2008.", a higher percentage of girls enrolls and completes art schools (71.7%) and high schools (62.7%), while a larger number of boys enrolls and completes the industrial and trade schools (62.5%), which later reflects in the labor market and the "feminization" and "masculization" of certain occupations.

Therefore, with purpose of verifying the implementation of measure 3.2.1., the Ombudsperson believes that the relevant ministry, as the carrier of those measures, should conduct an analysis of labor market needs and coordinate professional education according to its results, because this measure requires it.

**Measure 3.2.2. was not implemented in 2008.** According to the response submitted by the Agency for Professional Education, a gender-sensitive vocational guidance program for male and female students, with purpose of achieving gender balance in the selected field of education in secondary schools and the higher education institutions, will be developed during 2009. in agreement with the representatives of the Ministry of Science, Education , Sports and the Croatian Employment Office under whose jurisdiction lies a professional orientation of male and female students.

**Measure 3.3.1. was not been implemented.** According to data from the MSES, the database on the existing courses of women and gender studies at universities has not yet been established. It will be formed after the establishing of women's studies and gender studies at universities, in accordance with the Law on Science and Higher Education (OG 123/03)<sup>33</sup>.

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<sup>33</sup> Article 18, 51 and 78 Law on the Science and Higher Education

Furthermore, in relation to women and gender studies, the National Policy in Chapter 3, Gender-sensitive education, provides for following measures:

3.3.2. *introduction of special programs with a female-study content in undergraduate, graduate, professional studies and the postgraduate studies* - Implementation deadline 2008-2009.

3.3.3. *institutionalizing women's studies at the undergraduate, graduate and postgraduate levels under the Law on Science and Higher Education* - Implementation deadline 2008-2009.

On both European and world level gender/women's studies are considered strategically important in transformation of both the higher education, and the society as a whole. The affirmation of women/gender studies was highlighted in the World Declaration on Higher Education for the 21st Century<sup>34</sup>, which in Article 4 Paragraph c) states that: *Gender studies (women's studies) should be promoted as a field of knowledge that has a strategic role in transforming higher education and society.*

**National Council for Higher Education** adopted on September 10th, 2008. a Recommendation on the introduction of women's studies courses at the undergraduate, graduate and postgraduate studies<sup>35</sup>. However, the **National Science Council**, which makes the decision on the establishment of the field<sup>36</sup>, has not previously accepted the proposal of the Department of Ethnology and Cultural Anthropology from the University of Zagreb<sup>37</sup>, to incorporate the gender studies in the interdisciplinary areas of science to the Regulations on scientific and artistic fields, fields and branches, which was adopted June 20th, 2008.<sup>38</sup>, in order to open up the possibility for the establishment of the Department of gender/women's studies, for the verification of scientific degrees and recognising the diplomas obtained in similar higher education institutions in the world.

Because, according to the National Policy, the date of implementation of measures 3.3.2. and 3.3.3. expires in late 2009. , the Ombudsperson hopes that the National Science Council will in that period make an update of the Regulations on scientific and artistic areas, fields and branches, to make it in line with the Recommendation to introduce women's studies courses at the undergraduate, graduate and postgraduate studies of the National Council for Higher Education and in order to fully achieve the objective of national policy regarding the institutionalizing women's studies.

Furthermore, the **National Policy in Chapter 6, *Women and Health***, adopts the measure:

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<sup>34</sup> adopted at the World Conference on Higher Education 1998.

<sup>35</sup> 56. Session of the National Council for Higher Education, September 10th, 2008.

<sup>36</sup> Regulations on scientific and artistic areas, fields and branches (OG 78/08), Art. 6 The interdisciplinary fields of science

<sup>37</sup> Proposal for amendments to category: Interdisciplinary field of science fields: gender studies, from June 27th, 2007.

<sup>38</sup> Regulations on scientific and artistic areas, fields and branches (OG 78/08) determines the scientific areas , scientific fields and scientific sectors within the scientific areas with the corresponding classification symbols, artistic areas, and the fields and sectors in the art areas of all types of art with corresponding classification symbols, interdisciplinary areas of science and art, and the related fields.

6.4.3.: *In elementary and secondary schools the contents of health education will extend to the sexuality issues, with emphasis on protection from sexually transmitted diseases, with a period of implementation of the 2007-2008. The carrier is the Ministry of science, Education and Sports.* The answer by the MSES states that the MSES has announced a public contest in 2007. for selection of primary and secondary schools to conduct the experimental program of health care and education, which included topics on sexuality, and the total of 21 schools, including 10 primary and 11 secondary schools have applied to the contest. Selected experimental programs of health education of the Forum for Freedom in Education and the Association GROZD (voice of parents for children), were conducted **during the second semester of the academic year. 2007/2008.** with obligatory consent of the parents of those pupils who participated in the program implementation. The experimental program was attended by 2009 pupils, 1123 from primary and 886 from secondary schools.

The monitoring of implementation of the experimental program and external evaluation of results was conducted by the National Centre for External Evaluation of Education in collaboration with the Institute of Social Sciences "Ivo Pilar", School of Public Health, Andrija Štampar" and the Croatian Institute for Public Health.

Professional training of the programs executors was conducted by the Agency for Education in collaboration with organizations that have proposed the programs.

The results of external evaluation of the experimental program of health education in Croatian primary and secondary schools were presented on December 18th, 2008. , in the Institute of Social Sciences "Ivo Pilar". According to the head of the group for the evaluation of experimental programs, Ms. Jasminka Buljan Culej, the results of the research in the control and experimental schools demonstrated that there was no measurable difference in knowledge between students who attended and those who have not attended the program and it is therefore concluded to give up its further implementation in schools.<sup>39</sup>

Since the National Center for External Evaluation concluded that *there is no measurable difference in knowledge between male and female students who attended the experimental programs of health education in Croatian primary and secondary schools and those who did not*, one can draw conclusions on success or failure of these programs. However, we do not know anything about the level of the pupils knowledge about the topics and contents scheduled for treatment during the experimental implementation of the programs, whether it is satisfactory and if not what should be done, both in schools where experimental program of health education was conducted and in schools which were used as control schools.

According to the information submitted to the Ombudsperson by MSES, health education program, which, among other things, includes the themes on sexuality, is realized interdisciplinary through courses that contain all the program themes close to topics of health education, through extracurricular activities in the form of projects, and systematically throughout the entire school curriculum. Besides, MSES co-finances projects and programs dealing with protection against sexually transmitted diseases and general health care.

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<sup>39</sup> Slobodna Dalmacija, December 18th, 2008. „The State abandoned sex education“

According to all the above, measure 6.3.4. Of the National policy was implemented. However, since it has not proved effective, its implementation has been suspended, and health education on topics on sexuality, with the emphasis on the protection from sexually transmitted diseases, have been carried out through other disciplines, projects and the NGO projects and the programs financed by the MSES.

#### 4.1. HIGHER EDUCATION

The Institute for the Development of Education held a seminar on "**Right to education: increasing equal access to higher education in Croatia.**" Since increasing the number of the highly educated is one of the major orientation of The Republic of Croatia<sup>40</sup>, the main objective of the seminar was to point out to the current inequalities in the approach to higher education in Croatia and to define mechanisms and the *policy* recommendations. The seminar was attended by 76 participants from government institutions, including representatives of Ombudspersons, universities, student associations, institutes, the organizations of civil society and the media.

The increase of the access to higher education must include not only the increasing number of admissions to the institutions of higher education, but also deliberation about the structure of students that the access to higher education will be opened to. Apart from identifying the parts of the population who are traditionally less involved in higher education (eg, persons with disabilities, Roma people, students from lower income families, etc.), it is also necessary to investigate the causes for their lesser involvement. Therefore "Policy recommendations for increasing equal access to higher education" were made, which will be sent to Croatian universities, student assemblies, the Government institutions and other participants in higher education.

One of the social groups with reduced access to education are the Roma. For example, the data from the Central Bureau for Statistics publication "Equal Access of Roma to quality education"<sup>41</sup>, " point to the inequality of the sexes at all levels of education, increasing with the level of education: among 308 Roma with high school certificates, there are only 76 women (24.68%), of whom 80.26% have graduated from secondary vocational schools, only 14 Roma have higher school or university diploma, out of which only two Roma girls have a college level diploma. At the same time twice as many Roma women than Roma men have no elementary school (1132:563). Among the reasons for this situation are leaving the school at the transition from regular to specialized classes, the poverty of the majority of the Roma which causes them to work from an early age, and early marriage of Roma girls causing them to leave school<sup>42</sup>.

However, it should be noted that there is some progress here. In the last two years the number of Roma children in primary schools has increased significantly and now amounts to 3010 students in primary schools, the number of high school Roma students with scholarship has

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<sup>40</sup> Development Plan for education, , 2005-2010, MSES, 2005.

<sup>41</sup> Publisher: Open Society Institute, Zagreb, 2008

<sup>42</sup> "Equal access of the Roma to quality education", p. 93. OSI, Zagreb, 2008.

doubled from 55 in 2006. to 101 in 2007., and number of college students with scholarship from 5 in 2006. to 11 in 2007<sup>43</sup>.

#### **4.1.1. ANALYSIS OF STATE SCHOLARSHIPS FOR THE REGULAR STUDENTS OF THE UNIVERSITY AND PROFESSIONAL STUDIES IN 2008., ACCORDING TO GENDER**

Between 1991. and 2004. , the practice of free higher education was gradually reduced and in 2008 approximately 56.7% of students pay some kind of tuition<sup>44</sup>. In 2008., from the total student population of 130,000, 2519 of them received the state scholarship, which amounts to 2%.

On the basis of the Decision on awarding state scholarship for regular students of university and professional studies in 2008. and in accordance with the proposals of the universities, polytechnics and colleges, according to the received applications by the students, the Ministry of Science, Education and Sport approved the total of 2584 state scholarships and reimbursement of tuition fee costs for post-graduate students with disabilities in 2008.

The results of the distribution of scholarships under the criteria and the decisions of the universities, polytechnics and colleges have been published on the web page of MSES - [www.mzos.hr](http://www.mzos.hr) - on March 21st, 2008.. For every university, polytechnic and college, separate tables were created, with the name of student, student's father's name, date of birth, year of study enrollment, enrollment period, average classification 1, average classification 2 and the points.

The tables did not include the category of gender so that, except by counting male and female names, it was not possible to determine the number and percentage of students winners of state scholarships by the gender, nor their represented proportion depending on the field of science that the individual faculty and/or college belongs to.

Since it is under the the Gender Equality Ombudsperson's authority to monitor and enforce the Gender Equality Law (hereinafter : GEL) regarding the manner of collection, recording and processing of statistical data and information (Art. 17 GEL) also in the field of education (Art. 14 GEL), the Ombudsperson has requested from the MSES, a submission of the results of the competition for the the allocation of state scholarships by gender, for each category of the competition, separately for each registered college, academy and university, which MSES has submitted.

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<sup>43</sup> mr. spec Jagoda Novak, December 19th, 2008. "Roma men and women in higher education", [www.iro.hr](http://www.iro.hr)

<sup>44</sup> Z.Babić, T. Matković, V.Šošić, „Structural changes in higher education and labor market outcomes“, p. 48; 59



**On the basis of the submitted information, the Office of the Gender Equality Ombudsperson has calculated the following percentages:**

**Table 1: Scholarship recipients by gender:**

Female students	1669	65%
Male students	915	35%
Total	2584	100%

According to the sum of all the 9 categories, the total number of female students receiving state scholarships is almost twice as big as the number of male students.

**Table 2: State scholarships by gender, according to the criteria of awarding scholarships:**

<b>CRITERION</b>	<b>Female students</b>	<b>%</b>	<b>Male students</b>	<b>%</b>	<b>Total</b>
A - particularly gifted regular students of university and professional studies	914	64%	508	36%	1.422
B - regular students of deficient studies and professions	128	55%	106	45%	234
C - regular students of universities and professional studies who have committed to get a job, after graduation, in areas of special government care or on islands	89	65%	47	35%	136
D1 - regular students - children of killed, dead or missing <sup>45</sup>	9	69%	4	31%	13

<sup>45</sup> The children of persons killed, dead and missing under circumstances in Articles 6, 7 and 8 of the Law on Protection of Military and Civilian Invalids of War, and children of peacetime military and civilian war invalids whose organism damage occurred under the circumstances in Articles 6, 7 and 8 of the same Law, as well as peacetime military, civilian war invalids, whose body damage was created in the circumstances referred to in Art. 6, 7 and 8 of the same Law.

E - regular students from lower income families	454	72%	179	28%	633
F - regular students with residence in the city of Vukovar, who have committed to work in the town of Vukovar after graduation, at least twice longer as the time they had been receiving the scholarship	48	51%	47	49%	95
G - regular students who were placed in social welfare homes or in foster families until they came of age	5	62%	3	38%	8
I - regular students with disabilities	20	53%	18	47%	38
P - postgraduate students with disabilities - reimbursement for part of the cost of tuition of postgraduate studies	2	40%	3	60%	5
Total	1.669		915		2.584

The largest number of scholarships are awarded according to the criteria **A** (particularly gifted regular students of university and professional studies) and **E** (regular students from lower income families), in which there is also the biggest difference in the percentage of the received state scholarships between male and female students.

The data submitted by MSES by gender, are listed separately for each institution of higher education which participated in the competition. Since the calculations have shown that female students have received scholarships in a higher percentage than the male students, the Ombudsperson was interested to know what percentage do female students, scholarships winners, represent in comparison to other areas of science which belong to institutions of higher education. Therefore she has grouped all the higher education institutions by fields of science and has calculated the percentages by gender for each area. The percentages were calculated for total of 2219 awarded scholarships<sup>46</sup>. Areas of science, for which percentages of received state scholarships by gender were made: the area of technical sciences, area of natural sciences, area of biomedical sciences, area of biotechnology, the area of social sciences and humanities.

<sup>46</sup> It was not possible to determine the area of science for colleges of individual cities for which overall data is listed, but not the data by enrollment areas (eg, University of Pula, University of Osijek, etc.)

Table 3: Representation of University scholarship winners, by the area of science

Universities by the area of science	University scholarship winners M	%	University scholarship winners F	%	Total	% in total number of scholarships
Social sciences	193	29%	482	71%	675	30%
Technical sciences	358	62%	221	38%	579	26%
The humanities	100	20%	396	80%	496	22%
Biomedical sciences	49	24%	152	76%	201	9%
Natural sciences	50	33%	101	67%	151	7%
Biotechnical sciences	41	35%	76	65%	117	5%
<b>Total</b>	<b>791</b>	<b>36%</b>	<b>1428</b>	<b>64%</b>	<b>2219</b>	<b>100%</b>

**According to an analysis of data of scholarships allocated for science, it is evident that in technical sciences women were represented with twice smaller percentage than men, while there is a vast under-representation of men in the field of humanities, social sciences, and biomedical sciences<sup>47</sup>.**

However, it is important to point out that there are also differences within the area of technical sciences, and that the number of state scholarships to female students from the area of technical sciences is not lower compared to students from all colleges of that area. For example, in architectural universities, the state scholarship was won by 15 female and 4 male students, in textile technology university, 34 female students, and 4 male students. However, the number of male students who have received scholarships in Faculty of Electrical Engineering and Computer Science, as well as the faculty of Mechanical Engineering and Naval Architecture is four times bigger - 156 male students, and 42 female students. Overall,

<sup>47</sup> **Technical sciences:** of Architecture Faculty of, Faculty of Electrical Engineering and Computer Science, Faculty of Chemical Engineering and Technology, Faculty of Traffic Engineering, Faculty Mechanical Engineering and Shipbuilding, of Geodesy Faculty of, Faculty of Geotechnical Engineering, Civil Engineering, Mining, Geology and Petroleum Engineering, Faculty of Textile Technology,; **Natural Sciences:** Faculty of Natural and mathematics Science, Biomedical Sciences: Faculty of Pharmacy and Biochemistry, Faculty of Medicine, Faculty of Dentistry, Faculty of Veterinary Medicine, **Biotechnology:** Faculty of Agriculture, Faculty of Food Technology and Biotechnology, Faculty of Forestry, **Social Sciences:** Faculty of Education and Rehabilitation Sciences, Faculty of Economics, Faculty of Organisation and Informatics, Faculty of Kinesiology, Faculty of Law, **Humanities:** Philosophical Faculty, Croatian Studies, Catholic Theological Faculty of, Art Academy, the Academy of Dramatic Arts, Academy of Fine Arts, Academy of Music, Teachers College

according to the information from the Central Bureau for Statistics publication "Women and Men in Croatia in 2008.", women enroll and complete college in higher percentage<sup>48</sup>.

However, when we look at colleges in the humanities, for a total of six teacher education faculties in the Republic of Croatia, 84 female and 1 male student have received a state scholarship, which is a result that corresponds to the data from the Central Bureau of Statistics, where out of the total number of graduates in the field of training of educators and teachers – there are 94.4% women, in science education there are 85.2% women, and overall in humanities, there are 78.6% women<sup>49</sup>.

These results are consistent with results of previous analysis of the Office of the Gender Equality Ombudsperson in the field of equal opportunities in education<sup>50</sup>, which has demonstrated that fewer female students enter colleges of Technical Sciences, and that there are fewer women leaders of scientific projects in that the field. It is also a fact that fewer men enter college in social sciences and humanities, and that at some faculties there are no men at all. There was no significant shift in 2008. compared to the previous period.

With regard to the above differences in faculty enrollment by fields of science, it should be noted that the National Policy for the Promotion of Gender Equality 2006-2010 (OG 114/06) in strategic framework for the implementation of policies on gender sensitive training also lists measure 3.2.3. *stimulating involvement of interested students in electoral programs of informatics/computer science, or biology, physics, chemistry and/or mathematics, as well as students interested in traditionally female areas, such as native and foreign languages, art and music culture/art*, for which for the implementation deadline is 2008-2010.

Should this measure not be implemented systematically and effectively, the Ombudsman believes that the above situation review will remain the same and that there will not be the shift that the measure 3.2.3. was designed for.

The Ombudsperson will continue to monitor its implementation and, therefore, reiterates that the education based on the elimination of stereotypes according to which the education areas were designated as "male" or "female", is the key for the balanced gender representation in the labor market.

## **4.2 REVIEW OF SOME CASES OF GENDER BASED COMPLAINTS FOR DISCRIMINATION IN THE FIELD OF EDUCATION**

**4.2.1. CASE SUMMARY (PRS - 05-01/08-16):** On September 4th, 2008. the daily newspapers published an article entitled "*Separated boys from girls in a class,* " on the two primary schools in Z. in which girls and boys from 5th to 8th grade separately listen to subjects such as geography, biology, mathematics and physical education. In a statement to an

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<sup>48</sup> 2006-2007. enrolled 54.1% women and 45.9% men, and in 2006. graduated 59.3% of women and 40.7% of men.

<sup>49</sup> Central Bureau for the Statistics - Publication *Women and Men in 2008.* - p. 31 - data for 2006..

<sup>50</sup> Activity Report for 2006. and Activity Report for 2007. of the Gender Equality Ombudswoman

internet portal, a director from one school said that "half of the schools in Zagreb work in the same way. "

**MEASURES TAKEN:** The Ombudsperson has asked the above elementary schools, as well as the competent ministries, for a statement and submission of the regulations under which such separated education is conducted, and a list of all the schools that are implementing such teaching practice. She received a response from both MSES and one of the directors, who stated "*staff and space limitations*" as a partial reason for the separate classes and emphasized that the separated education was introduced on the basis of Notification on the Work of the School Year 2006/2007. submitted by MSES to all the schools. The mentioned notification states that "*for the more effective teaching of physical and health education the division of students by gender in two classes is desirable, with the proviso that the division can not be implemented in the odd class section, and if there is a disproportionate number of male and female students.*"

In the explanation of the Notification, which MSES confirms, it is pointed out that "*the above explanation is issued in order to avoid the difficulties, ie, teaching of physical and health education can not be realized only as the first or the last lesson, and so the students of the two classes are joined in physical and health education classes as well as the class subject that has the same number of weekly hours*". Directorate for Inspection of MSES conducted a supervision at both elementary schools and „*found that there are no irregularities that are contrary to the law or the other regulation.*" In an attachment to the statement, MSES submitted to the Ombudsperson an excerpt from the Curriculum for primary schools<sup>51</sup> as well as a memo from the Board of Education of MSES, with certain requirements to be respected in the organization of classes for physical and health education<sup>52</sup>, which also states that education should be organized separately for boys and girls already from the fifth grade and that the one way of implementation, without increasing the number of hours is also "*connecting two parallel classes, and simultaneous teaching of physical and health culture and other subjects with the same number of weekly teaching hours.*"

**OUTCOME:** The Ombudsperson concluded that, although in this case there was a separation of boys and girls by gender, this separation does not constitute discrimination based on gender as it is defined in Article 7 of GEL. However, the Ombudsperson believes that the organizational reasons, in this case, the lack of space, the impossibility of hiring more teachers, etc., and recommendations relating to the separate classes of physical and health culture, should not be the basis for the separation of male and female students in teaching of other subjects like geography , mathematics and biology.

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<sup>51</sup> The chapter "Physical Education" states that "basic principles of this program take into account the biological and accompanying psychosociological differences between boys and girls. Therefore, subject education of physical and health culture from the standpoint of scientific and technical knowledge must be organized separately for male and female students.

<sup>52</sup> Memo to all primary schools, the Ministry of Education and Sports, the Board of Education (Class: 602-01/96-01/128) from March 1st, 1996.

Specifically, although each separation by gender is not automatically a discrimination by gender (eg male and female prisons, male and female sanitary facilities, etc.), it does not mean that we can start justifying the separation by gender with organizational problems in schools.

**4.2.2. CASE SUMMARY (PRS 02-04/08-01):** An anonymous complainant submitted the complaint to the Ombudsperson stating that a college in Z. enrolls twice as many male students than female students. The Ombudsman was submitted a copy of informative brochures on the teaching of the particular University studies, stating that the plan enrollment in this study allows "a total of 255 students including 165 male students, 85 female students and 5 male and female students - foreign nationals. "

**MEASURES TAKEN:** After examination of the faculty web site, The Ombudsperson has confirmed statements from the complaint and also found the information on the difference in the amount of the reduced tuition paid by male students and those paid by female students. Therefore, she requested a statement from the faculty. The faculty has provided an explanation stating that for years, to the particular subject study, report far fewer female students than male students (eg, 2007/2008. the total number reported was 25% female students and 75% male students), so the relation between the enrollment quota of male and female students emerged from the interests that each gender shows for the enrollment in this course. However, from the total number, there were 32% enrolled female students, and 68% male students. In their explanation, the faculty also stated that until now they had "*problems in completing the female students enrollment quota, so for the female population we conduct the classification procedure in the second enrollment period, and we enroll all the girls who cross the classification threshold, which is not the case for men.* "

As for the differences in application of linear increase rates of tuition fees for students, it occurs as a consequence of an accepted model for determining the level of participation at the University of Z. and differences between the enrollment quotas for male and female students.

Although there is a visible difference in absolute amount of rates, in the relative ratio the amounts are equal - for example, 30% best ranked male and female students are free from the participation, but since the enrollment quota for men is higher (165) than for women (85), the absolute number of male students who are exempt from participation is higher (50) than the number of female students exempt from participation (25). Percentages of accepted models of participation for female and male students include: relief from participation (30%), participation with a linear increase (55%) and maximum participation (15%), which are equal for both genders. Faculty plans to review plans and programs of studies in order to equalize them for both genders and to create preconditions for a single sign-up sheet.

**OUTCOME:** On the basis of explanations provided by the faculty concerned, the Ombudsperson concluded that this case is not about discrimination by gender, but about the application of Art. 9 para 2. and Art. 14 para 4 of GEL<sup>53</sup>.

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<sup>53</sup> Art.9 para. 2 of GEL: "Special measures are introduced temporarily in order to achieve real equality between women and men and are not considered to be discrimination"; Art. 14 para 4 of GEL: "At all levels of education an adequate care will be taken on the uniform representation of gender in pupil and student population, and all

### 4.3. EDUCATION - MISCELLANEOUS

On July 15th, 2008., The Croatian Parliament adopted the **Law on Education in Primary and Secondary School (OG 87/08)** that introduces the taking of the state graduation exam.

In the City of Zagreb and three Croatian counties - Vukovarsko-srijemska, Ličko-senjska i Šibensko-kninska, in October 2008., the Week of Lifelong Learning was held, where a series of lectures, panel discussions and workshops informed on the educational opportunities and lifelong learning as well as adult education, and encouraged discussion and collaboration with adult education institutions. As part of The Week, Fairs of lifelong learning were held, which presented examples of good practice and presented projects by the participants. There, citizens could learn about programs through which they can acquire further education, retraining and/or training for some of the professions.

Since the Republic of Croatia has no unified view of the situation in adult education which would include information on the adult education institutions, students, staff and programs, the Agency has begun development of the database. The Ombudsperson will monitor the development of a database which, according to Art. 17 of GEL, must express all the information about the students and staff by gender. The Republic of Croatia is obliged to submit, in 2009., 4th and 5th periodic report on the implementation of the Convention on the Elimination of All Forms of Discrimination Against Women to the Committee on the Elimination of Discrimination against Women (hereinafter :the Committee), which monitors the implementation of the Convention in member states. It is important to note that the Committee expressed concern about the conclusions of the 2nd and 3rd periodic report, which the Republic of Croatia has submitted in 2003, fearing that "women and girls in secondary schools and colleges continue to select areas of education which are traditionally viewed as 'female areas' and they are underrepresented in science"<sup>54</sup>, and urged the Republic of Croatia to "continue encouraging the introduction of diversity in educational choices of boys and girls, in higher education as well, including using of the special temporary measures in accordance with Article 4 and paragraph 1<sup>55</sup> to attract more women in science and technology<sup>56</sup>".

The Recommendation from the Council of Europe , Rec (2007) 17 of the Ministers Committee to the member states and explanatory memorandum entitled "**The standards and**

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educational institutions will pay special attention to a uniform representation of both sexes in management structures."

<sup>54</sup> Paragraph 33 of the concluding comments of the Committee for the Elimination of Discrimination against Women of the UN on the 2nd and 3rd periodic report of the Republic of Croatia on the implementation of the Convention on the removal of all forms of Discrimination Against Women

<sup>55</sup> Adoption by States parties of temporary special measures aimed at accelerating de facto equality between men and women, is not considered discrimination as defined in this Convention, but shall not in any way lead to the retention of unequal or separate standards; these measures cease to be implemented when the objectives of equality in terms of opportunity and treatment is realised. (Convention on the Elimination of All Forms of Discrimination against Women, Article 4. Para 1)

<sup>56</sup> Paragraph 34 Concluding comments of the Committee for the Elimination of Discrimination against Women of the UN and the 2nd and 3rd periodic report of the Republic of Croatia on the implementation of the Convention on the removal of all forms of Discrimination Against Women

**mechanisms for gender equality**<sup>57</sup>", in Chapter 2, *Education, Science and Culture*, states that "governments must ensure equal access to education for boys and girls, women and men, at all levels of education, lifelong education, science, research and culture"<sup>58</sup>.

Among the elements indicating the existence of political will and commitment to gender equality in this perspective, there is also "**regular supervision** of educational curricula, subject content, educational standards, lecturing resources and means of learning; organization of classrooms and schools in order to eliminate gender stereotypes at all levels of the education system"<sup>59</sup> and "*implementation of positive measures/special temporary measures to enable girls and boys the equal access to education, and expert professional training in those areas where one gender is traditionally more common than the other; this would ensure equal development of personal skills (like self-esteem, team work, addressing a number of people and peaceful conflict resolution) that are usually linked to one of genders due to stereotypical views of gender roles*"<sup>60</sup>.

Precisely because of the mentioned documents and recommendations, The Ombudsperson has analyzed the collected data presented in this chapter of the Official Report for 2008., to be used, among other things, as a summary of existing situation in the field of education as well as encouragement for the full implementation of National policy Measures to Promote Gender Equality in the period 2006-2010, and Gender Equality Law in relation to education.

## 5. MEDIA

The Gender Equality Ombudsperson, in accordance with her authority<sup>61</sup>, in addition to other legally defined areas (areas of employment and labor, education, political participation, legislation), also regularly follows the media. In addition to the daily monitoring and periodic and annual analysis of printed and electronic media, issuing of press releases in cases of identified discrimination by gender, family or marital status and sexual orientation, issuing of warnings to the media that violate the principle of gender equality in their program contents, the Ombudsperson also monitors the implementation of the Croatian legislation pertaining to the media, as well as other laws and regulations concerning media<sup>62</sup>. Besides, the Ombudsperson also regularly monitors international documents and regulations as well as the recommendations of international bodies, related to the role of media in the promotion of gender equality and eliminating discrimination based on gender<sup>63</sup>.

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<sup>57</sup> Publisher: Croatian Government, Office for Gender genders, ONA Library, Zagreb 2008. Vlada RH, Ured za ravnopravnost spolova, Biblioteka ONA, Zagreb 2008.

<sup>58</sup> Recommendation Rec (2007) Committee of Ministers to member states, paragraph 24

<sup>59</sup> Recommendation Rec (2007) Committee of Ministers to member states, paragraph 26. VI.

<sup>60</sup> Recommendation Rec (2007) Committee of Ministers to member states, paragraph 26. VII

<sup>61</sup> According to the Gender Equality Law (OG 82/08) and Anti-Discrimination Act (OG, 85/08)

<sup>62</sup> The Gender Equality Law, OG 82/08; Law on Media, OG 59/04, Law on Electronic Media, OG 122/03, Law on Amendments to Law on Electronic Media, OG 79/07, OG 32/08

<sup>63</sup> Recommendation 1555/2002 on portrayal of women in the media of the Parliamentary Assembly of the Council of Europe, the Roadmap for equality between women and men 2006-2010 ", European Commission, Action against sexism in the media, document 11 714 of the Parliamentary Assembly of the Council of Europe, How marketing and advertising affect equality between women and men, the European Parliament, INI/2008/2038, the Council of Europe: Recommendation Rec (2003) 3 of the Committee of Ministers to member states on balanced participation of women and men in political decision-making bodies and a memorandum of explanation, the Platform for Action, Section J.2. (244, ad) of the Beijing Declaration, etc.



On July 15th, 2008. the Croatian Parliament adopted the Gender Equality Law (hereinafter : GEL), which in Article 16 stipulates:

*(1) The media will promote awareness about equality between women and men through the program content, program plan, program orientation and self-regulatory acts.*

*(2) It is forbidden to publicly display and represent women and men in an insulting, disparaging or demeaning manner, with regard to gender or sexual orientation.*

The both articles are same as those from the 2003. GEL. However, the novelty is a misdemeanour provision Art. 36. of GEL, which provides punishment for media that violate the provisions of Article 16. of GEL „by publication of the program content or advertising the image of women and men in an insulting, disparaging or demeaning manner with regard to gender and sexual orientation ", amounting to 1.000.000,00 kn (Art. 36 of GEL).

According to the **Law on Media** (OG 59/04), Article 20, Para 8, "advertising in which women and men are represented in an offensive or demeaning manner, with regard to gender or sexual orientation is not permitted". The anticipated sanction for "legal and physical entities that perform advertising contrary to the provision of Article 20" of the Law on Media is a fine amounting up to 1.000.000 kn (Article 59, Para 1, indent 4). This is an amount equal to the amount anticipated for the same misdemeanor in the Gender Equality Law. The difference is that according to the GEL, those media are being punished that violate provision of Article 16 of GEL, by representation of program content and advertising, which encompasses a wider area of media contents that are subject to sanctions than the above sanction from the Law on Media, which applies only to advertising.

In **The National Policy for Gender equality 2006-2010** (OG 114/06), hereinafter : The National Policy, the measures are prescribed relating to the media.

*7.3.4. The effectiveness of protection against sexual discrimination and violation of privacy rights will be improved in media legislation by modifications and amendments of existing laws.*

**Measure 7.3.4. has been implemented in 2007.** The carrier was the Ministry of Culture, and the deadline 2007-2008. The Ministry of Culture informed the Ombudsperson that they have implemented measure 7.3.4. Namely, in July 2007. Law on Amendments to the Law on Electronic Media was passed (OG 79/07), which included the supplementary provisions on the right to protection from the discrimination of individuals and groups. A new Article 17 has been inserted in the Law, which stipulates, among other things, that television advertising and teleshopping may not include any discrimination based on race, gender or ethnicity. Amendments to the Law specifically state the duty of the Fund for the Promotion of Pluralism and Diversity in the Media, which operates within the Agency for electronic media, to stimulate the production and publication of electronic media program content, at local and regional level, which is of public interest, and is particularly important for encouraging the development of awareness of equality between genders. Electronic Media Agency may

temporarily restrict the transmission of program content from the EU member state, if a television show stimulates hatred based on race, gender, religion or nationality. Apart from following the media and legislation related to gender equality in the media, the Ombudsperson also personally promotes gender equality in the media, through the participation in TV and radio shows, public statements and press releases. In 2008. the interest of different media on topics related to gender equality in different areas has increased, and consequently the Ombudsperson made statements and/or participated in the national radio and TV<sup>64</sup> as well as the local radio<sup>65</sup> and TV stations<sup>66</sup>. During the 30 guest performances and recorded statements, the Ombudsperson talked on various topics, such as the position of women on the labor market, court decision on equalization of age of men and women before retirement, domestic violence, housing for women victims of violence, shelter funding by the state/city budget, political participation of women, women and poverty, on report of the World Economic Forum on the position of the Republic of Croatia on the basis of equality between genders, on gender discrimination in education, on Anti-Discrimination Act and Gender Equality Law, on Zagreb Pride, on violence against women with disabilities.

The official web site of the Ombudsperson - [www.prs.hr](http://www.prs.hr) - is continually updated to make the activities of the Office of the Gender Equality Ombudsperson transparent, thus facilitating better access to documents, reports, studies and all materials related to gender equality that are available the Ombudsperson. In 2008. web statistics of the Ombudsperson's website has recorded a total of 70 466 individual visitors, which is an **increase of 19%** (11 389 visits more) compared to year 2007. In 2008., the Ombudsperson has reacted to events and media content related to discrimination by gender and sexual orientation, by public statements and press releases that print media repeatedly requested by phone or e-mail. In 2008., the total of 159 articles have been published, reporting on the activities of the Ombudsperson, releasing an interview and longer or shorter statements of the Ombudsperson, which is **an increase of 81%** compared to 2007. (88 articles). In the press statements, the Ombudsperson has talked about passing of a new Gender Equality Law, education on equality between genders in secondary schools, discrimination in education, stereotypes in elementary school textbooks, position and discrimination of women on the labor market, on equality between genders in the Republic of Croatia in general, on Anti-Discrimination Act, equality between women and men in relation to parental care, domestic violence, employment of women victims of domestic violence and the systematic funding of shelters, violent attack on herself as a result of her response to the hate speech and political participation of women<sup>67</sup>.

## 5.1. CASE SUMMARIES

In this reporting year, the Ombudsperson has responded to the violations of the Gender Equality Law and the Law on Media, taking action within her authority. Following are some specific cases.

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<sup>64</sup> HTV 1: *Dnevnik, Podnevne vijesti, Dobro jutro, Hrvatska*, HTV 2: *Zagrebačka panorama*, Hrvatski radio I. program, Nova TV, RTL.

<sup>65</sup> Radio Pula, Zagrebački radio, Radio Slobodna Europa, Novi Radio Đakovo, Radio 101

<sup>66</sup> NIT TV Pula, Z1, OTV

<sup>67</sup> Public announcements and a detailed list of statements of the Ombudsperson in the print media is located on the official web site [www.prs.hr](http://www.prs.hr)

**5.1.1. CASE SUMMARY - (PRS 05-06/08-07 & PRS 05-03/08-01)** The daily and weekly newspapers wrote about the internet advertisement for company Nj.d.o.o. that compares women and men with models of cars, talking about them as "*brands*" and "*models*" that have "*the year of manufacture*", "*first registration*", "*nominal capacity*", "*the owner*" and may or may not be "*garaged*". In relation to the above characteristics of cars that were related to the photographs of women and men, the advertiser has accompanied the photographs with notion "*we do not have and will not have a comparison of the functions of women/men/mothers-in-law, but we do have the function of comparing cars*".

MEASURES TAKEN: The Ombudsperson has immediately issued a press release where she condemned the improper representation of women and men in an insulting and degrading manner that is contrary to the Law on Media<sup>68</sup> and to the Gender Equality Law<sup>69</sup> and warned that the sanctions<sup>70</sup> were envisaged for such a violation. At the same time, the Ombudsperson contacted the advertiser directly with warning and recommendation to immediately withdraw the advertisement, because it is inconsistent with the statutory provisions. The advertiser replied to the Ombudsperson, saying that he "*believes the advertisement's content to be funny, not offensive,*" and that "*the approval of the announcement was preceded by consultation with the profession that has rated the ad admissible and in accordance with the law*". In addition, he stated that, "*taking into consideration the opinion*" of the Ombudsperson, he would conduct additional consultations and if they "*demonstrate the sustainability of the arguments*" that the Ombudsperson indicated, he would be willing to withdraw the ad. The printed and Internet media have reported on the Ombudsperson's press release.

OUTCOME: The Office of the Ombudsperson regularly monitored daily newspapers and the advertisers Internet portal. It was established that the ad has been withdrawn from the portal within a few days, and had appeared only once in the newspapers after the Ombudsperson's warning. Therefore, the application for a violation was not filed.

**5.1.2. CASE SUMMARY (PRS 05-01/08-13)** - On the pages of an Internet portal a vulgar joke was released, called "an account of the bitter ex " in which a woman is described with highly offensive, vulgar expressions. A complaint was submitted to the Ombudsperson including the controversial joke, the warning that was submitted directly to the portal by the complainants, and a response of the editor of the section in which the joke was published. The editor argued that "*when it comes to the rights of women and men, you should deal with serious matters, and not our jokes, which are after all **just jokes***". The position of editor was that "*jokes are the least danger to any of us*" and that those who "*so respond to any so-called violation of the 'rights' of the people, and here I mean the to the jokes, really have too much free time and too little private life of your own and so you deal with nonsense.*"

The Ombudsperson decided to include this case in an Annual Report besides the fact that she has already opened a section "jokes and gender equality" on the official web site, in order to draw attention to the media practice in which sexism and gender stereotypes are justified as

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<sup>68</sup> Law on Media, OG 59/04, Art. 20. para 8.

<sup>69</sup> Gender Equality Law, OG 82/08, Art. 16th para 2.

<sup>70</sup> Law on Media, OG 59/04, Art. 59. para 4.

being „funny“, „a jest“ or „a joke“ and as a such considered harmless. The fact is that the jokes are mostly based on stereotypes on various grounds, including gender, as was the case in the above joke. Advertisers, advertising agencies, and, in this case a web portal editor, use the same justification: they do not intend to offend anyone and their content plays with stereotypes in a funny and humorous way. However, the content based on the stereotypes, visually or textually "wrapped" in a joke, trick, jest, sketch, etc., making it reasonable and harmless at the first glance, in fact confirms and reinforces the stereotypes. Moreover, strengthening of stereotypes through the assumed wit and entertainment is in direct opposition to their elimination, regardless of the intentions of advertisers, editors, advertising agencies and others. One of the guidelines for eliminating gender stereotypes in the media reads: "*The media play a crucial role in combating gender stereotypes. They can contribute to presenting realistic image, skills and abilities of women and men in contemporary society by avoiding their portrayal in the degrading and abusive way*<sup>71</sup>."

Portraying of men and women in the degrading and abusive way can not be interpreted as entertainment and certainly not as a harmless fun. Furthermore, **telling jokes in private environment can not be the identified with publicly spoken words, that still bear greater responsibility.**

Mocking, insulting, humiliating, degrading of a person **on the basis of gender** in public spoken words or published media content **carries the same weight** as mocking, insulting, humiliating, degrading of a person on **any other grounds**, such as disability, race, ethnicity, age, religion, marital and family status, sexual orientation and others.

This also applies to the TV commercials that refer to their so-called wit showing, for example, a man as a gorilla caring only for football or a woman fleeing from her own wedding to hug a the tomato, which provides cheaper calls!

**5.1.3. CASE SUMMARY (PRS 05-01/08-15)** - On August 27th, 2008., one daily newspaper run the front page headline: " Slaughtered her daughters in their sleep".

MEASURES TAKEN: The Ombudsperson immediately issued a warning to the editorial staff of the newspaper, stating that this choice of title was completely inappropriate and sensationalistic manner of informing of a huge family tragedy, which is contrary to the guidelines from the *Manual with Guidelines for Media Reporting on Domestic Violence* , issued in 2007. by the Ministry of Family, War Veterans and Intergenerational Solidarity under the Council of Europe National Campaign to combat violence against women, including domestic violence, which officially ended March 8<sup>th</sup>, 2008. She has also warned that in the National Strategy for Protection from Domestic Violence for the period 2008. - 2010. (OG 126/07), one of the listed areas of activity is raising of the public awareness for domestic violence issues, which stresses special role of the media in reporting on cases on domestic violence, and that Journalists' ethical code also requires that "a journalist should protect one's privacy from unreasonable and sensational disclosure to the public". The

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<sup>71</sup> Roadmap for equality between women and men, the guidelines for the period of 2006-2010, the European Commission 1.3.2006.

Ombudsperson recommended that, in reporting on domestic violence in the future, they do not use inappropriate phrases such as the above sensationalistic expression "slaughter".

The fact that the media have the power to influence public opinion increases their responsibility for every written word, not only in relation to the veracity of the news, but also in relation to a way of transmitting information that should include the respect for the person concerned, especially in sensitive cases like domestic violence and family tragedies.

**5.1.4. CASE SUMMARY (PRS 05-01/08-28)** – The Ombudsperson was submitted a complaint regarding the interview in a national daily paper, and the internet version of the same paper, in which the interviewed person has „grossly insulted and derogated“ the complainant, and, indirectly, the organization in which she operates as well as "*the very struggle for gender equality in the Republic of Croatia*". The complainant referred to the part of the interview, quote: „*She does not represent any association, committee, society, what have you, she is the former religious teacher that comes directly from the Middle Ages. She is the president of some organization for something, God knows what, and her doctrine is based on insulting other women. She has grossly insulted our major actress, and she speaks about the women's rights?! She humiliated her, tried to embarrass her, and that committed actress has only received praises, received an award Pula, received praises from all the critics and professionals. And then comes an anonymous former religious teacher that shits on her and the movie ... And, now I need to be nice to her? Oh, who fucks her !*" The complainant asked of the Ombudsperson to formally intervene.

**MEASURES TAKEN:** The Ombudsperson has found that certain statements by the interviewed person were really offensive to the complainant. However, every insult, no matter how gross and uncultured it was, and regardless of the gender of the insulted, can not be treated as gender based discrimination. The Ombudsperson for Gender Equality is responsible to consider complaints regarding gender based discrimination, and here, in spite of really harsh insults, it was not the case. The interviewed, in defense of the main actress in the movie, who he believed was, in previous statements to the media, grossly insulted by the complainant, has also insulted the complainant, but according to the Ombudsperson's opinion, not because the complainant is a woman, but because he did not agree with her opinion of the movie and her statements regarding the particular scenes, which the complainant expressed publicly on several occasions. Therefore, the Ombudsperson informed the complainant, that in this particular case, although the complainant is a woman and although the interviewed has insulted her, she was not discriminated against on the basis of her gender. Any broader interpretation of discrimination based on gender would make **any** insult addressed to a woman or a man a gender based discrimination, which would not be in accordance with the definition of discrimination under the Gender Equality Law.

**5.1.5. CASE SUMMARY (PRS 05-03/08-04)** – The Ombudsperson received by e-mail a complaint about the advertising flyers of one brand of beer that the complainant considered "sexist" and "offensive". She attached to the e-mail copies of the flyers with barely dressed female models and gender stereotypical and sexist lyrics like: „*A man can not go against his nature. Unlike women who gather berries and care for the home, it is natural for a man to go*

*away from the house and to hunt. Whether he hunts for a woman, a ball or something else, it does not matter, it is his natural role... Beer is like a woman, seeking only the best for itself and so easy to foam", "Beer is like a woman, it is best when it is juicy and when it steams up in your hand", „Bear must be cold and a woman hot. This is one of the many great truths of life ... beer is like a woman, you wait for it for a long time, then enjoy it for few minutes and already want it again."*

MEASURES TAKEN: Since under the Law on Media (Art. 20, paragraph 6) "*the advertiser is solely responsible for the content of advertisements*", the Ombudsperson tried to determine the identity of the advertiser. Checking the data about the respective beer manufacturer, she established that the said manufacturer is outside the jurisdiction of the Ombudsperson because he is not from the Republic of Croatia. After that, she tried to determine who is the distributor of the beer in Croatia in order to acquire the information about the flyers distributor. Although the Zagreb headquarters of the beer manufacturer were mentioned in several newspaper articles, his address in the Republic of Croatia has been impossible to determine even through distributors. Therefore, it was not possible to give the manufacturer a direct warning.

## 5.2. PROGRAMMING CONCEPTS

According to the GEL, the media are required to promote awareness about equality between women and men through the program contents, program principles, program directions and self-regulatory acts<sup>72</sup>.

The Ombudsperson has in 2008. asked the public television (Hrvatska radiotelevizija – HRT), and commercial televisions (RTL Televizija, OTV – Otvorena televizija, Televizija Sljeme d.o.o. (Z1) and TV Nova) to submit for the review their internal regulations that govern compliance with legal provisions on the promotion of awareness of gender equality in program contents<sup>73</sup>, program principles<sup>74</sup> and guidelines, in accordance with the provision of the GEL. She received answers from the public television – HRT and commercial televisions RTL, OTV and Z1). Nova TV has not answered by the end of the reporting year.

**The public television (HRT)** stated that its program guidelines „*have always been based on the adopted laws and regulations that regulate gender equality*“ and that "*in its program, HRT is trying to increase the awareness of gender equality*", but "*does not want to emphasize a particular gender*" in its content.

Instead of the internal regulations, in their response HRT has submitted an extract from the Law on Croatian Radio and Television (OG 25/03), which states that the programs of HR and

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<sup>72</sup> Gender Equality Law, Art. 16 para.1.

<sup>73</sup> "The program contents of the media are all kinds of information (news, opinion, information, messages and other information) and works that are published through media to inform, and meet the cultural, scientific, educational and other public needs." (Law on Media OG 59/04, Article 2.)

<sup>74</sup> "The program principles of the media are selected program contents (general or specialized) determined and announced by broadcasters at the startup of the media." (Law on Media OG 59/04, Article 2.)

HRTV are prohibited to encourage discrimination or hostility against individuals or groups, among other things, because of their gender<sup>75</sup>.

The reply continues with the quotation of Article 6 of the Ethical Code of HRT (2006) that prohibits censorship, among other things, on gender assessment, "*that is inconsistent with the Constitution of the Republic of Croatia, the laws, the provisions of the Code, other regulations, and other professional standards, ethical principles and international standards on freedom of information*".

The Ombudsperson believes that individual articles of law are not internal regulations and that the ban of the incitement to discrimination and prohibition of censorship on the grounds of gender are not the same as promoting the development of awareness of gender equality. The gender analysis of media content, conducted by the Office of the Ombudsperson, has shown that, out of 603 topics presented in HRT tv-show „Good morning, Croatia“, excluding all blocks of information, news, previews, music videos and the like, only 2% of the topics, ie 7% of 166, had something to do with gender equality, and that these topics relate mainly to health and/or reproductive health of women.

In their reply to the Ombudsperson, HRT states that they give *special attention* to the contents that advocate gender equality in Program for Children and Youth, and that "*one of the key factors in creating the Program guidance for 2009. will certainly be encouraging the content that advocates the gender equality*". In the next reporting period, the Ombudsperson will analyze this program orientation in accordance with Art. 16 Paragraph 1 of the GEL.

**5.2.1. CASE SUMMARY (PRS- 05-01/08-09)** – During 2008., the Ombudsperson received a complaint on the way the women were presented in the shows of the Sports Program, broadcasted from the studio as an accompanying information and entertainment content to the Croatian Football League: „*Women, generally very young girls, in nearly every studio show of the HRT Sports Program, in fact perform the (given) task of erotically spicing this shows as half dressed models, either the special shows dedicated to the European Football Championships or the „Croatian Football League“ shows.*“<sup>76</sup>

**MEASURES TAKEN:** The Ombudsperson has requested a statement from the editor of the Sports program and received a reply stating that "*in the Sports program shows, women are not shown in the demeaning way, on the contrary, in many of our shows, they are given treatment equal to men*". Since the two members of the HRT Program Council also had objections on the Sports program and the way it shows women<sup>77</sup>, at the 54th Program Council meeting it was concluded that "*the program must first be completed and then evaluated*" and that "*the special session of the Program Council was proposed for July*". The Ombudsperson has

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<sup>75</sup> Law on Croatian Radio and Television, Article 8 Paragraph 1

<sup>76</sup> Complaint PRS- 05-01/08-09

<sup>77</sup> Večernji list, 24.6.2008, p. 23. „Rain of criticism over Euro“

requested access to the assessment of the announced Program Council meeting, but by late 2008. has not got them for inspection, and the same is not available on the web site of HRT.

**RTL Television**, in addition to their response, also submitted to the Ombudsperson the Program guidelines of the company RTL Croatia d.o.o.<sup>78</sup>. Paragraph 4 of the *General principles* states that RTL will „aim, through its programs concepts, to promote development of awareness of equality between women and men in today's society, and contribute to its development", and paragraph 5, *Religion, prohibition of discrimination and promotion of the awareness of gender equality* states that any form of discrimination should be avoided, and that „the promotion of discrimination or intolerance towards individuals or groups on the basis of their sex, marital status, or sexual preferences and other characteristics"“ is forbidden in their shows, adding that "RTL will, in its program concept, persist in promoting awareness of gender equality in accordance with the European standards."

Compared to HRT, RTL adds a "marital status" to the grounds on which the promotion of discrimination or intolerance is prohibited, and also states the promotion of the awareness of gender equality.

**Television Sljeme**, the concessionaire of Television Z1, submitted a detailed response and program guidelines, which are, according to the editor in chief, the main internal act that editors and journalists are using during production of the Z1 programs which forms the basis of their actions. In Chapter V, *Taste and decency*, the provisions of sex presentation are quoted (7.1). In addition to provisions regarding the content and time of the presentation, it is stated that "one should bear in mind that many viewers still have a great degree of suspicion towards homosexuality". It is not stated whether this means that such contents may be shown, in certain time, or that they should not be presented at all. *Showing content with sexual violence against women and minors* requires serious discussion with editors and can occur only for "justifiable reasons" that are not specified. Program guidelines in this chapter point that it should be taken into account not to "recklessly emphasize the stereotypes, of either male or female behavior". Although the term "recklessly" in this context is a bit inappropriate, because it could mean that the stereotypes may be emphasized if they are thoughtful, the Ombudsperson considers it positive that the program takes into account the guidelines on the removal of stereotypes for both genders. Chapter V, *Violence*, in point 3.4., *Violence against Women*, states: "Violence against women in a drama should not encourage the view that women should be exploited or humiliated by violence. Also, in scenes of violence, women should not be shown as willing victims. Rape is nothing but misfortune for the victim and it is wrong to suggest anything else. Violence against women should not be presented as an erotic experience. " In Chapter VIII., *Portraying*, it is recommended that, when talking about professions, female gender should be used if one talks about a woman. In paragraph 2.2., *Offensive and inaccurate stereotypes*, it is stated that Televizija Sljeme will not use stereotypes that would „draw suspicion“ to certain social and/or ethnic groups, or „ridicule them“, but they will instead "show them in the fullness of their existence and role in society. " They explicitly state that the program will not, among other things, "show women as housewives, people with special needs as victims, the elderly as a burden, the Roma as

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<sup>78</sup> Zagreb, June 2004. (revised december 2005.)



*beggars.* " Also, given that the women constitute the majority of Croatian population but are still underrepresented in the programs of Croatian televisions, it is recommended that " *non-sexist language be used* " as a way "to avoid the creation of views that some activities are specific only to one gender." With regard to the sexual orientation, TV Sljeme in item 6, *Sexual orientation*, states that TV Sljeme "should not spread any kind of prejudice" and that "persons of lesbian or homosexual orientation or those who are bisexual constitute a minority in our society that has the right to fair representation." The same chapter mentions the possibility of falling into the stereotype if homosexual people are being shown solely on account of their "sexual orientation or their sexual orientation is the only difference." Also, in their language, they are obliged to use the acceptable terms "homosexual" and "lesbian" for this social group.

**OTV - Otvorena televizija** informed the Ombudsman they have no internal regulations that regulate the promotion of the development of gender equality awareness in accordance with the provisions of GEL, but that they plan to create them. OTV has stated that, regardless of formal documents, "from its beginnings it has been trying to raise awareness about gender equality, with its program contents as well as their entire business activities", and those topics were dealt with in specialized shows with guests from NGOs, the Government, Gender Equality Office, etc. such as: Otvorena TV, Dvogled, Pečat vremena, Svakodnevnica, Klub žena, Povećalo (*Open TV, Binoculars, Time Stamp, Everyday Life, Women's Club, Magnifier*). Daily show „Svakodnevnica“ ("Everyday Life") by OTV was involved in gender analysis of media content, conducted by the Gender Equality Ombudsperson in 2008. It turned out that in this show 13% of the topics, from total of 109, were related to gender equality, or even 38% from 37 topics with news and music videos excluded.

### **5.3. ANALYSIS OF THE ARTICLES RELATED TO GENDER EQUALITY FOR THE PERIOD FROM JANUARY 1st TO DECEMBER 31<sup>st</sup>, 2008.**

In addition to daily receiving of the press clippings related to gender equality, through the agency for media monitoring<sup>79</sup>, the Office of the Ombudsperson independently monitors, collects, sorts and analyzes *the pres clippings* according to the areas in which The Ombudsperson monitors the implementation of the Gender Equality Law and other laws and regulations related to gender equality.

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<sup>79</sup> The agency service covers national and regional newspapers and national weeklies (Arena, Bjelovarac, Dnevnik, Dubrovački vjesnik, Dubrovački list, 24 sata, Banka, Cosmopolitan, Extra, Feral Tribune, Fokus, Glas Istre, Glas Slavonije, Glas Podravine i Prigorja, Elle, Globus, Gloria, Gloss, Grazia, Hrvatski narodni list, Jutarnji list, Karlovački list, Karlovački tjednik, Lisa, Međimurske novine, Metro Express, Moby, Nacional, Novi list, Novi sisački tjednik, Osječki dom, Posavska Hrvatska, Poslovni tjednik, Slobodna Dalmacija, Stars, Story, Šibenski list, Varaždinske vijesti, Večernji list, Virovitički list, Vita, Vjesnik, Vukovarske novine, Zadarski regional, Zadarski list, Zagreb News, Zaposlena, Zarez); Radio news broadcasts: HR1: Dnevne novosti, Dnevnik, Kronika dana; Radio 101: Aktualni 101; internet portals (Biznis infoforum, Bankamagazine.hr, Bug online, Corner, Hina, Indeks online, Iskon, Izvješća Sabora, Moj htnet, Monitor, www.liderpress.hr, www.business.hr, croatiabiz.com, VIP online, www.h-alter.org, T-portal, Indeks online, www.net.hr)

During the period from January 1st to December 31st, 2008. The Office of the Ombudsperson has analyzed **a total of 3135 articles** related to the jurisdiction of the Gender Equality Ombudsperson that were published in the daily and weekly national and regional newspapers and on Internet portals<sup>80</sup>.

**Order of individual topics by percentage of representation:**

	Topic	Number of articles	Percentage
1	Violence (domestic, sexual) <sup>81</sup>	963	31%
2	Politics and the legislation	534	17%
3	Labour market (labour and employment)	375	12%
4	Media	249	8%
5	NGOs	209	7%
6	Education	110	3%
7	Health	110	3%
8	LGBTQ <sup>82</sup>	150	5%
9	Gender Equality (in general)	126	4%
10	People with disabilities	88	3%
11	Prostitution / Trafficking	62	2%
12	Misc	159	5%
	<b>Total</b>	<b>3135</b>	<b>100%</b>

In the section Misc there are 159 articles which, in very small single percentages, include the topics: women in rural areas, women war veterans, the women in the military, members of national and ethnic minorities, women in prisons, etc.

<sup>80</sup> published in 48 different daily and weekly national and regional publications and 10 Internet portals

<sup>81</sup> The analysis has not used articles from the crime reports, but articles from other pages reporting on specific cases, statistics, national policies, campaigns, surveys, etc.

<sup>82</sup> acronym for lesbian, gay, bisexual and transgender population

If we analyze the percentage frequency of writing about certain topics, we see that from 3135 analyzed articles:

- **every 3rd** article talks about **violence and domestic violence**;
- **every 6th** article on gender equality in politics and legislation<sup>83</sup>;
- **every 8th** article on the labor market;
- **every 21st** article is on topics related to the homosexual orientation;
- **every 25th** article on gender equality in general;
- **every 28th** article on education and health;
- **every 36th** article on equality of persons with disabilities.

Although in this analysis **articles from crime reports were not included**, but only those articles that speak on the topics of domestic and sexual violence, the issue of domestic and sexual violence was still the most common of all the topics in a total of 3135 analyzed articles. In the second place, half less represented, is the topic of politics and legislation relating to gender equality. As high as 24% of the articles within this topic were related to the adoption of two important laws: the Gender Equality Law (OG 82/08) which came into effect on July 15th, 2008. and Anti-Discrimination Act (OG 85/08) which came into effect on January 1st, 2009. The least-represented topics, with less of the 5% from total 3135 articles, are the topic of gender equality in general, equality in education, health topic, reproductive health of women, discrimination against persons with disabilities and the topic of prostitution and trafficking. The issues related to the LGBTQ were represented with 5% .

### **Comparison with analysis from 2006. and 2007.**

The Ombudsperson in 2006. monitored and analyzed the total of 3105 articles and in 2007. total of 3835 articles. In both 2006. and 2007. the violence against women, domestic and sexual violence, was the most common topic; in 2006 with 28%, in 2007. with 21%. In 2008. too, this topic was in the first place with 31% of the total 3135 articles.

### **Method of processing of individual topics**

It is important to note that number of articles within each topic is rapidly growing when, mainly due to sensationalism, almost all media for days, sometimes weeks, report on the same individual event, producing a large amount of new articles on the same subject, repeatedly, and often reduced only to hearsay and previously published information. Consequently, there

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<sup>83</sup> Large representation is related to the adoption of two important laws - the Law on Gender Equality and Anti-Discrimination Act

is less diversity within the large number of articles of some topics listed here, than in the stories written in a smaller number of articles. The only condition for the extensive coverage of a particular case is that the person or persons about whom is being written are already known to the public and that their life story has elements of a scandal involving the adultery or divorce. In an effort to keep the attention of the public, in the two cases when women were fatally injured after a violent attack, the media have speculated about their sexual activities, which is the secondary victimization of innocent victims.

### **Media representation of women from rural areas**

Women from rural areas of Croatia are rarely seen in the media. In the press, during 2008., there were only 20 articles which applied to women in rural areas in the following way:

Articles mainly report on the marking of a date, such as the dates traditionally associated to a specific region of the Republic of Croatia, and women from rural areas are represented in them in folk costumes, demonstrating the traditional culinary specialties of the region. Another reason for reporting on women in rural areas is the election of "the most exemplary Croatian rural women" (*„a women who, besides having a nice household and farm, makes agricultural products, handicrafts or artwork, and must also be recognized by her community as a fighter for the development and advancement of social, cultural and economic life of women, families and communities<sup>84</sup>“*) that takes place every year under the patronage of the Ministry of Agriculture, Fishing and Rural Development, organized annually, on the eve of October 15th - The World Rural Women Day. Although, on October 15th, The World Rural Women Day was marked in Croatian towns and counties with various activities, mostly organized by county commissions for gender equality, such as debates on "The role of rural women in life of local community" (Brodsko-posavska County), presentation of awards to rural women *"who have contributed to the preservation of rural lifestyles, preparing traditional foods and promoting the cultural heritage of our region"* (Varaždinska County), and exhibition "Women and Rural Entrepreneurship (Virovitičko-podravska County), information about these events could be found only by searching for news on the county web sites, but not in print. Although on the March 13th, 2008. The European Parliament adopted the text on the status of women in rural areas of the European Union, the press has not reported about it, although many parts of the text can be applied to the situation of women in rural areas of the Republic of Croatia, such as statements *"that many women in the country are not recorded in the labor market in any way, neither are they registered as unemployed or included in statistics of unemployment"; "that many rural women are employed in jobs that are not recognized, protected and paid even though they are measurable,"; "that few women own property, and if they do, those are small and of low income"; "that most rural women work with their fathers, brothers and husbands who are the sole owners of the property"; "the important contribution of women in local and community development is inadequately reflected in their participation in decision-making"; "that in the budget development more attention should be paid to programs for rural development and more resources should be allocated for special needs of women in these areas" and that "the integration of gender equality in rural areas, is a key strategy not only for promoting equality between women and*

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<sup>84</sup> From the Ordinance of election of the most exemplary Croatian rural women, Krapinsko-zagorska county

*men, but for economic growth and sustainable development of rural areas.*“ With this text, the European parliament urged the countries, including regional and local communities and businesses open the possibility for improving the level of education and training of rural women for their participation in the contingent of labor force, to direct their policies at improving the general living conditions for rural women, to promote female entrepreneurship, women's support networks, models of mentoring (instructing) and the associations of female entrepreneurs; to develop the legal form of joint ownership, which will fully respect the rights of women, and ensure social protection and recognition of their work; to support companies that invest in rural areas and offer women quality jobs.

The Croatian Government, on 21st session in May, 2008. , adopted the "Rural Development Strategy for the Republic of Croatia for period 2008. - 2013." which is gender neutral.

Although, according to the Census of 2001., 44.4% (1,971,005) of the population is considered rural population, there are no articles in the newspapers that talk about any of the following statements about the status of women in rural areas: how much agricultural land is owned by women in relation to the fact that the rural women are doing the same jobs as men, and that they additionally take care of household and family, what are their pensions like and whether they have them at all, whether they have health insurance, whether they are victims of domestic violence, whether they have access to education and loans, what is their legal and economic status. The position of women in rural areas, from this perspective, is not an interesting topic to the media. However, what the media consider as an interesting issue, related to rural women, they demonstrated at the beginning of 2008. when most of the media (Večernji list, 24sta, RTL, HRT 1, Nova TV) devoted attention to the making of the 3rd Croatian agricultural calendar for the portal Seljaci.org. The reason of interest were the photos of a girl dressed in traditional costume, placed in a sexually suggestive position with her legs apart, with her skirt raised and holding a corn cob. The competition itself, which was announced by the listed portal before selecting a girl for calendar, was designed with sexual innuendo, so the candidates were supposedly tested in driving the tractor, cleaning the stables and milking cows, while all the time wearing a shirt with the printed raised corn cob and words: *"...for the farmer must plow more deeply.*“ In late 2008., the articles on the same topic were repeated because of the new competition for the selection of the most beautiful girl by the same site, for a calendar for 2009., in *„standard position with the revealed thighs and corn cob in hands*". One of the articles that have accompanied Miss village competition, quoted organizers of the contest, *"Miss village should be beautiful and 'smart to some extent '.*<sup>85</sup>

The media constantly justify themselves by saying that their job is to report on what happens in real life, though even superficial monitoring of the media leads to the conclusion that reality is only what the media **selectively** choose to write and report. In reality, in villages, there are no girls who peel corn in the way displayed in this calendar. However, for the fourth consecutive year, through the Internet site, you can vote for a girl who will peel corn in the above position for the next year's calendar. This is the "reality" that the media have published with a lot of sympathy, **in primetime daily news broadcasts**. Life of women who perform a

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<sup>85</sup> www.javno.com, November 6th, 2008.

variety of unpaid work in rural areas in and around the house and very heavy physical work in the fields, is still unreal for the media.

The only positive example to highlight is the article published in the Jutarnji List on September 6th, 2008. entitled "*Grandmothers set a trap for the inflation*", which, in the form of the report, spoke about the real status of older rural women, on how they deal with poverty, according to the statement that they live with only 600 kuna per month.

### **Women in sport and sexism**

The sport is generally very present in the media. National daily newspapers have regular weekly articles about sports, and write every day about sporting events on 6-8 pages, with 20-30 articles, resulting in 7000-10000 articles about the sport per newspaper per year, including the results and match reports of women's teams in group sports and individual achievements in sports, mainly our best female athletes and skiers, and less frequently female table tennis players, figure skaters and swimmers. At the Beijing Olympics, the medals were won by women (four out of five), which was the reason for somewhat larger media coverage on women in sports. A larger number of articles, 30 of them, referred to the female winner of two gold medals in the Beijing Paralympics, but substantially they were not related so much to her medals, as to the subsequent controversy related to her disability, accusations against the coach, etc. Independently from the above mentioned articles, that were related to the review of results and the reports from the matches, only 20 articles on the status of women in sport were collected during 2008., including those about members of Croatian female expedition which climbed the Cho Oyu, and is preparing to climb the Mount Everest, as well as those of the scandal relating to the allegations by junior table tennis team members who have accused the selector for violence.

Women's sports have received more media attention with the appearance of photos of female volleyball players in a sexy calendar for 2009<sup>86</sup>. The message from the article associated with this calendar, under the title "*Female volleyball players are excellent models because they have an attitude*", is that women's sports can be promoted by using bodies of half naked sportswomen. "*We want to show the human face of volleyball, and we will best achieve this with our girls - said the President of the Croatian Volleyball Federation* ", adding that their goal is "*return of a positive image of women's volleyball*", (Večernji list, September 10th, 2008).

In the media, athletes will also find their place on the basis of their looks. The aesthetic surgery of our best female athlete and comparison of her prior and current looks was discussed in detail in a large article in which the opinion of her "new" appearance was given by many public figures. Although the sporting performances results of the particular female athlete were generally accompanied by articles on the sports pages, she has „earned“ such a big story (the two full pages) only with the cosmetic surgery.

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<sup>86</sup> From the announcement for the calendar from Večernji list, september 16th, 2008.

The articles often use sexism. Sports terms commonly used in reporting about sporting events, are used as sexual ambiguities: "*The Masters in Madrid was dominated by 'small balls' under tight shirts*"<sup>87</sup>. In the article, men are "*The giants of tennis courts*", whose superb game can be only overshadowed by a female body: "*Hardly anyone in the tournament kept their eyes on the ball hopping over the net*" because, on the ground, there were "*charming female ball catchers straight from the catwalks, who completely overshadowed tennis*". Further in the article, the men are referred to as "*testosterone charged tennis stars*", and the recognition of the girls reads: "*But they have exercised strenuously in order to give a new charm to this tournament, and, by all accounts, it seems that they breasted it.*"

The media do not hesitate from publishing articles that make fun of female athletes based on their looks. One example is the article "In Round 3 by Marathon", published in *Vecernji list* on June 27th, 2008. With the sports article about the results of the Wimbledon tennis tournament, four photographs have been published, a male tennis player and three female tennis players. Two of them were presented with their butts in the foreground, and the third with deep cleavage. The text below the photograph points out that one of them is a Playboy model, and it is suggested that the tennis player with deep cleavage „*has something to show for*“<sup>88</sup>. The physical appearance of male athletes is not the topic of a single sports article because men in the sports are not judged according to the physical appearance and/or beauty. Their heterosexual orientation is also not questionable, because it is never not speculated in the media about possible homosexuality of sportsmen, while the female soccer player was asked the question directly: "*Is your sexual orientation different?*" (*Jutarnji list*, November 23rd, 2008. "*The ball is my only family*").

Throughout the reporting year, only two articles reported about the position of women in sports in a serious manner and analyzed their position in relation to men: "*The Battle of Sexes*", published in *Sportske novosti* on October 12th, 2008., with the subtitle "Do we evaluate equally the sporting achievements of sportsmen and sportswomen", which discusses the issue of sexism in sports, as well as ignoring the group sporting events by the media, such as women's basketball, women's soccer or women's handball, and the article "Sexism rules in the city sports", *Večernji List*, September 17th, 2008.

A woman's body remains in the center of media interest, and photographs with women's breasts and/or bottom in the foreground are used as illustrations of various topics. The best example is the European Football Championships in June 2008., when both the press and Internet portals were full of photographs of cheerleaders whose sparingly clothed bodies were decorated with national symbols<sup>88</sup>. So, for example, a special attachment to a weekly magazine, *EURO 2008.*, dedicated to the European Football Championship, brought interviews with the men who hold positions in football management structures and/or selectors of national teams, as well as detailed information about 16 national teams. At the bottom of each page, for each team, there was a section "Cheering info" in which, next to the number of women in each country, there was also a quirk related to women such as: "*What can you say, the most beautiful woman on Earth*" (Croatia), "*Lush, blonde, playful and the*

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<sup>87</sup> [www.index.hr](http://www.index.hr), October 17th, 2008.

<sup>88</sup> Example: *Jutarnji list*, June 10th, 2008. „*Sexy tsunami: God, thank you for our cheerleaders!*“

*most importantly - they love beer!"* (Germany); *"Sexiest language in the world. Turn off the lights and the ask them to recite Brell. Better than sex!"*(France), *"Small, black, willing"* (Italy), *"Tall, blonde (in combination with the orange dress, yummie!), licentious ..."* (The Netherlands). Below is the an advertisement for beer and the buzz with which one orders, what should the supporters carry with them, how to recognize them and the pictures of (semi)nude girl with comments that often carry sexual innuendo. The way in which women's bodies were used in the sports program dedicated to the European Football Championship were also criticised by the members the HRT Programme Council<sup>89</sup>, and sexual stereotypes used about football, beer and also the cheerleaders were criticised by women's organizations, while the deputy Prime Minister and Minister of Family, War Veterans and Inter-Generational Solidarity, Ms. Jadranka Kosor, warned about *"escalation of domestic violence during the soccer madness, in which women are most often the victims."*<sup>90</sup>

### **The media image of women and men**

Often an event or a person becomes and remains interesting to the media when, and until they can be presented in a way that suggests sensationalism and scandal, not taking into account whether their reporting intrudes into someone's private life.

Thus, for example, in this period, very little was written about the problems of single fathers, but the number of articles on this subject has increased when the media speculated that, in two separate cases, the two men well-known to the public, could soon turn to NGOs for the protection of their rights as single fathers because of possible violations of those rights. But, because they have not addressed these organizations, media interest for the position of single fathers has sharply subsided. As a positive example we emphasize the regional newspapers Zagorski list, which on December 12th, 2008. published an article about a new law about maternity and parental benefits, entitled "Daddies, let's take maternity leave", which speaks about the current percentage of fathers in the Republic of Croatia who use the right for maternity leave (2%), and inform about the rights of fathers under the new Law on Maternity and Parental Benefits (OG 85/08).

Examples of using naked female bodies as an illustration and a decoration, except in the periods of football championships, are: Auto-moto stories illustrated with pictures of girls dressed meagerly in the Santa suits, under the title *"Christmas corner for pleasure"*<sup>91</sup>, a national weekly newspaper that, with the ironic and critical article entitled *"Educational feather: gently on the butt"* related to the campaign *"Raise your hand against corporal punishment"* by the Council of Europe, publishes a photo depicting the naked female butt fondled by someone with a feather<sup>92</sup>, or an article about birthday party of the Mayor of Zagreb, where the text, except for photographs of the Mayor, was illustrated with old photograph of the Mayor's spokeswoman dressed only in the bra, and in no way connected to

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<sup>89</sup> Večernji list, July 24th, 2008., „Rain of criticism over Euro“

<sup>90</sup> Slavonski dom, July 13th, 2008., „The female part of the Government and NGO warns: Women are the victims football madness!“

<sup>91</sup> Glas Istre, December 20th, 2008. (p. 8. Auto-moto)

<sup>92</sup> Globus, July 4th, 2008.



the contents of the article<sup>93</sup>. When the media write about men in sexually non stereotypical roles, they do it with a lot of sympathy and support, which is good. For example, a big article about two men in the traditionally female occupation, "*Male 'aunties' in the kindergarten*", without irony shows the two men as very nice people, excellent at their jobs, adored by the children. However, when the media write about women in traditionally male professions, they always try to point out that these women have a feminine side, or that their job does not prevent them to be "*normal women*". For example, in the article "*Women for high risk actions*" about the first Croatian female special forces, in a number of ways it is emphasized that "although in the manliest profession in the world", they are no different than any other woman: "*Although we are trained to fight against terrorists and diversions, we live as other women: we wear makeup, we gossip with our friends and read Cosmo*", „*I enjoy coming home when I have a free weekend, dress nicely, put on high heels and be a normal woman ... Although I am special police officer, I have a female side*<sup>94</sup>". The media also contribute to the differentiation by gender, when it comes to men in the traditionally female and women in traditionally male professions, because they only question the women in the "*male*" professions about their "feminine" side (and get answers).

### **What the media seldom write about**

There were 88 articles on equal opportunities for people with disabilities, who make up about 10% of the population<sup>95</sup>, covering various topics, such as awards for the best employers of the people with disabilities, the need to facilitate coping with obstacles on the streets and at entrances to buildings and colleges for people in wheelchairs, ratifying of the UN Convention on the Rights of Persons with Disabilities, personal assistants, legal provisions on the employment for people with disabilities in state bodies, marking the first year of the S.O.S. hotline for women with disabilities on May 15th, 2008., marking the International Day of Persons with Disabilities on December 3rd, and the official opening of the Office of the Ombudsperson for Persons with Disabilities on November 19th, 2008.

However, very little is written about the **double discrimination to which women with disabilities are exposed**, first as persons with disabilities, then as women. The insignificant number of articles was written about discrimination against women with disabilities, related to gender discrimination that the women with disabilities face in health care, particularly during gynecological examinations, which has been discussed in round table titled "Health care for women with disabilities", organized by the Commission for Persons with Disabilities of the City of Zagreb and the City Department for Health, Labour, Social Welfare and War Veterans in the cooperation with Commission for Gender Equality of the Zagreb City Assembly<sup>96</sup>. On the occasion of the National Day of Fighting Violence Against Women, several shorter articles accompanied the paper "Networks of women with disabilities", which pointed to the

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<sup>93</sup> Jutarnji list, December 23rd, 2008. „Bandić: Don't bring me gifts. Here's an invoice“.

<sup>94</sup> Globus, October 3rd, 2008.

<sup>95</sup> Vjesnik, December 4th, 2008. „Ten percent of the Croatian population are persons with disabilities“

<sup>96</sup> www.javno.com – January 31st, 2008.

fact that women with disabilities are also often the victims of violence<sup>97</sup>, and to their demand that sexual violence committed against immovable woman with disability must be punished<sup>98</sup>.

On the position of Roma women and/or gender discrimination of people belonging to minority ethnic groups living in the Croatia, seldom is written. There are a few more articles that speak generally about the activities related to Roma (representation of the Roma - Croatian dictionary, computer courses, housing conditions, regulating the legal status, and generally on the implementation of the National Programme for Roma and marking of the International Roma Day). The position of Roma women, their education, employment, and the activities of Roma women's association were not written about, unless domestic violence was involved.

#### **5.4 GENDER ANALYSIS OF TV CONTENT**

The media have great power and influence in promoting social values and shaping of the attitudes and, therefore, the way the media is showing women and men is one of the key factors in promoting and strengthening social awareness on gender equality as well as preventing and eliminating discrimination based on sex.

The media are required to respect national and international laws and regulations that regulate their obligation to promote values of gender equality and eliminate stereotypes, sexism and insulting and degrading manner of presentation of women and men in the media.

Since the the Gender Equality Ombudsperson also monitors the implementation of laws in the media, in the introductory section „Gender analysis“ an overview of major laws and regulations of Croatian and international documents related to the social role and responsibilities of the media was collected and presented. The purpose of this review is to point out the national and the international legislative framework within which the media create their own program contents, and thus contribute to raising awareness in the media and other community factors about the necessity of compliance with provisions relating to the strengthening of social awareness on gender equality.

In the context of the above provisions of laws and regulations, the Office of the Gender Equality Ombudsperson, in collaboration with Women infoteka from Zagreb, conducted a study entitled "Gender analysis of media content. "

#### **Jurisdiction of the Ombudsperson**

The Gender Equality Ombudsperson, in accordance with her legal powers<sup>99</sup>, in addition to other legally defined areas (employment and labor, education, political participation, legislation), regularly monitors the area of gender equality in relation to the media. In addition

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<sup>97</sup> Novi list, September 23rd, 2008. „Representation of the paper „Network of women with disabilities“

<sup>98</sup> Slobodna Dalmacija, December 16th, 2008. „Network of women with disabilities seeks the highest sentence for the rapist“

<sup>99</sup> According to Law on Gender Equality (OG 82/08) and the Anti-Discrimination Law (OG, 85/08)

to daily monitoring of print and electronic media, issuing press releases in cases of detected gender stereotypes, sexism and/or discrimination based on gender, marital or family status and sexual orientation, and issuing warnings to the media that violate the principle of gender equality in their program contents, the Ombudsperson also monitors the implementation of the Croatian legislation related to the media, as well as other national, and international documents and regulations, and recommendations of international bodies regarding the role of media in the promotion of gender equality and eliminating discrimination based on gender.

On 15 July 2008. Croatian Parliament adopted the **Gender Equality Law**<sup>100</sup> (hereinafter : GEL), which in Article 16 stipulates:

*(1) The media will, through program content, program elements, program orientation and self-regulatory acts, promote the development of awareness of equality between women and men.*

*(2) The public display and representation of women and men in an insulting, disparaging or demeaning manner, with regard to gender or sexual orientation, is forbidden.*

The penalty for the media, who violate the provisions of Article 16 Of GEL, by „*the public display and representation of women and men in an insulting, disparaging or demeaning manner, with regard to gender or sexual orientation*“ amounts to 1.000.000,00 kuna (Art. 36 of GEL).

## **Gender Equality and the Media in the Republic of Croatia**

### **The Law on Media (OG 59/04)**

#### **The definition of media**

The media are: newspapers and other printed, radio and television programs, news agencies programs, electronic publications, teletext and other forms of daily or periodic publication of the editorial program contents designed for transmission of text, voice, sound or image. The media are not books, textbooks, newsletters, catalogs or other agents of the publication of information intended exclusively for educational, scientific and cultural process, advertising, business communication, operation of companies, agencies and institutions, associations, political parties, religious and other organizations, school newsletters, „Official Gazette“ of the Republic of Croatia, the official bulletins of the local and district (regional) governments and other official announcements, posters, flyers, brochures, banners, and video sites without live feeds and other free information, unless this Law stipulates otherwise<sup>101</sup>.

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<sup>100</sup> The Gender Equality Law (Official Gazette 82/08)

<sup>101</sup> The Law on Media, Art. 2

According to Article 3 Paragraph 4 of the Law on Media "**it is prohibited**, by the transmission of program contents of the media, to encourage or glorify national, racial, religious, **sexual or other inequality or inequality on grounds of sexual orientation**, as well as ideological and state constructs made on such grounds, as well as to provoke the national, racial, religious, gender or other hostility or intolerance, **hostility and intolerance based on sexual orientation, and to encourage violence** and war. "

According to Article 5 the same law, the Republic of Croatia "encourages and protects media pluralism and diversity in the manner prescribed by law", and, among other things, "will encourage the production and publication of **program contents** related to the **promotion of development of awareness of equality between women and men.** "

## **Advertising**

Advertisement is "paid notification the publishing of which is ordered by a legal or physical entity, with intent to thereby enhance the legal turnover of goods, services, property, rights or obligations, solicit business partners or achieve public reputation or good name. Advertising is conducted with financial or other compensation or for self-promotion" (The Law on Media, Article 20. Paragraph 1).

Although, according to Article 20 Paragraph 6, the advertiser is solely responsible for the content of advertisements, Paragraph 8 the same article stipulates that "**advertising in which women and men are presented in an offensive or demeaning manner, with regard to gender or sexual orientation is not permitted.**"

The sanctions for "any legal or physical entities who perform advertising contrary to the provisions of Article 20" is a fine of "up to 1.000.000,00 kuna" (Art. 59 para. 1, line 4). The amount of money of this sanction is equal to the amount of money designated for the same offense in the Gender Equality Law. The difference is that the Gender Equality Law punishes the media that violate the provisions of Article 16 of GEL by publishing **program contents and advertising**, which includes sanctions for wider media contents than the above sanction of GEL, which applies only to advertising.

## **The definition program contents**

The media program contents (hereinafter : program contents) are all kinds of information (news, opinion, information, messages and other information) as well as individual works that are published through the media to inform and to meet the cultural, scientific, educational and other needs of the public.<sup>102</sup>

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<sup>102</sup> The Law on Media, Art. 2

## Law on Electronic Media (OG 122/03)

### The definition of electronic media

Electronic media: television and radio programs as well as electronic publications (program contents by physical or legal entities transmitted through information and communication links in a way that they are accessible to the general public, regardless of their scope (Article 2, Paragraph 1).

Article 12 stipulates that the program content by the publishers, who work in radio and television, should, among other things, in particular **"fight for equality between women and men."**

It is prohibited to **"encourage discrimination or hostility** against individuals or groups **because** of their origin, skin color, political beliefs, worldview, health status, **gender, sexual or other determinations or characteristics"** (Article 15 paragraph 2.).

**Law on Amendments to the Law on Electronic Media** (OG 79/07) introduces significant changes **related to the protection of gender equality:**

Article 8 brings the amendment to the Article 15 Paragraph 2 subparagraph 1 and stipulates that the **in the program contents, it is prohibited** *"to encourage and facilitate the promotion and spread hatred or discrimination based on race, gender, religion or nationality, anti-Semitism and xenophobia, the ideas of fascist, nationalist, communist and other totalitarian regimes or other forms of hatred based on intolerance towards individuals or groups because of their origin, political beliefs, worldview, health or other determinations or characteristics."*

Article 11 prescribes that after Article 17, Article 17.a has been added which stipulates that **television advertising** and teleshopping **must not** "call into question the respect for human dignity" as well as **"include any discrimination based on race, gender or ethnicity."**

Article 23 of the Law on Amendments to the Law on Electronic Media states that subparagraph 7 is added to the Article 57 Paragraph 1 of the Law on Electronic Media that includes **"encouragement of the development of awareness of gender equality"** in the **contents of particularly important public interest**, and refers to the promotion of production and publication of program contents of public interest in electronic media at local and regional level, with the means of the Fund for the Promotion of electronic media.

The Ministry of Family, War Veterans and Inter-Generational Solidarity has published a **"Handbook with guidelines for media reporting on domestic violence"** in 2007. intended for *"journalists and reporters as well as all persons who are responsible for creating and publishing articles or broadcasting reports speaking about domestic violence"*, with the purpose of addressing the consequences that certain modes of representation of domestic violence in media have in public.

On the defining of the guidelines for the media coverage in the Handbook, members of the Committee for the implementation of the Campaign to combat domestic violence against women have been working together, including the Ombudsperson for Gender Equality. Among the the six guidelines, there is a guideline that suggests a need to avoid discrimination and stereotyping (guideline no. 6).

### **European initiatives and documents related to the media and gender equality**

The role and importance of the media is also recognized by the European legislation which, through the regulatory measures and recommendations, seeks to demonstrate that without the respect and promotion of gender equality it is impossible to achieve a full democratization of society.

In April 2002. **the Parliamentary Assembly of the Council of Europe** adopted a **Recommendation on the representation of women in the media**<sup>103</sup>. The Recommendation states that "*although progress is evident in several European countries, the women in media are still often presented negatively, they are often, in stereotypical and sexist manner, placed in the private sphere of home and family, and portrayed as sex objects*". In the Recommendation, the Governments of the member states, including the Republic of Croatia, are invited to introduce the concept of "sexism" in the legislation and to condemn it in the same manner as racism. In the recommendation, sexism is defined as a denial of the equal dignity to all human beings based on their male or female gender<sup>104</sup>.

On the April 1st, 2006. the **European Commission** has adopted a **Roadmap for equality between women and men for period 2006-2010**<sup>105</sup>, which, in point 5.3., entitled Eliminating gender stereotypes in the media, states the following:

**"The media play a crucial role in combating gender stereotypes. They can contribute to presenting the a real picture of skills and abilities of women and men in contemporary society by avoiding their portrayal in degrading and abusive manner. Dialogue with all the subjects, as well as conducting of the awareness campaigns should be encouraged at all levels.**"<sup>106</sup>

Roadmap for equality between women and men for period 2006.-2010, has been translated and published by the Office for Gender Equality of the Croatian Government in 2006 .

On the September 19th, 2008. in the Parliamentary Assembly of the Council of Europe an **Initiative for the adoption of the resolution** was launched entitled "**Action against sexist representations in the media**"<sup>107</sup>. " In front of the eight signatory countries"<sup>108</sup>, the initiative

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<sup>103</sup> "The image of women in the media, " Recommendation 1555 (2002) of the Parliamentary Assembly of the Council of Europe

<sup>104</sup> Item 10 of Recommendation 1555 (2002), <http://assembly.coe.int>

<sup>105</sup> **Roadmap for equality between women and men 2006-2010**, of the European Commission

<sup>106</sup> Roadmap for equality between women and men 2006-2010, the Office for Gender Equality, Zagreb, ONA Library, Zagreb 2006.

<sup>107</sup> "Action against sexism in the media", Doc 11 714, presented by Mrs Doris Stump from Switzerland <http://assembly.coe.int>

was presented by a representative of Switzerland, Mrs Doris Stump. The initiative, among other things, states that "*on television and in newspapers, the women are still often the victims of sexism: described or presented as weak, vulnerable, dependent, devoted to their role of mothers or wives. In contrast, women that are successful in the labor market are shown as careerists with 'masculine' qualities.*" Women that run for political office or a responsible position in the business world are judged by appearance in the media, and criticized because of the existence or lack of qualities that are traditionally associated with femininity and motherhood. "Such a sexist attitude is discriminatory", says the initiative, and in section 3 **emphasizes the responsibility of the media:**

**"The media have access to a large number of homes which is why their power is great in shaping and setting the standards. Therefore, they have a special responsibility in combating sexist representation and in promotion of equality between women and men."**

Based on of this initiative, The Parliamentary Assembly of the Council of Europe called on member states to fight against all the forms of sexism in the media, to strengthen the role of the media in the promotion of gender equality through the media codes of conduct, prohibiting sexist practices and ideas as well as promoting the editorial policy that includes gender dimension.

On September 3rd, 2008., **the European Parliament** issued legally non-binding **Resolution on the Impact of Marketing and Advertising on Gender Equality** (INI/2008/2038)<sup>109</sup> on basis of the report of the Sweden representative Eva-Britt Svensson that, filed on behalf of the Committee on the Rights of Women and Gender Equality of the European Parliament<sup>110</sup>. The report states that gender stereotyping in advertising is one of several factors that have a large impact on the efforts that the society makes towards gender equality. This influence is greater because many are not aware of the ways in which we are influenced by the omnipresent images that surround us.

The European Parliament called on the Council of Europe, the European Commission and member states to "*develop activities to strengthen awareness against sexist insults and degrading images of women and men in advertising and marketing*" and stressed the need for the media education from the earliest age, where the development of critical skills plays the most important role.

Regarding the stereotypes, the European Parliament has urged member states to guarantee the adequate ways of the respect of human dignity and personal integrity in marketing and advertising without the direct and indirect discrimination and without the inciting hatred based on sex, race or ethnic origin, religion or belief, disability, age or sexual orientation. The Parliament has called on advertisers to carefully consider the engagement of an extremely thin

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<sup>108</sup> Switzerland, Ukraine, Czech Republic, Luxembourg, Romania, Sweden, Turkey, Hungary

<sup>109</sup> "How marketing and advertising affect equality between women and men", the European Parliament, <http://www.europarl.europa.eu/sides/getDoc.do?type=TA&language=EN&reference=P6-TA-2008-0401>  
<http://www.europarl.europa.eu/oeil/file.jsp?id=5597832>

<sup>110</sup> Committee for Women's Rights and Gender Equality -  
[http://www.europarl.europa.eu/committees/femm\\_home\\_en.htm](http://www.europarl.europa.eu/committees/femm_home_en.htm)

women in advertising products because such images can affect self-esteem of teenagers due to the idealisation of the concept of thin body.

**Council of Europe** believes that media reporting can have great influence in society, both in the positive and the negative sense, and that the media are often placed in situations that promote gender stereotypes, even when they report on cases of violence against women. In 2002., **The Recommendation of the Council of Europe Rec (2002) 5 by the Ministers Committies to member states on the protection of women against violence** and the Explanatory Memorandum<sup>111</sup> point out that the member states should:

*Encourage the media to promote the image of woman and man unburdened by stereotypes, based on respect for the human person and human dignity; to avoid the programs that connect violence with sex; as much as possible those criteria should be taken into account in the new information technologies as well; (17)*

*Encourage the organization of education that would alert the journalists to possible consequences of the violence associated with sex; (19)*

In the Explanatory Memorandum, it is emphasized that the media have great influence in contemporary society and that this influence can be negative if they encourage violence by spreading of the stereotypes, but positive if they inform the general public and raise the awareness.

Respecting the freedom of the press, the governments should take measures to introduce the media with their scale of influence in both these cases, in order to persuade them to cooperate. (67)

Since both the recommendation and the explanation refer to stereotypes, the document follows with the definition:

Stereotyped portrayal of women means the presentation of women in very limited roles and patterns of behavior associated with low social value. Such a presentation suggests that women deserve less respect than men and that they themselves provoke any punishment that they may receive. In a fully democratic Europe, women should be presented realistically and equally in all their physical, economic, racial and the cultural diversity and the with all their skills, self-confidence and the the career affinities.

**The Recommendation of the Council of Europe Rec (2003) 3 by the Ministers Committies to member states on balanced participation of women and men in political and public decision making**<sup>112</sup>, among the factors of insufficient representation of women, which are historical, cultural and socioeconomic, includes the **image of women in the media**,

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<sup>111</sup> [http://www.ured-ravnopravnost.hr/slike/File/Vijece%20Europe/vijece%20europe%20FINAL\\_preporuka.pdf](http://www.ured-ravnopravnost.hr/slike/File/Vijece%20Europe/vijece%20europe%20FINAL_preporuka.pdf)

<sup>112</sup> Council of Europe: Recommendation Rec (2003) 3 to member states on balanced participation of women and men in political and public decision making with Explanatory Memorandum



**the use of sexist language** and political factors, such as the selection criteria and processes of political parties and institutions that are based on the "male values". **The traditional division of roles between men and women creates an additional obstacle.** (110).

The Explanatory Memorandum states the important role of the media in the democratization of society and the responsibility of journalists and other media representatives for the impartial and unстереotypical portrayal of women and men and the need for their education on issues of gender equality in order to promote the balanced representation of women and men in the media. The research of the ways in which men and women are presented on public television stations have shown that women are less present. This also points to the smaller opportunities for recognition and building of their own identity. Men often appear as experts, politicians or scientists, while women are often viewed as victims, mothers, housewives or just remain silent in the background. During the election campaigns, topics that the media deal with and time devoted to men and women can have an impact on the election results.

### **The Beijing Declaration and The platform for Action**

The Fourth World Conference on Women was held in Beijing in 1995. The Republic of Croatia was one of the countries that signed the Beijing Declaration and Platform for Action, the provisions of which, over the next period, had an effect, in various ways, on policy and practice in the area of gender equality. Section J. of the Platform for Action was entitled The Women and the Media.

As a strategic objective of this section they state the promotion of balanced and non-стереotyped portrayal of women in the media. Among actions that the governments of the signatory countries should take, related to this objective, are:

- the promotion of gender sensitive training of media professionals, including media owners and managers, in order to encourage the creation and use of non-стереotyped, balanced and diverse images of women in the media (J2, 243, c).
- stimulating the media not to present women as inferior beings and exploit them as sexual objects and commodities, but as a creative human beings, the key factors who contribute to and benefit from the development process (J2, 243, d)
- promotion of an attitude that the sexist stereotypes presented in the media are gender discriminatory, degrading and offensive (J2, 243, e)

Actions that the media and advertising organizations should take are: <sup>113</sup>

- to develop, in accordance with freedom of expression, professional guidelines and codes of conduct and other forms of self-regulation to promote non-stereotyped images of women;
- to adopt, in accordance with freedom of expression, professional guidelines and codes of behavior related to the violent, degrading or pornographic material related to women in the media, including advertising;
- to develop a gender perspective in all matters of importance to communities, consumers and civil society;
- to increase participation of women in decision-making processes at all levels in the media

## The codes

**According to the Law on Media, self-regulatory acts** are the acts which determine professional and other rules or regulate the relations in the media industry, and which are independently determined by publishers, journalists and their associations.

Some media publishers adopted the ethical codes. Among them is the public television (Hrvatska radiotelevizija – HRT). Based on the Article 26 of the **Law on HRT** (OG 25/03), Articles 21 and 50 of the Statute of HRT, the Board of Directors of HRT, on the 136th session held on July 14th, 2006., adopted an **Ethical Code** in which Articles 48 and 49 prohibit discrimination and abuse of women and homosexuals as well as generalization or display in accordance with existing social stereotypes. It also stipulates the avoidance of viewpoints or personal conclusions.

According to the provisions of Article 63, the advertising messages must meet ethical standards that, among other things, include the following:

- may not promote racial, religious, ethnic, gender and other intolerance,
- may not insult personal and human dignity and the dignity of social groups
- may not be opposite to the generally accepted cultural and civilizational values.

Croatian Chamber of Commerce<sup>114</sup> has announced, in February 2005., The Code of the advertising for the members of the Marketing Association of Chamber of Commerce, the

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<sup>113</sup> The Platform for Action, Strategic goals J.2. (244, a-d)

Group of the agencies for marketing communications, based on General provisions on advertising and marketing<sup>115</sup> of the International Chamber of Commerce<sup>116</sup> (ICC) of which the Croatian Chamber of Commerce is a member.

According to Article 1, The Code "*represents the minimum ethical standards to be followed in the advertising practices and other forms of communicating with unique criteria for all individuals and legal persons involved in the process of communicating in the Republic of Croatia.*"

General provisions of the International Chamber of Commerce in Article 4 - Corporate Social Responsibility state the following: "***Marketing communications should respect human dignity and must not encourage and approve any form of discrimination, including discrimination based on race, ethnicity, religion, gender, age, disability or sexual orientation.***"

Based on the General provisions on advertising and marketing of International Chamber of Commerce the other countries have adopted their own codes.

The Republic of Slovenia, for example, whose Slovenska oglaševalska zbornica (Slovenian Union of Advertisers) made Slovenski oglaševalski kodeks (Slovenian Advertising Code) that respects the European example of self-regulations, but also expands them, and in Article 3 - Merit - states: "**Advertising must not be in contradiction to the self-evident equality between the sexes, or show a man, a woman or a child in an offensive, ie derogatory, way.** Presentation of nudity and sexual allusions just to shock or to gain attention without any meaningful connection with the product is not acceptable. When nudity and the sexual allusions are used in conjunction with the message, they must not offend good taste<sup>117</sup>."

Unlike the Slovenski oglaševalski kodeks, **The Code of the advertising of the Association of marketing of the Croatian Chamber of Commerce** that has adopted most of its provisions in accordance with General provisions on advertising and the marketing of International Chamber of Commerce, **does not mention the prohibition of discrimination on any ground, including sex/gender, either in Article 13, referring to the responsibility towards society, or in other articles.**

### **Gender analysis of TV content**

It is evident from the introductory review of laws and regulations, that the Croatian legislation regarding the media includes the provisions relating to the removal of gender discrimination and promoting of gender equality. The public is more sensitive to gender stereotypes and

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<sup>114</sup> [www.hgk.hr](http://www.hgk.hr)

<sup>115</sup> General provisions on advertising and marketing communications practice, [www.iccwbo.org](http://www.iccwbo.org)

<sup>116</sup> [www2.hgk.hr/icc/](http://www2.hgk.hr/icc/)

<sup>117</sup> „Article 3 - Merit: "Advertising must not be in contradiction to the self-evident equality between the sexes, or show a man, a woman or a child in an offensive, ie derogatory, way. Presentation of nudity and sexual allusions just to shock or to gain attention without any meaningful connection with the product is not acceptable. When nudity and the sexual allusions are used in conjunction with the message, they must not offend good taste" - [www.soz.si](http://www.soz.si)

sexism in the media. From complaints to the Office of the Ombudsperson for Gender Equality it is evident that more and more women and men consider gender stereotypes unacceptable and offensive. Certain advertisements cause proper social condemnation and outrage.

Gender analysis of TV content was conducted for the purpose of quantitative and qualitative analysis of the advertisements that use gender stereotypes, sexism, or in which men and women are displayed in an offensive, demeaning and disparaging way, as well as the analysis of the issues related to gender equality in program contents of the day shows .

## **Gender analysis of TV content included:**

### **1. Gender analysis of TV ads**

### **2. Gender analysis of the contents of day shows**

**The goal of gender analysis of TV ads** was to examine the representation of women and men in the commercials, the way they are presented, similarities/differences in the presentation of the advertised product intended for women as opposed to those intended for men, and the presence of gender stereotypes.

As a sample, **a total of 617 ads** were recorded within a 24 hours period on the working day (Friday - October 3rd, 2008.) and a 24 hours period on the weekend (Saturday - October 4th, 2008.), broadcasted on the first channel of the public television HRT and a commercial television RTL.

**The goal of analyzing the contents of day shows** was to investigate the representation of topics related to gender equality in the day shows of the public television (HTV 1) and one of the city's televisions (OTV). Besides checking how the media, in prime time daily shows, promote gender equality, the main characters of the stories as well as the guests in the studio, the journalists and the presenters were analyzed by gender.

Gender analysis of the contents of day shows was performed for the period of one month (20 working days) on the sample show "Good morning Croatia" (20 shows), the first program of public television Hrvatska radiotelevizija (hereinafter : HRT 1) and the show "Everyday" (20 shows) of the commercial TV Otvorena televizija (hereinafter : OTV). A total of 40 shows were recorded and analyzed in the period from September 15th, to October 13th, 2008. In this period, 712 different topics were presented in the recorded shows,.

## 5.4.1. GENDER ANALYSIS OF TV COMMERCIALS BROADCASTED ON THE FIRST PROGRAM OF HRT AND RTL TELEVISION

The primary function of advertising is the transmission of information from the manufacturer to the consumer through promotional ads, that are being broadcast on television, on radio stations, published on the Internet, the newspapers and presented on billboards, large or small, that are placed in public spaces.

Given the large number of those who want to convey their message through the promotional ads and "persuade" consumers to buy, participate in or use what is advertised, the advertisers use various ways to attract consumers. Offensive or depreciatory way should not be one of those ways, which is regulated with the current, applicable and binding legal regulations.

### 1.1. The provisions on advertising

According to the **Law on Media**<sup>118</sup> "the advertising in which women and men are presented in an offensive or demeaning manner, with regard to gender or sexual orientation is not allowed " (Art. 20 para 8).

According to **the Gender Equality Law**<sup>119</sup>, "*it is forbidden to publicly display and represent women and men in an insulting, depreciatory or demeaning manner, with regard to gender and sexual orientation*" (Art. 16 para 2). For violators of these two provisions, both laws predict fines of up to one million HRK.

### 1.2. Terminology

Although in everyday language the term commercials is most frequently used, in the legislative, advertising messages that are aired between or within other TV contents, fall under the category of **advertising** and the called the **advertisements**.

*"The advertisement is a paid information whose publication is ordered by a physical or a legal entity with intent thereby to enhance the legal turnover of goods, services, property, rights or obligations, solicit business partners or realize the reputation or good name in public."* (Law on Media, Art. 20 . Para 1).

**The Law on Amendments to the Law on Electronic Media** mentions the terms "advertising commercials" and "teleshopping commercials"<sup>120</sup>. **The Law on Amendments to the Law on Electronic Media** (OG 32/08) in Article 10 mentions also term "separate TV ads", while the **Law on HRT** (OG 25/03) mentions "promotional messages" (Art. 12).

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<sup>118</sup> Law on media, Official Gazette no. 59/04

<sup>119</sup> The Gender Equality Act, Official Gazette no. 82/08

<sup>120</sup> "*Duration of the broadcast intended for the teleshopping commercials, advertising commercials and other forms of advertising, with the exception of teleshopping storefront referred to in Article 19b paragraph 1 of this Law, shall not exceed 20% of daily broadcast time. Broadcast time for advertising shall not exceed 15% of daily broadcast time.*" (Art. 14 of the Law on Amendments to the Electronic Media Act, OG 79/07).

In this analysis of the TV promotional messages the terms **TV ad (commercial) and advertising TV spot** were used, denoting a short audio-visual form, limited up to 30 seconds (in rare cases up to 1 minute), which, within the television program, advertises a product, service, action etc.

## **2. OBJECTIVES OF GENDER ANALYSIS OF TV COMMERCIALS**

The objectives of gender analysis of advertising TV spots were to determine:

- the representation of women and men as main characters in TV commercials,
- target groups of TV ads by gender,
- the manner of representation of women and men,

The objectives were defined in order to quantitatively determine the gender representation of the characters in TV commercials as well as the target groups that advertisers address as potential consumers, and qualitatively analyze the ways of presentation of men and women in TV commercials, ie to define possible differences in the presentation and messages depending for which gender the ads are primarily intended.

## **3. METHODOLOGY**

### **3.1 Sample**

For the analysis, the TV advertisements were used that aired during the 24 hours period on Friday, October 3rd, 2008., and in a 24 hours period on Saturday October 4th, 2008. on public television, the first channel HRT and on commercial television RTL.

### **3.2. Procedure**

After the recording, all the TV advertisements were carefully reviewed and the data on all of them were entered in the matrix by the given category. Based on the results, the tables of frequency were made, and the content of TV advertisements was analyzed from the gender aspect, according to the subject matter and manner of presentation.

### **3.3. Coding Categories**

For each TV advertisement, the number of showings is encoded, name of the product that is advertised, gender of the main character in the video; gender of the target groups, gender of the expert who talks about or recommends a particular product/service/action and a way to attract consumers. The TV commercials intended for promotion of a product and/or services

use different methods to attract consumers' attention, so they were analyzed in relation to the representation of one or more of these methods, in order to determine whether they use different methods and which ones, depending on the gender of the main character and/or gender of the target group.

Methods or ways of attracting attention of consumers which are involved in the analysis are:

- transfer of emotions - refers to creating positive emotions in the viewer which are then associated with the advertised product in order to create a feeling of good mood, joy, happiness, prosperity, etc., that are connected with the advertised product through the transfer of emotions;
- sexuality/erotica - use of naked parts of male or female body;
- fear - focus on the uncertainty, fear, discomfort;
- symbols - such as national symbols which evoke patriotism and lead to purchase of certain products or using certain services;
- integration - on purchase of a particular product depends the integration in society, happiness, success, acceptance (eg the use of certain gum means that one is preferable for kissing);
- cuteness - TV ads in which small children and animals appear; g (testimonials – of the famous or anonymous, but with a particular profession or professions (eg. dentists), which gives them credibility that testifies to the effectiveness of advertised product;
- flattery - appeasement to customers by persuading them that they are nice, smart, good, deserving and as such will decide to select a particular products/services. (eg "Because you deserve it!"); i) other - action and competitions, information, announcements;
- ease of use - TV commercials that use assurance that the advertised product will solve a problem in the easiest and simplest way;
- magic ingredient - a revolutionary discovery which is included in advertised product makes all the previous products of the same type less valuable, less efficient, less good, etc.
- animation - cartoon or computer-generated characters.

## 4. RESULTS OF GENDER ANALYSIS OF TV COMMERCIALS

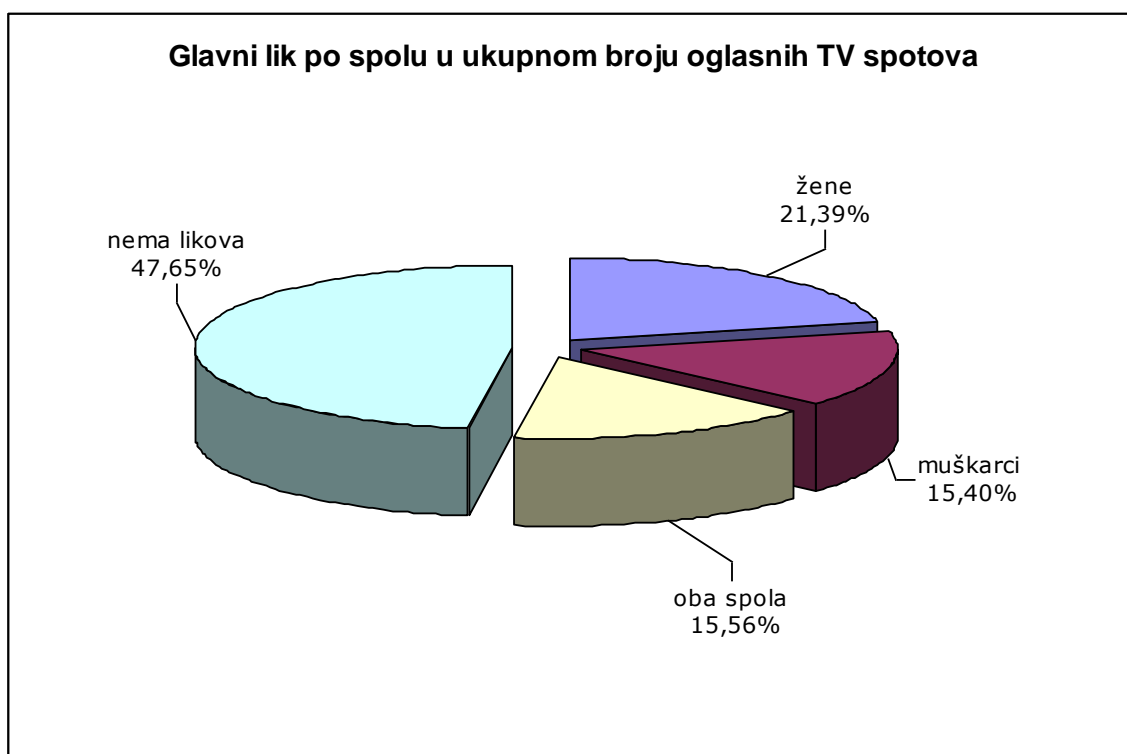
During the period of two days/24 hours, a total of 617 advertising spots were shown and recorded, out of which 348 on RTL, a 269 on HRT.

The analyzed spots were shown 1358 times in total.

### 4.1. The main character - a representation by gender

In the total number of 617 commercials:

- 323 commercials (52,35%) have characters, and 294 commercials (47,65%) have no characters,
- u 132 commercials (21,39%) the main character was female,
- u 95 commercials (15,40%) male,
- u 96 commercials (15,56%) both sexes were represented.

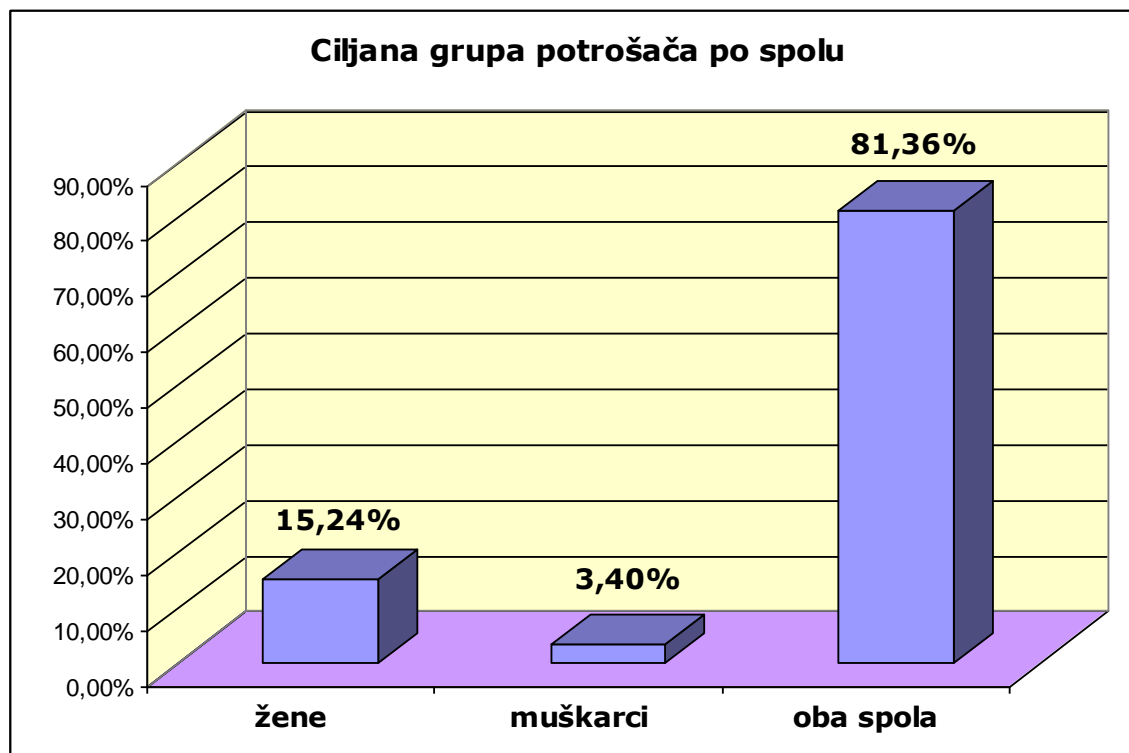


From the graphical representation, it can be seen that, individually speaking, **the highest percentage of TV commercials have no characters**, that both genders are represented in almost the same percentage as the only male characters, and that if we count the commercials where women appear as the main character and those in which they appear together with the opposite gender, **women appear in almost 37% of commercials, and men in 31%**.



#### 4.2. The target group by gender

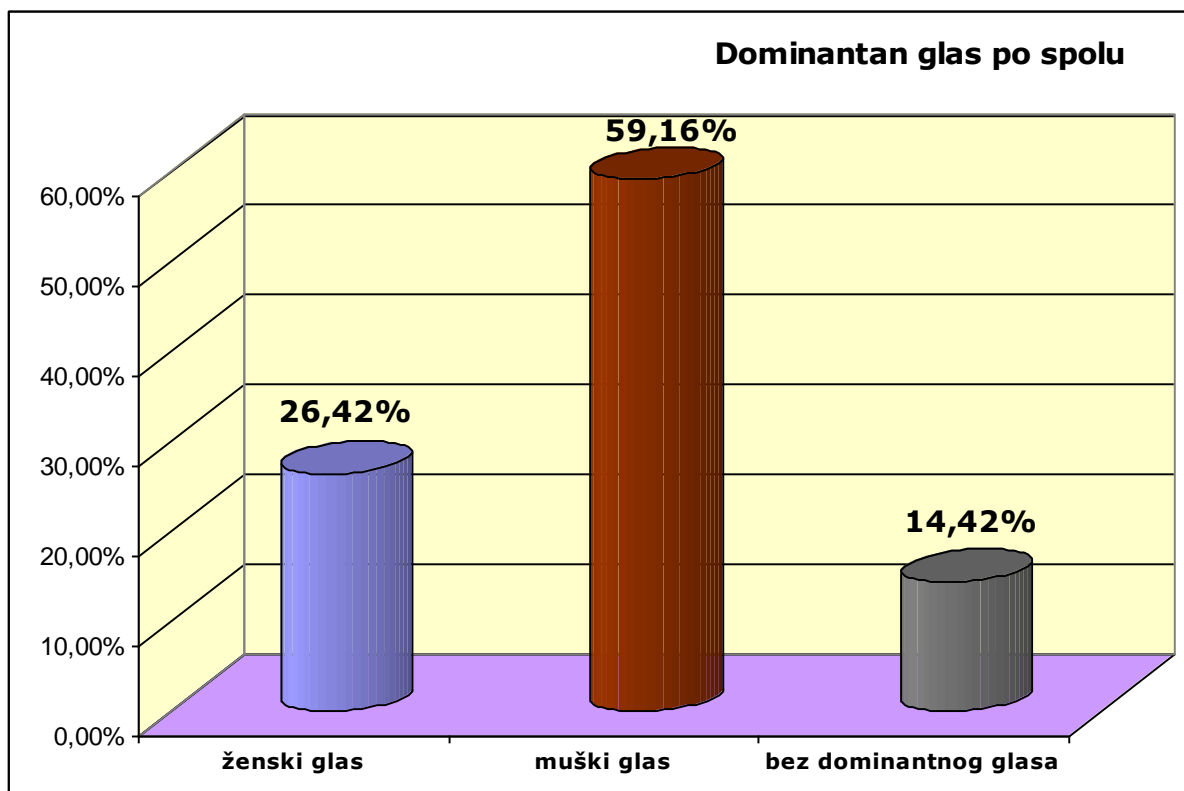
From a total of 617 analyzed commercials, **81.36%** address both men and women, ie the advertised product and/or service does not emphasize the gender of consumers in any way. In most cases, those are commercials without characters such as TV spots for chocolate, frozen products, tea, Internet service providers, or telephony services, cars, etc. **15.24%** commercials are addressed to women only and **3.40%** only to men.



#### 4.3. The dominant voice in a television commercial by gender

Besides the gender of the main character in the TV commercial and gender of the target group to which the TV commercial is addressed, we have also analyzed the voice of the person who talks about the advertised product/service/action from a position of authority, ie the person who recommends the advertised product, and convinces us of its quality. One of the goals of the analysis was to examine the statistical representation of female and male voice in that position. Out of the total of 617 presented commercials, in almost 86% (528) commercials there is a voice that speaks about the advertised product. In 59.16% from the total of 528 commercials, **the dominant voice is the male voice**. Female voice appears in 26.42% commercials.

It is symptomatic that the male voice, a voice of authority whom one believes when he speaks about the quality of products being advertised, appears in almost all advertisements relating to products for household cleaning, most often detergents and stain removal agents. Furthermore, the male voice often appears in ads related to the effectiveness of toothpastes or agents for the maintenance of washing machines. In all the ads, the main character it speaks to is a woman!



#### 4.4. METHODS OF ATTRACTING CONSUMERS

TV commercials are not encoded in a way, "one TV spot - one category", since the most commercials fall in more than one category; for example, in one TV commercial the emotional transfer is achieved by displaying national symbols, and in another by showing the children or dogs, while the TV commercial for the cosmetic product simultaneously creates fear of aging/wrinkles or hair loss, uses the testimony of well-known, public figures, with which it wants to convince potential customers of the effectiveness of advertised products<sup>121</sup>.

#### 5. METHODS OF PRESENTING THE WOMEN AND MEN IN TV COMMERCIALS

From the total of all broadcasted TV commercials, those that advertise different shopping amenities, action sales, banks business information, announcements of performances and films, books, action car sales, etc. were excluded, and those that feature women and/or men in roles that are associated with one or both genders were analyzed. According to the theme of each TV spot, those TV spots that were **advertising the cosmetics and hygiene products, cleaning and household maintenance and food, and those TV spots in which a family**

<sup>121</sup> Different ways of attracting consumers were analyzed in relation to the categories explained in The Methodology, Section 3.3.

**appears**, were isolated and analyzed from a gender aspect. Gender analysis of commercials on this topics has focused on who appears in the commercial, to whom a product was intended for, in which way is it presented, who does the voice that speaks about the product belongs to, how much and in which manner the sexual stereotypes were used.

There were **127 or 39.32%** TV commercials on the listed themes, individually or combined, out of a total of 323 TV commercials in which there appear women and men.

The listed **127 commercials** were **shown 332 times in 48 hours**:

On RTL, they were shown 234 times:

121 times on October 3rd (Friday) and 113 times on October 4th (Saturday).

On HRT they were shown 98 times:

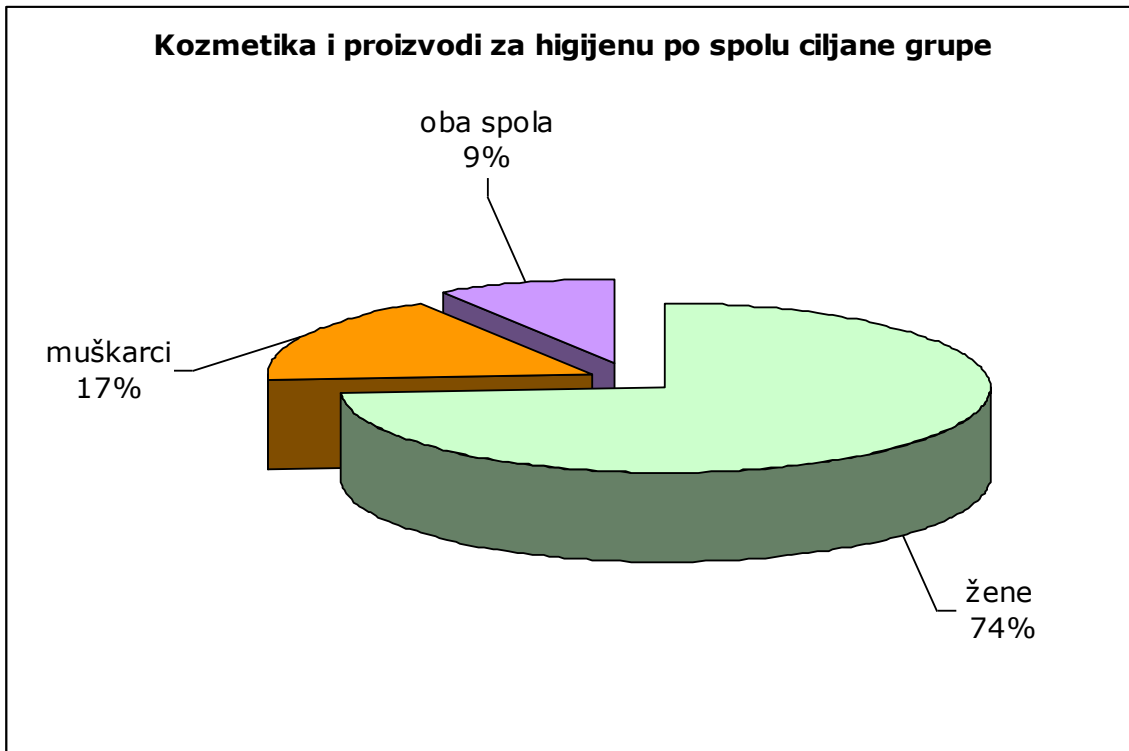
46 times on October 3rd (Friday) and 52 times on October 4th (Saturday).

Number of showing of TV commercials on this subject makes 24.45% from a total of 1358 TV commercials showings analyzed over the period of two days.

## **5.1. COSMETICS**

The total of 46 TV commercials (14% of all of commercials in which the characters appear) advertises cosmetics (makeup, hair care products, perfumes) and/or hygiene products (toothpaste, deodorants, shower gels).

The highest percentage of those TV of commercials is intended for women (74%) and in all the spots intended for women, the women appear as main characters.



### Beauty, health, professionalism

All the TV commercials related to cosmetics for women emphasize that makeup, perfumes, creams and skincare products only serve to **emphasize and highlight the existing beauty of women, and for health care.**

The motto of one manufacturer of mascara for the lashes reads: "Accentuate your beauty." The second one links beauty to the ingredient that the advertised product highlights: Beauty is freedom (an epilator), Beauty is the radiance (hair spray), beauty is a joy of life (face cream), Beauty is confidence (hair care preparations). The third emphasizes the relationship of his product to health, "Only strong hair is healthy hair, " "Health is important, start with your skin." Most of the videos emphasize innovation (the magic ingredient that has improved the efficiency of all the previous), combined with ease of use - "It is effective even from the first day."

TV commercials flatter consumers by displaying laboratories in which the researchers invest their knowledge and efforts to create "magic" ingredients because "we deserve it": " The researchers from the laboratory L.O. are creating the future of beauty ", " professional hair care - for you ", " makeup by world famous makeup artists".

10% of TV commercials for cosmetics feature famous actresses, models, singers, who, , "guarantee" the effectiveness of a particular product with their appearance and testimonies.

## **Fear**

Of all the categories taken into account in the Gender analysis of TV spots, FEAR is most frequently used in advertising for cosmetic and hygiene products. Narrative, often accompanied by visual presentation, focuses on some part of the body and alludes to an embarrassing situations that could happen if we do not use the product: "*When you have skin problems, everyone sees that.*"

One of the most illustrative examples of how the TV commercials use fear as a motivation for buying a particular product is a TV spot which advertises the deodorant for women. The girl enters the elevator full of people. She spots a handsome man who turns his head away from her. She raises her hand and in her armpit there is a drawing of a pig that suggests an unpleasant odor. The girl remains embarrassed, while the man comes out by forcefully opening the elevator door. The slogan of this TV commercial, that, naturally, offers women the solution or prevention for such an unpleasant situation is: "*Do not let your body odor mark you.*"

All the other commercials associated with facial creams stress aging, creating fear with a visual presentation in which the camera, along with a woman, carefully investigates every inch of her face looking for wrinkles.

They often show skin under a magnifying glass or even an animated microscopic view in order to indicate the existence of a problem that can not be seen with a naked eye, but that does not make them negligible because, apart from looks, they are usually connected with health.

## **Differences in representation**

Comparing TV spots for perfume for men and for women, one notices a difference in presentation and the message. In advertising fragrance for women, the airy, sensual dresses are used, fabulous scenery, allusions to romance - woman acts more as an ethereal creature, a fantasy, or a character from the movie, a person dreaming. In the TV commercial in which a crocodile (a trademark for perfume), appears in same scene with a woman, the woman "seduces" the camera with her moves. In advertising perfume for men, however, very urban design center, apartments, skyscrapers are used, and an allusion to freedom, spontaneity, stability: "*We are free and unfettered. Your world is changing, I'll stay the same.*"

The attraction between sexes is often used motive in TV commercials, but when it comes to deodorants, then the difference in mode of presentation between those dedicated to women and those dedicated to men is evident.

While the commercials related to deodorants for women first create a situation in which an unpleasant body odor is suggested, thus creating a feeling of insecurity and/or shame and fear of rejection, the commercials for deodorants for men use only positive connotations, emphasizing the extremely appealing scent that casts the opposite sex in trance, causing a

physical reaction (dilation of pupils, sexual desire). These TV commercials emphasize that the most important characteristics of products for men is the fact that they are attractive to - women. The exception is the TV commercial for teens deodorant, which is based on the same motive of attraction of the opposite sex due to the use of a particular fragrance. Spots that have teenagers as a target group in most cases equally represent persons of both sexes in the same activities, hanging together and/or having fun.

### **To appear and to be**

Celebrities who are promoting the products for women are actresses, models and singers who appear in the commercials because of their looks. The message that these videos are sending to women is that they **can** and they deserve to **look** beautiful like them.

Celebrities that advertise the products for men are sportsmen and the commercials are emphasizing their sporting achievements: "*Phenomenal golfer Tiger Woods won his first championship when he was five. Phenomenal tennis player Roger Federer, the best tennis player in the world four years in a row. Phenomenal football player Thierry Henry, in two years won both the European and the World championships.*" Listing the top achievements of these men serves to persuade the potential consumers that they **can be** same as those celebrities by buying the product (razor blades) that they are using - "*Every day is a new opportunity to show the world how phenomenal you can **be**.*"

### **Dental hygiene**

In 6 out of 10 TV commercials related to the dental care appear exclusively women, and in 4 of them, there are women who appear under their own names, testifying to the quality of a product (1 famous person and three women appear under their own names to give credibility to their statements). Only one TV commercial shows a father - son relationship through the years of growing up. In two commercials appears a scientist to convince the consumers of the scientific value of the toothpaste. However, **the male and female scientists ratio is always in favor of male scientists** (in one commercial 3:1, a man also being a dentist who advises a woman, and in another one 2:1).

## **5.2. HOUSEHOLD**

The 51 commercials were related to home/household, out of which 13 commercials advertised products for household cleaning, including washing dishes or clothes, fragrances and air fresheners for rooms<sup>122</sup>, and 38 spots advertised food/groceries.

### **Cleaning products**

Women appear in all of the 13 commercials, and in 11 of those, they are the main characters. Woman is not a main character in the commercial which shows only men researchers finding

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<sup>122</sup> Commercials that advertise these products, but in which there are no characters are not included.

an agent against stains, but is shown at the end as a consumer of the agent. In the second commercial, advertising the same product, the main character is a man - the owner of the restaurant, who requires the tablecloth to be white, and a woman appears for a short time as a concerned waitress and/or laundresses who points to the stain.

The voice that speaks of the "magical" product features<sup>123</sup> in the 8 of these commercials is male, in 2 commercials male and female, and in 3 commercials female. The male voice almost always appears in TV commercials that are associated with laundry, or advertise detergent, stain remover and fabric softener. In one of the commercials for fabric softener, in which the main female character uses sensual body movements and mimics in order to evoke the softness of clothes, a male voice points out suggestively, "It will highlight your appeal and inspire new compliments."

Female voice is associated with the action sales and room fresheners or perfumes. Only in a single commercial, a man has to wash a large quantity of dirty dishes, and a woman advises him which detergent to use. But, he is a dishwasher in a restaurant, not a man that washes dishes at home.

Mothers are the ones who care for their children's clothes to be clean no matter what they do or how the laundry got dirty (in a football game or with the baby food). In one commercial a baby, who realistically could not speak yet, praises her mother who is not angry that it stains its napkin, because she will wash it every day with an ideal detergent, because she is a "super mom," and the detergent, says male voice, is for "super moms".

## **Food**

The food commercials use mostly women in the roles of mothers, wives, cooks, consumers, experts and consultants on the food that connects the particular product to health.

Unlike TV commercials that advertise washing and cleaning products for the household, in which the men, both as characters and the voice, take role of scientists and experts that find the "magic ingredient" and recommend the product to women, in the TV commercials that recommend certain food that is good for the whole family, women appear as experts. With very rare exceptions, men are the main characters in the TV commercials that use humor and in the TV commercials that use computer-generated characters to emphasize the energy, power, speed. In TV commercials that advertise food, ie some food products, commonly show a mother with one child, and then the whole family - mother, father, two children who are always of different gender. In those TV commercials, men appear as fathers, often sitting at the table with the whole family. TV commercial in which appear only men, shows the meat industry experts that travel to Italy to check the quality of mortadella, which they produced with, as they themselves call them, "real experts" in the form of four older men in the town square.

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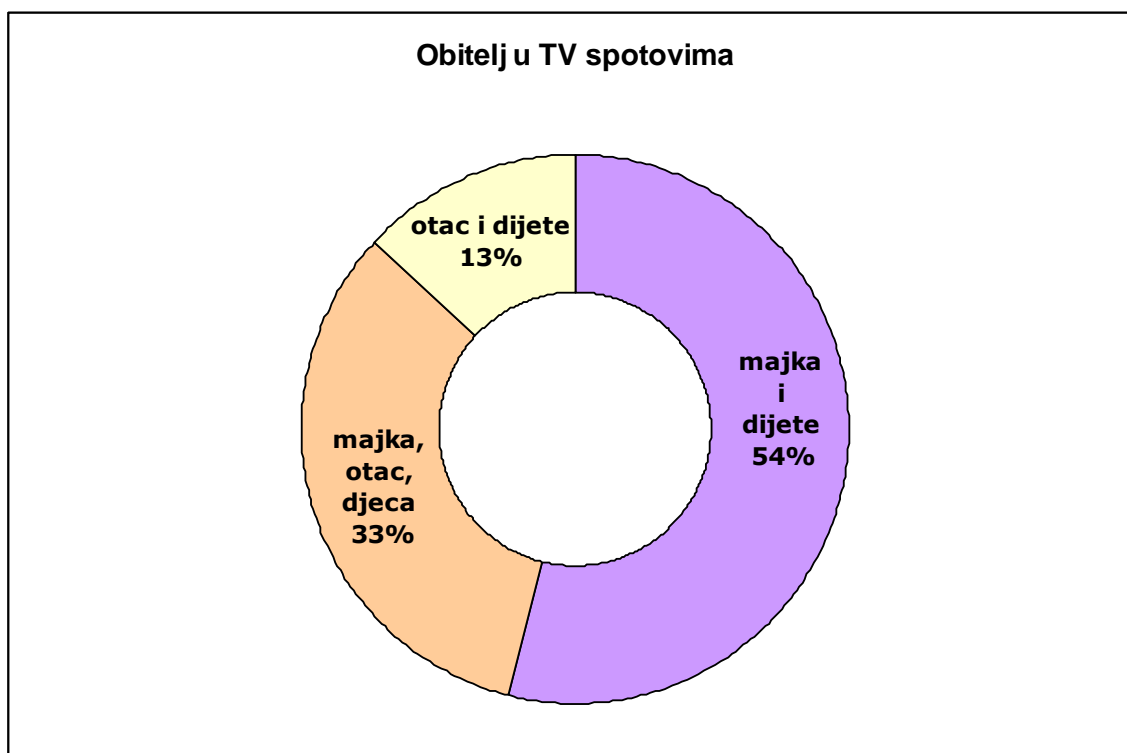
<sup>123</sup> (so called off-voice, not the voice of a character that appears in the commercial)

The only gender stereotypical, although not gender neutral TV commercial, shows two gunslinger dolls in a suggested duel, but in a "real" life at the table, being faster, the girls win over two boys in getting the last hot dog on the plate.

## **FAMILY**

From 24 TV commercials, in the which mothers, fathers and children are presented:

- 13 commercials (54%) present a mother with a child (theme: food and washing agents ie stains removal agents),
- 8 commercials (33%) show the whole family (theme: food consumption),
- 3 commercials (12%), show a father with a the child (theme: Vienna's international airport, caring for your teeth, fastening children's safety belts in the back seat in the the car).



The view that it is the mother's job to take care of the family, is clearly expressed in the commercial advertising a breakfast replacement. Namely, because of the concern for their families, namely meeting their morning needs, it is normal that women do not have time for themselves ie their breakfast: *"As a good mom, you take care of the whole family in the morning. But because of that, sometimes you do not have time for breakfast."* There is not a single adult male in this TV commercial, and female characters - mothers - are shown with different professions: doctors, flowerists and office workers.



According to TV commercials, mothers are the ones who care for food, thus protecting the health of their families, and if they are shown as scientists, they advise what is healthy for the whole family. The man in the commercials showing the family is presented as a father sitting at a table together with his children, in one commercial cheering for his son at a game (along with his wife and daughter), and in another one, clumsily trying to find his way around in the kitchen assisted by his daughter who is more skilled than he.

**There were only 3 TV commercials in which the father was alone with a child.** None were associated with home and food. In a TV commercial that talks about lifelong dental care, a father appears briefly in the scene, playing with a very small child. In one of the remaining two commercials, a familiar face from television talks about the importance of fastening belts for children in the back seat of a car, while another, quite incomprehensible, shows a father sitting on the bench and the child playing in the sandbox from which the father later helps dig up a sign which advertises the "closeness" of Vienna's international airport.

**5.3. TRADITIONAL ROLE DIVISION** between women and men is shown in the two-minute sponsored videos, presented a total of 8 times in two days, for products that can be ordered only by phone. In one of them, a male voice speaks about benefits and characteristics of household product, a vacuum cleaner, and all featured characters who use it are women. Even though they compare characteristics of the old vacuum cleaners and contemporary promoted vacuum cleaner that uses water, a person who uses it then and now is a woman. The difference in the advertised message is evident in the way the women and men are shown in commercials advertising the equipment for training. One of the commercials advertises the device for push-ups. The commercial is addresses the men only, with an emphasis on the muscle appearance, arms strength, generally the power and energy. The commercial also points out that the exercises on the particular device were modeled on the U.S. Marine Corps. In the spots that advertise similar devices for women (although not shown in the analyzed period) the emphasis is always on weight loss and prevention or elimination of cellulite. The focus is always on the problem which should be removed, not the outcome to be achieved, as is the case in this, and in other commercials for men.

#### **5.4. STEREOTYPE**

In the commercials promoting a prize contest and a campaign for one bank, a stereotype was used showing women who shop without control, „till they drop“, ie until they can no longer close the trunk of the car or until all the shoes fall out of the overfilled closet. In one of the commercials we see a women who, lured by action sales of a furniture company, throws old furniture out of the window, together with her partner.

In the analyzed period there were no TV commercials for beer, that used stereotypes and sexism, typical for this type of advertising. Beer was usually advertised in videos without characters. In only one commercial, both men and women are presented stereotypically. Men drink beer and watch a football match, and a woman complains. Although we see her

accentuated mimics of complaining over beer, we do not hear it, because the spot suggests that men do not hear it even though they expect her nagging as something inevitable.

## 5.5. SEX APPEAL / EROTICISM

We have also analyzed the presence of sex appeal and eroticism, ie undressed male and female bodies or body parts in all the TV spots that feature characters and are associated with the above themes. In the analyzed commercials, sex appeal/eroticism were used in a very small percentage of only 5%, related to the body hygiene products (shower gels, perfumes), equally for women and men.

The only TV spot in which both male and female body are used as a decoration and are not related to the advertised product is the spot that promotes a kind of chocolate dessert.

## 5.6. SEXIST TV COMMERCIALS

Stereotypical representation of either gender reduces human beings to a single physical and/or psychological attribute that is assumed to determine the individuals within each gender and all members of that gender<sup>124</sup>. An example of negative stereotyping by gender in television commercials is portrayal of women as uncontrollable spenders, materialist-minded persons, wives who just nag, who are capricious and find personal satisfaction in clean laundry or dishes. Although the men are also shown stereotypically, especially in TV commercials presenting them as beer drinkers whose life priority are football matches, stereotypes that are used in displaying men are generally affirmative and present them as a strong, full of energy, resourceful, professional, regardless of whether they are owners of the restaurant, hairdressers or a researchers in the lab, the people that achieve or can achieve something in life. Women are presented in the domain of home and care for the family and/or in the domain of health care, above all preoccupied with their physical appearance.

A commercial, that was shown a total of 5 times in the two days, and reduces a woman to a sexual object owned by men, represents a *mobile operator*. The video shows the men only, and the situation is an allusion to a mafia family. The main "godfather" says: "*All of you have to enter in the family*". But fear not, it is a cute family", and as an illustration places a hand on the bottom of the only woman in the video, standing next to him. In the end of the video, the second man sitting at the table, satisfied with the agreement and following the example of the first speaker, confirms with a gesture an affiliation to the family and hits the bottom of the same woman, saying: "*Welcome to the family*". A woman in the video is a person who has no rights, and whose face shows limitless submission. A woman is presented here as an object, and her body serves as a symbol of expression of the male fraternity.

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<sup>124</sup> The definition of stereotypes, "Glossary of gender terminology according to EU standards", Library ONA, the Office for Gender Equality, Zagreb, 2007.

Besides, women in videos are shown as persons whose main priority is the material and financial status. An example of such commercials is present in the commercials from a telephone operator in which a woman, at her own wedding, leaves a groom at the altar, and a woman at the station leaves a young man who was waiting for her, because both select a better financial offer, in these cases by a telephone operator, usually embodied in the form of a tomato which is an additional element of ridicule for women. *"But why my dear?"*, the confused men are left wondering, as she replies: *"Because he can offer me what you can not"* (free minutes and free SMS).

## 6. CONCLUSION

Although this analysis includes all the TV spots aired during the period of 24 hours and two days in a week, on one public and one commercial television, it does not include all television spots usually aired, and every day on the televisions there are new, different, and, from a gender perspective, potentially "problematic" videos. Therefore, it is important to note that these results relate to the TV commercials that were broadcast on televisions in the above mentioned period.

However, one can assume that the percentages of distribution by gender as well as a way of showing women and men in videos on the same topics, related to their gender social role, would not differ significantly in the the analysis of videos made in a different period and on other televisions. Almost all the broadcast spots are shown on both televisions. Statistically insignificant number of the commercials was aired on one television, and not on the other. The largest percentage of TV commercials has no characters. If we take into account the commercials in which women appear as main characters and those in which they appear together with the opposite sex, women appear in almost 37% of promotional TV spots, and men in the 31%. TV commercials are addressing women in far greater extent than men - even in 96.60% of the cases, if we consider the spots that are addressed exclusively to women and those that address both men and women. **Five times more commercials address women than men.**

Out of 617 broadcasted commercials, in almost 86% (528) of them there is a voice talking about the advertised product. Male voice is dominant (59,16 commercials).

74% of the commercials that advertise cosmetics and hygiene products are aimed at women, and in cosmetics advertising they often create a feeling of fear, anxiety, embarrassment, shame because of one's looks, in order to convince potential consumers into buying products that will prevent such situations.

17% of the commercials that advertise cosmetics and hygiene products is aimed at men, and a characteristic of these spots is that they very rarely create a sense of fear, anxiety, embarrassment and shame , but instead use the reaction of a woman to a certain product for men in order to highlight its quality.

Unlike the TV commercials that advertise products for washing and cleaning in the household, in which the role of scientists and experts who find the "magic ingredient" and recommend the product to women, belongs mostly to men, in the TV commercials which recommend certain foods that are good for the whole family, the role of the experts belongs to women.

According to TV commercials, mothers are the ones taking care for food, protecting with food the health of their families, and, when presented as scientists, recommending what is healthy for the whole family. In the commercials that show a family, men are presented as fathers who sit at the table with their families, having a breakfast or a lunch.

The analysis confirms that the TV commercials do not use sex appeal and eroticism in a significant amount at representing women and men. Also, a very small number of ads shows women and men in an insulting, disparaging or derogatory manner, but there are certain gender stereotypes that suggest that, for example, a super mom is the one that smiles washing the same garment every day, a good mom is the one who can take care of everything and everybody except herself, that women should use a fabric softener to be desirable, that the men are employed in the laboratories trying to find the magic ingredient to make it easier for women to do the washing of clothes or dishes, the ironing, or to keep the women's skin young.

It is an indisputable fact that stereotypes are damaging because they promote the distribution of roles according to gender as well as the other social relations that have not been a part of contemporary reality for a long time.

They are even more damaging if, presented as a witty pun, they insult, humiliate or belittle a woman or a man only on the basis of gender characteristics or gender roles.

#### **5.4.2. GENDER ANALYSIS OF TV SHOWS "DOBRO JUTRO, HRVATSKA" HRV 1, "SVAKODNEVNICA" OTV**

Television programs have access in almost all homes. Some studies show that in Croatia, on average, one spends about 260 minutes a day in front of television screen<sup>125</sup>. Survey of the Central Bureau of Statistics, carried out in the accordance with methodological recommendations of the European Union and international standards and classifications, on the sample of 3004 households, showed that, in the Republic of Croatia, TV set is the most common household appliance: even 96,2 % households owns the tv set, and 19,7% has even two sets.<sup>126</sup>

These data suggest the omnipresence of television contents, which thereby play a major role in shaping and promoting of the values, thus bearing a great responsibility.

According to Croatian laws and regulations, the media must strive for equality between women and men in their program contents and promote awareness about gender equality.

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<sup>125</sup> AGB Nielsen Media Research for year 2007.

<sup>126</sup> Statistical Yearbook of the Republic of Croatia, 2008., 10-8 Equipment with the household durables, p. 201

## 2. OBJECTIVE OF THE ANALYSIS

The objective of gender analysis of TV show was to investigate to which extent the public television (in this analysis, The Croatian Television - the first program, was processed) and some local (city) commercial television (in the this analysis, Open Television - OTV) promote gender equality in the contents of their daily shows. Monitored and analyzed programs were chosen because of their time of airing - morning and afternoon programs - and because they include a wide range of topics. Both shows have a tradition of running and ratings on their home television.

## 3. METHODOLOGY

### 3.1 Sample

For the analysis, the following were selected:

1. "Dobro jutro, Hrvatska - Good morning, Croatia" - the morning show of the Croatian Television - the first program (hereinafter : HRT1), which is broadcasted every weekday from 7:00 to 9:00;

2. "Svakodnevnica - Everyday Life" – an evening show of Open Television (hereinafter: OTV), which is broadcasted every weekday from 17:30 to 18:30.

### 3.2 Procedure

**A total of 40 shows was recorded:** 20 shows "Good morning, Croatia", and 20 shows "Everyday Life" in the course of 20 working days.

The named shows were recorded **in the course of four weeks:** „Good morning, Croatia“ from September 5th – October 10th, 2008, and „Everyday Life“ from September 16th – October 13th, 2008.

After the the recording, all the shows were carefully examined. For each story and reporting and/or guest appearance in the studio, the data were entered in the matrix, according to the default categories. Frequency tables and graphs were created based on those results, figuratively showing the obtained results.

### 3.3 Coding Categories

During the revision of the recorded material, each of the topics treated in the programs has been entered in the matrix, ie encoded according to the following categories:

1. sum total of all treated topics;
2. sum total of the recorded features;

3. gender of the main character in the recorded feature;
4. gender of the person who participates in the an interview in the studio;
5. total number of topics related to gender equality by areas;
6. who was focused in these topics and areas under 5;
7. who is talking on the issue related to the gender equality;
8. representation of topics relating to gender equality in the total number of processed topics;
9. other topics presented in the shows.

#### 4. RESULTS OF GENDER ANALYSIS OF TV SHOWS

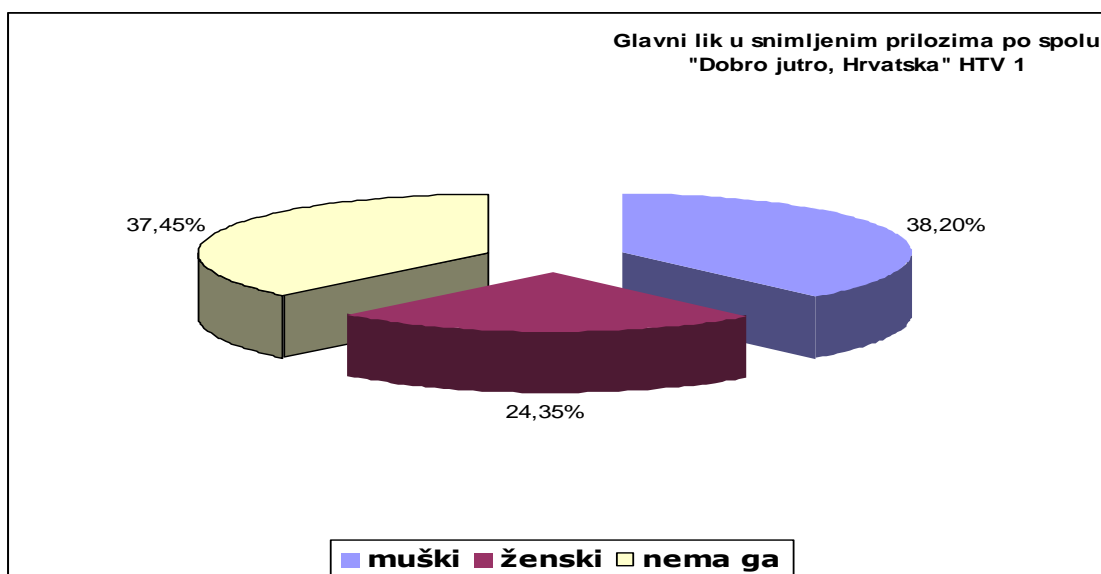
##### 4.1. and 4.2. The total number of treated subjects and recorded reports

A total of 712 different topics were processed, out of which 603 in "Good morning, Croatia" (267 or 44% were recorded features<sup>127</sup>) and 109 in "Everyday Life" (34 or 31% were recorded features).

##### 4.3. The main character in the recorded features - representation by gender

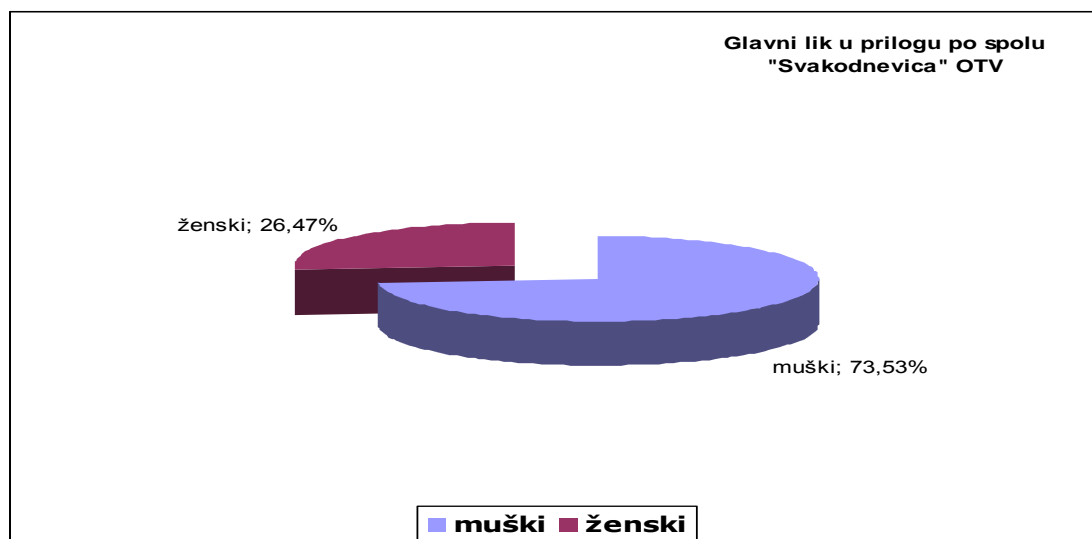
The forms that were usually represented in the analyzed programs were recorded features and interviews with guests in the studio.

From the total of 267 recorded features in the 20 shows "Good morning, Croatia" in 38.20% of cases (or 102 features) the main character was male. Female gender was represented in 24,35 % or 65 features. 37% of recorded features had no main character.



<sup>127</sup> Recorded features were either an illustration of the discussed topic or a topic of their own.

In **"Everyday Life"** by the OTV television, from a total of 34 recorded features in the 73.53% features (25) the main character was male, and in 26.47% (9) female.



#### 4.4. Guest performances in the studio - representation by gender

In the show **"Good morning, Croatia"**, from a total of 133 guests who were invited to the studio, 73 or 54.89% were female and 60 or 45.11% were male.

In the show **"Everyday Life"**, out of a total of 59 guests, there were 41 men (69%) and 18 women (31%).

#### 5. Topics related to gender equality

All the topics covered in the 40 shows in total duration of 60 hours were encoded, separately for each television. From the total number of topics processed (712), selected were the topics related to gender equality, according to the areas included in the Gender Equality Law (OG 82/08) and the National Policy for the Promotion of Gender Equality 2006-2010 (OG 114/06):

1. labour market/labour and employment,
2. education,
3. political participation,
4. media,
5. domestic violence,
6. health,
7. *trafficking* and prostitution,
8. position of women with disabilities,
9. family issues,
10. same gender communities,

11. women in rural areas,
12. women members of national or ethnical minorities,
13. women in sports,
14. women in the military and war/war veterans,
15. women in prisons,
16. activities of the NGOs dealing with gender equality or women human rights,
17. laws and regulations,

### **5.1 Representation of topics related to gender equality in the total number of processed topics**

In 40 shows, ie 60 hours of broadcasted program of both the shows that were analyzed, , only 25 or 3.51% features (recorded and live) from 712 processed topics were dedicated to some of the areas associated with gender equality.

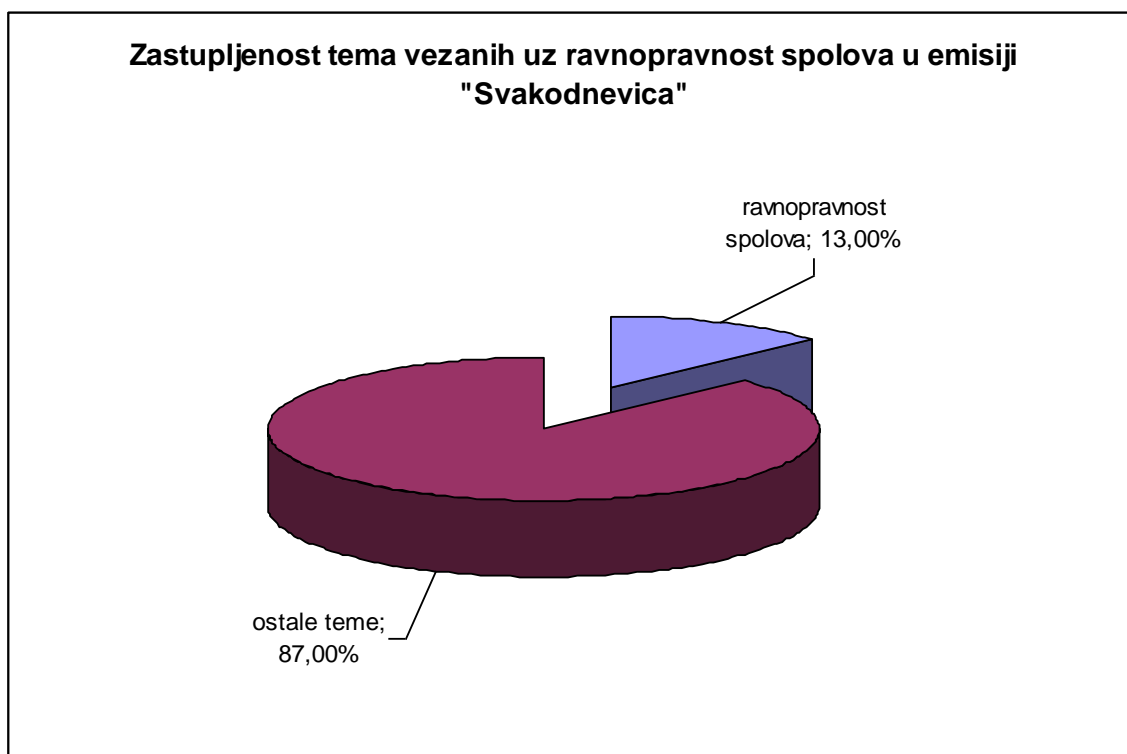




Topics related to gender equality, by the show:

„Good morning, Croatia“ – 11 topics = 2% of 603 processed topics;

„Everday Life“ – 14 topics = 13% of 109 processed topics.



#### 5.1.1. Good morning, Croatia – HRT1

**Of the 17 anticipated areas related to gender equality in the show "Good morning, Croatia", the topics from 5 areas were covered: education, political participation, domestic violence, health and women in rural areas, which were discussed 11 times.**

**The most common topic was from field of women's health**, which was discussed a total of 5 times. Health topics included discussions and features on cervical cancer, breast cancer, the risks of female oral contraception, disorders and diseases of vaginal microflora. They also talked about health and other problems faced by pregnant women.

Among other topics, not related to women's health, there were the topics on the activities of the Association of women woolmakers Mrkopalj, ie on ways how women in small villages spend quality free time by socializing, discussing, sharing experiences, and knitting together.

In the field of education, there was talk about women in science and fellowships for future female scientists, in the field of political participation, on the underrepresentation of women in the politics in Croatia and the new Gender Equality Law.

In the field of domestic violence, the Strategy for Protection Against Domestic Violence was presented and September 22nd - National Days of Fighting Against Domestic Violence - was marked.

### **5.1.2. Everyday Life – OTV**

Out of the 17 anticipated areas, related to gender equality in the show "**Everyday Life**", the themes from 7 areas were treated: education, media, domestic violence, health, civil society activities, laws and women in sports, and those were discussed a total of 14 times. There was talk about domestic violence, ie the campaign "Say yes " for women victims of violence, and the Law on Arms, about the activities of associations and organizations dealing with issues of gender equality, the anorexia, weight loss and imposed standards of feminine beauty, contraception and the risks of contraceptive pills, ie oral contraceptives, the young mothers, students and the female motorcyclists (biker girls) - women in the predominantly male sports and recreational activities.

Neither in the "Everyday Life" nor in the "Good morning, Croatia", the topics such as gender equality and discrimination in the labor market and employment, human trafficking and prostitution, the status of women with disabilities, gay communities, the position of members of national and ethnic minorities, women in the military and female war veterans and the like, were dealt with in the analyzed period.

## **5.2. OTHER TOPICS PRESENTED IN THE SHOW „GOOD MORNING, CROATIA“**

Before this analysis, 17 areas of gender analysis were determined. In relation to these areas, it turned out that out of the total number of **712 topics**, only 3.51% could be coded as topics related to gender equality. Out of 603 topics in the "Good morning, Croatia" - only 2% were related to gender equality, and out of 109 topics in the "Everyday Life" - 13%.

**In the show "Everyday Life", the issues related to gender equality take a high third place**, with 13% representation in the total number of topics.

However, since a large percentage of topics in the both shows belongs to information and news as well as music videos, the percentages by the show are different if calculated in the relation to the total number of topics that are not informative blocks or music videos. For example, in the show, "Good morning, Croatia", out of 603 topics, 437 topics (72%) were related to information (news, business information, weather, road conditions, event announcements, reviews, etc., and music and videos ). In the remaining 166 topics, those related to gender equality make 7%. In the show "Everyday Life" there were 72 (66%) informative news and music videos, and so of the remaining 37 topics, those related to gender equality were represented with as many as 38%. In total for the both shows, in the 203

thematic units in the analyzed period, there were 25 topics related to gender equality, which amounts to 12.3%.

### 5.3. Who has the focus in topics related to gender equality

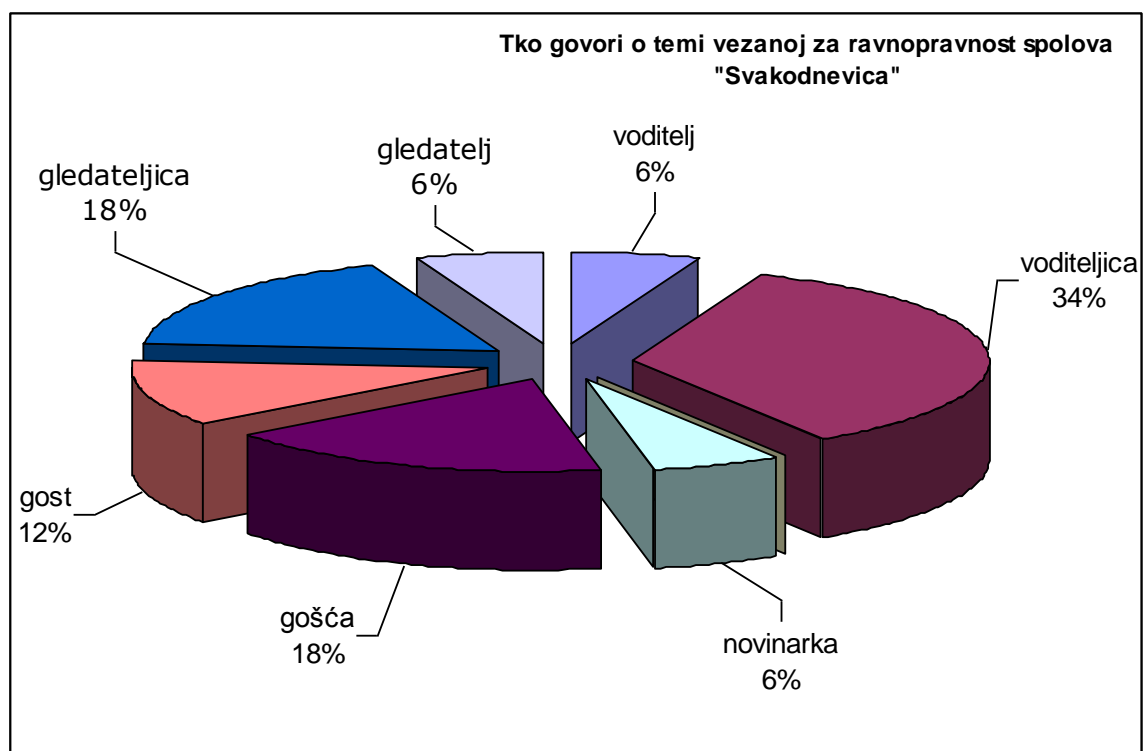
The gender aspect of a feature (recorded or live) was also analysed in relationship to the focus of the feature itself, ie whether the focus is on a woman or a man or associations that deal with gender equality, ie their actions and campaigns. In the show, "Good morning, Croatia" the focus was on women in 7 features, in the other 4 features on laws, associations, actions and campaigns aiming to improve situation of women and increase gender equality. In none of the presented topic the focus was on men.

In the show "Everyday Life", topics of gender equality were treated only from the perspective of women.

### 5.4. Who speaks on topics related to gender equality

In the show "Good morning, Croatia" the topics related to gender equality are discussed by the female guests in the studio, female lawyers, female politicians, female NGO activists for women's human rights and female viewers. Although in minority regarding the participation in discussions, some male viewers also called and made comments.

In the show "Everyday Life" mostly women spoke on gender equality, namely, female hosts (34%) female guests (18%) female viewers (18%) and female journalists (6%). However, men also participated in discussions, namely as hosts (12%), guests (6%) and viewers (6%).



## 6. CONCLUSION

Although in the "Everyday Life" more topics related to gender equality were presented and treated, both shows approached these topics in an objective and critical manner, and called guests that were relevant for such topics.

However, mostly women are speaking on topics related to gender equality and one can, therefore, get the impression that gender equality is an area that concerns only women and that men are not called upon to reflect on it and contribute to the gender equality with their efforts, dedication and commitment.

Caring for women's health, especially reproductive health, is one of the areas covered by the international documents ratified by the Republic of Croatia, which are legally and politically binding (UN Convention on the Elimination of All Forms of Discrimination against Women, the Beijing Platform and Action Plan) and by national documents relating to gender equality (National Policy to Promote Gender Equality 2006 - 2010, OG 114/06).

According to these documents, the state is obliged to *"promote and ensure the rights of women to highest standards of physical the mental health of women"* and *"promote and encourage and implement programs **with the support of the media**, focused on prevention, early detection and the treatment of breast cancer, cervix cancer and the other malignant diseases of reproductive system of women"*.

Topics related to women's health were the most represented of all topics related to gender equality. The second most frequent topic was domestic violence and violence against women.

Neither in "Everyday Life" nor in "Good morning, Croatia", topics such as gender discrimination in the labor market and employment, the position of women with disabilities, gender equality in rural areas, same-sex marriages, the position of members of national and ethnic minorities, to women in the army and war veterans, trafficking and prostitution, were dealt with in the analyzed period.

It is difficult to determine what is sufficient or inadequate representation of certain topics in relation to other topics. 38% of topics related to gender equality in the show "Everyday Life" from the total of the topics that were not of purely informative nature, and 7% in the show "Good morning, Croatia" indicate the nature of such topics. However, there are too few topics that would cover all 17 areas related to gender equality in the total number of topics, including news, especially if one takes into account the fact that some topics were not dealt with at all in the analyzed period (labor and employment, trafficking, prostitution, women with disabilities, same-sex unions, etc.).

## CONCLUSIONS OF GENDER ANALYSIS OF TV CONTENTS

### Summary and recommendations

The important role that media play in the democratization of society, the responsibility of journalists and other media representatives for the impartial and non stereotypical portrayal of women and men, the need for education on issues of gender equality in order to promote a more balanced view of women and men in the media, and also highlighted by the international documents and national laws and regulations.

The introductory part of Gender Analysis of TV Contents has displayed the cross-section of international documents and national legislation which oblige the media to promote gender equality and eliminate gender stereotypes and sexism from the media content and to adopt the international ethical standards in self-regulatory acts of the media and marketing companies.

In the bodies of the European Union, there also appear new initiatives to emphasize that gender stereotyping in advertising is one of several factors that have a large impact on the efforts that the society makes towards gender equality, which is why the European Parliament, in 2008., called upon the European Council, European Commission and member states to *"develop activities to strengthen awareness against sexist insults and degrading images of women and men in advertising and marketing"*<sup>128</sup>.

International documents, in their provisions, include in their contents the way in which the media present women and men, because of the **great influence that the media has and because many are not aware of the ways in which all of us are influenced by the omnipresent images that surround us**. It is therefore important for children from an early age to develop critical skills in evaluating the content of the media so that they would not take them for granted and accept the media imposed stereotypes.

In Republic of Croatia, the public is getting more sensitive about gender stereotypes and sexism in the media and more inclined to respond and seek removal of the adverts containing insults, humiliation and contempt for women and/or men. This gender analysis of TV content has shown that although they exist, the ads which directly insult, humiliate or belittle women or men, are rare. However, the media promote many stereotypes which at first sight look cute, funny and/or completely harmless and do not encounter so much public condemnation, but which are equally harmful to the establishment of real gender equality.

Since the goal of any marketing ad is to promote a particular product and/or service, and to achieve this, they often use provocation in order to stand out in the sea of other adverts and attract the attention of the potential consumers, the advertisers do not hesitate to use the stereotypes and sexist messages for this purpose. If criticized for their sometimes extreme provocation, they justify their ads saying they do not intend to offend anyone and that their ads are designed to be a fun and humorous way of playing with stereotypes. However, the ad content based on stereotypes, and visually "packed" into a joke, trick, pun, skit, quip, cartoons

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<sup>128</sup> Resolution on the impact of marketing and advertising on Gender Equality (INI/2008/2038)

and so on, in order to make it acceptable and harmless at first glance, actually result in strengthening of the stereotype. And such strengthening of stereotypes, by supposedly "humorous" commercials, is in direct opposition to their elimination at which the incurred provisions of international documents and national legislation are aimed, regardless of the intentions of advertisers or advertising agencies.

The media presentation of women still retains discourse of stereotypical perception and representation of women as individuals whose role in life is primary that of wife and mother. Women are shown in the domain of home and care for the family, and/or in the domain of concern for the health and foremost preoccupation with physical appearance.

In almost all articles/interviews/portraits of women who succeeded in any sphere of public life, their marital/family status is pointed out, and the success in business is always accompanied by emphasizing family/children as a priority in their life<sup>129</sup>.

On the basis of recommendations and guidelines contained in international documents as well as provisions of national law whose application is monitored by the Gender Equality Ombudsperson, and the results of the gender analysis of the TV contents, the Gender Equality Ombudsperson makes the following **recommendations**:

1. include provisions to implement international regulations related to the promotion of gender equality and elimination of sex discrimination and sexism in all media content, in programming basics, programming guidelines, and self-regulatory acts of all the media;
2. systematically implement gender-sensitive training of media professionals, including media owners and managers, to encourage the creation and use of non stereotypical, balanced and diverse images of women in the media;
3. include a systematic media education in the educational training programs through critical reflection on media and media literacy from an early age;
4. introduce gender-sensitive language in all media programs and contents;
5. involve men in topics of gender equality on an equal basis;
6. increase the number and variety of topics relating to gender equality in TV shows dedicated to wide audience, especially on public television.

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<sup>129</sup> Analysis of printed media in the period from January 1st to December 31st, 2006. Office of the Gender Equality Ombudsperson in a sample of 3105 articles .

## 6. WOMEN AND HEALTH

The Ombudsperson monitors the implementation of international documents and national policies, laws and regulations relating to the protection of women's health.

The right to health is protected by many international documents, among which is the **UN Convention on the Elimination of All Forms of Discrimination Against Women** (hereinafter : the Convention) and the **Beijing Platform for Action** which emphasizes "*the importance of sexual and reproductive health of women and creates a basis for **the approach to violence against women as a health matter***".<sup>130</sup>

**Recommendation CM/Rec (2007) by the 17 Ministers Committees of the Council of Europe to member states on standards and mechanisms for gender equality and Explanatory Memorandum (hereinafter : Recommendation)**<sup>131</sup>, among the elements that indicate the existence of political will and commitment to gender equality in health care, sexual and reproductive rights, in Article 45 states the following points:

iii. the existence and promotion of gender sensitive education and availability of health information (eg about sexual and reproductive health), which should be achieved primarily through the educational system and programs to raise public awareness;

iv. the existence of health care services of equal and gender sensitive quality for both men and women, specifically those related to common health issues and those related to gender-specific health issues arising from biological differences;

v. enabling of the complete and equal access to the appropriate, timely and understandable information and consulting services necessary for women and men - regardless of marital status and age - when making decisions about their own health;

vi. the existence of gender sensitive research;

vii. organization of educational programs on gender equality through basic and continuing education of health care professionals;

viii. existence of policies and effective implementation of measures from the medical point of view for dealing with different types of violence including domestic violence, sexual violence and harmful traditional practices.

Regarding the part of the Recommendation (point iii.) referring to the existence and promotion of gender sensitive education and access to health information in the educational system, the Ombudsperson reports in the section of this Report that relates to education.

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<sup>130</sup> Recommendation CM/Rec (2007) by the 17 Ministers Committees of the Council of Europe to member states on standards and mechanisms for gender equality and Explanatory Memorandum, Croatian Government, Office for Gender Equality, 2008.

<sup>131</sup> Publisher: Croatian Government, Office for Gender Equality, 2008.

Regarding the part of the Recommendation (Section vii.) referring to the organization of educational programs on gender equality and the continuing education of professionals in health care, on November 7th, 2008, in Rijeka, the Ombudsperson participated in a public panel, "**The role and tasks of physicians in primary health care in the prevention of domestic violence**", organized by the Croatian Medical Association, a subsidiary in Rijeka, in cooperation with the Institute of Public Health of Primorsko-goranska County and the Centre for women's participation in social life.

It must be mentioned here that the **National Strategy for Protection from Domestic Violence for the period 2008 - 2010**. (OG 126/07, hereinafter: Strategy) also states the education of professionals working in the field of protection against domestic violence which include primary care physicians, as one of the areas of activity. The Strategy states that "*within the specialty of family medicine, some activities have been introduced that should sensitize physicians to the problem of domestic violence.*"

The strategy provides for the training of experts for the implementation of psychosocial treatment for perpetrators of domestic violence in order to achieve a planned network of treatment centers to deal with the perpetrators in all counties and cities by year 2010.

**The Rules of Procedure in Cases of Family Violence** also lists the duties of medical institutions in providing health care to the victim "*in order to preserve physical and mental health of victims as well as the recovery from injuries and psychological traumas*".

In the forthcoming period, the Ombudsperson shall give special attention to the issue of education of professionals in primary health care related to domestic violence.

On the implementation of the Strategy and the Rules of Procedure in Cases of Family Violence, the Ombudsperson informs in this Report in the section that relates to violence.

In relation to the existence of policies and effective implementation of measures that, from the medical point of view, deal with different types of violence, including domestic violence and sexual violence, the **National Policy for the Promotion of Gender Equality for period 2006-2010**, predicted the measure 5.2.14. on the adoption of the **Protocol for Medical Personnel for Cases of Violence Against Women** (hereinafter: the Protocol), especially those of sexual nature. The deadline was the 2007.

From the response of the Ministry of Health and Social Welfare, which was submitted to the Ombudsperson's inquiry on the implementation, it follows that the measure 5.2.14 was not carried out even in 2008. The reason that the Ministry of Health and Social Welfare gives is that in drawing up the Protocol "*it was established that there is a need for unification of procedures related to the Protocol for Medical Personnel in several areas (violence against women, domestic violence, etc.). In order to consolidate a unique way of approaching all persons in need of health care in these areas, the ministry has prepared a draft of a unique form that aims to meet all the given commitments*".



The representative of the Ministry of Health and Social Welfare participated in the Working Group at the Ministry of Family, War Veterans and Inter-Generational Solidarity, in relation to the provision of relevant implementing regulations, so it is expected that the Protocol will be adopted in 2009.

It should be noted that the **National Policy for the Promotion of Gender Equality for period 2006-2010**, provides for a number of measures in Chapter 6. *Women and Health*:

Measure 6.3.2. - A comprehensive program of humanization of birth will be created, which will include the drafting and adoption of guidelines for natural childbirth, the promotion of physiological birth and education of women and health professionals about patients' rights in order to increase the participation of women in decision-making about the childbirth. Carriers: Ministry of Health and Social Welfare, in collaboration with committees for protecting the rights of patients, professionals and associations. Deadline 2007.

According to data provided by the Ministry of Health and Social Welfare submitted to the Ombudsperson, some activities were carried out in 2007. and some in 2008.

So, for example, regarding the humanization of birth, the Ministry of Health and Social Welfare and UNICEF's Office for Croatia, in 2007. have started the implementation of the program "Maternity hospitals - Friends of Children", whose aim was to create conditions that would ensure *"the best possible support to the mother and child in the early days, and individual approach to each new mother."* In the twenty out of 36 maternity hospitals, in the Republic of Croatia, the investigations have been conducted by the evaluation team and the recommendations were made for improvement.

In 2008., as reported by the Ministry of Health and Social Welfare, gynecologists have made a part of the guidelines, which are designed to be practical and simple, for some procedures that apply to all levels of obstetrical activities, while, related to the project of humanization of birth and women's decisions about the mode of delivery, the Ministry points out that *"it is extremely difficult to reach a consensus because the profession has clearly defined attitudes and medical indications, so the discussion will continue on that matter at meetings of professional societies and the Committee of Perinatal Medicine."*

By monitoring the activities of nongovernmental organizations (eg RODA - Parents in Action), which are related to the measure 6.3.2. on the humanization of birth and increased participation of women in decision-making about the childbirth, many problems that the pregnant women face regarding the prenatal care and the delivery have proved evident. According to numerous testimonies of the mothers, giving birth was traumatic to many of them due to the degrading treatment during the procedure, in which the mothers were disabled to participate in decisions about childbirth<sup>132</sup>.

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<sup>132</sup> [www.roda.hr](http://www.roda.hr)

Therefore, the Ombudsperson believes that the implementation of measure 6.3.2. is extremely important, and that is why the obstacles should be overcome and the consensus achieved.

**Measure 6.4.2. A comprehensive program for combating sexually transmitted diseases will be made.** Carriers: Croatian Institute of Public Health, Ministry of Health and Social Welfare, in collaboration with NGOs and independent experts.

According to the response of the measures holder, the Croatian Institute for Public Health (hereinafter CIPH), a comprehensive program for combating sexually transmitted diseases has been carried out systematically for more than 60 years. From the beginning, it has been prepared by CIPH, and was participated by many subjects at the primary health care, policlinic-consultative (secondary) and tertiary (hospital) level.

The area of combating venereal disease is covered in the Program of Health Care in several ways and locations within the framework of a complete program of the struggle against infectious diseases, including sexually transmitted diseases, and as a special chapter among important health problems, entitled The Program of Measures against sexually transmitted diseases and infections of the urogenital system.

The program has been updated several times, the last time officially in 2006. (OG 126, 20 November 2006. - The curriculum of health care in basic health insurance).

All the measures of protection against infectious diseases are equally applied to each resident of the Republic of Croatia and everyone, regardless of whether they are Croatian citizens or not, or whether they have health insurance or not, has the right to use all the health care provided within the measures, including the most expensive forms of treatment (eg treatment of HIV infection).

On December 1st, 2008. The Day of the Fighting Against AIDS was marked. According to Central Bureau of Statistics, in the publication "Women and Men in Croatia in 2008.", in the period 1986. - 2007. there was a total 270 patients with AIDS, namely 15.2% women and 84.8% men, and 125 deaths, of which 13.6% women and 86.4% men. Croatia has the lowest incidence of AIDS in the world.

The Croatian Parliament, on October 17th, 2008. has passed the **Law on Restricting the Use of Tobacco Products**, with the purpose of health protection, which defines the measures to reduce and restrict the use of tobacco products, harmful ingredients of cigarettes and mandatory markings on tobacco product packaging, the preventive measures against smoking, and the overseeing of the implementation of this Law.

In June 2008., The Draft Law on the Treatment of Infertility and Fertilization Procedures with Biomedical Assistance was submitted to Parliament, but was not accepted.

## **Health – Misc**

In the last year, several actions have been organized in Croatia to raise awareness about the reproductive health of women, such as "More than words", for the early detection of breast cancer, within which The Day of Pink Ribbon was marked.

During 2008., a health education campaign „Let's Eliminate Breast and Cervical Cancer“, was conducted, and supported by the Gender Equality Ombudsperson in January 2008. As a part of this campaign, free gynecological examinations and PAPA tests were organized for women who have not been examined in the last three years. The campaign proved to be extremely successful.

According to the published data, in Croatia, 400 women a year get ill with a cervical cancer alone, which has been the second most common cancer in of women, and 10 die.

In order to inform the public, The Department of Health, Labor and Social Security and War Veterans of the City of Zagreb, published the information booklet entitled "Why should my daughter be vaccinated at her age?", and in April 2008., in collaboration with the Department of Public Health, the free vaccination has started against HPV infection, for seventh grade girls of elementary schools that come from families of lower economic status and children of war veterans. Within a year of the vaccine registration, a total of 500 girls were vaccinated.

The Ombudsperson also regularly monitors the information related to the area of health when reported by the media.

**CASE SUMMARY (PRS 05-01/08-19)** - Based on media reports about the alleged hazards of one type of contraceptive pills, which was associated with the death of a young woman, and the information that the pills can be purchased in pharmacies without a prescription, which is contrary to the regulations and approval by the Agency for Medicines and Medical Devices of the Republic of Croatia, the Ombudsperson requested a statement from the relevant institutions. Since this is a case of female reproductive health and the subject requires additional verification of the allegations from the answers she has received in late 2008., the Ombudsperson will report of her findings in the next reporting period.

### **III. THE ACTIVITIES OF THE OMBUDSPERSON ON PROMOTING GENDER EQUALITY**

#### **1. NATIONAL POLICY FOR PROMOTION OF GENDER EQUALITY FOR THE PERIOD 2006-2010.**

In order to monitor the implementation of measures under the National Policy for the Promotion of Gender Equality for the period 2006-2010., the Ombudsperson has sent request

to the carriers of those measures, whose implementation **deadline was the 2008.**, or that have not been implemented in 2007. and their implementation was monitored in 2008.

## **HUMAN RIGHTS OF WOMEN**

### **People with disabilities**

**Measure 1.3.3. – Empirical research will be carried out on the position of women with disabilities in the Republic of Croatia.** Carrier: Ministry of Health and Social Welfare. Deadline: 2008.

According to data submitted to the Ombudsperson by the Ministry of Health and Social Affairs (MHSA), the measure **was not carried out**. MHSA stated that research was impossible to implement with the existing resources of the Ministry. Therefore, MHSA on May 7th, 2008. issued an Invitation to organizations for project application in the field of social welfare, whose content should be related to the implementation of the national strategies, plans and programs. Since none of the associations applied for the project with such a content, the measure was not carried out, but the Ministry will repeat the invitation, and plans to organize the implementation of these measures in cooperation with other external experts.

### **Members of national minorities**

**Measure 1.3.1. A working group will be established to collect information on women belonging to national minorities and a programme of action for the improvement of their position will be made.** Carrier: Office for National Minorities. Deadline: 2006-2007.

The measure was partially implemented. On November 6th, 2008. the Office for Gender Equality, in agreement with the Office for National Minorities, has adopted Decision on the establishment of the Working Group to collect information on women members of national minorities and create a program of action on improving their position. The program of the working group will, according to data received from the Office for National Minorities, be adopted at the second meeting of the Working Group in February 2009.

**Measure 1.4.3. An international conference on the improvement of the position of Roma women will be organized.** Carrier: Office for National Minorities. Deadline: 2007.

**Measure was not implemented.** According to data from the Office for National Minorities, the reason for failure to implement these measures is that the Association of Roma women "Color of the Future" Zagreb has not finished the research "Employment of Roma in Croatia, with special emphasis on the employment of Roma women", which was supposed to be carried out in cooperation with the Croatian Employment Service. The completion is expected in January 2009. and the results should be presented at the International Conference on the status of Roma women in March 2009.

## Women and war sufferings

**Measure 1.8.1. Data on the role of women in hardships of war, their contribution to peace-building, and the consequences of war on the female population of the Republic of Croatia will be systematically collected and analysed, and the ensuing results and recommendations will be integrated into the social and development policies, while respecting the diversity of needs of men and women in the time of war and post-war.** Carrier: Ministry of Family, War Veterans and Inter-Generational Solidarity. Deadline: 2008.

**The measure is implemented.** According to data provided by the Ministry of Family, War Veterans and Inter-Generational Solidarity, Department of Psychosocial Assistance of the Ministry of Family, War Veterans and Inter-Generational Solidarity continually implements the National program of psychosocial assistance to the participants and victims of the Homeland War. As part of the Program, in 21 county Centers for Psychosocial support, the professional associates systematically provide counseling assistance to Croatian war veterans and their family members. The Centres organize workshops in which the professional associates organize family treatments, children's workshops and, where appropriate, marital treatments.

Professional associates are providing legal and counseling help by the daily organized attendance through the Center, as well as with the team visits to homes and families of war veterans. According to regular monitoring, in 2006., 41 137 interventions were provided for 31 513 users, in 2007., 70 311 intervention were provided for 53 087 users, and up to August 2008. there were 30 682 intervention for 23 781 users.

In carrying out these activities and providing the comprehensive assistance to the participants and victims of the Homeland War, the professional associates of the Centers regularly contact a variety of institutions at local and county level. The implementation of the Program to improve the quality of life in families of the deceased Croatian war veterans, disabled Croatian war veterans and Croatian war veterans suffering from PTSD began in 2008. The program focuses on the organization of systematic examinations and systematic monitoring of the health status of wives and children of Croatian war veterans.

**Measure 1.8.3. Training programmes for members of security forces will be reviewed from the perspective of gender equality and human rights of women.** Carrier: Ministry of Defence. Deadline: 2007-2008.

According to the response which was submitted by the Ministry of Defence, *"Training programs - military training, functional training, specialist courses and seminars at home and abroad, foreign language courses and other forms of education and training by their conditions do not recognize discrimination between the genders, and from the perspective of gender equality and human rights of women are available to everyone under equal conditions and provide equal opportunities for professional development and advancement"*.

**It could be argued that the measure 1.8.3. was implemented** only if the Ministry of Defence carried out a review of training programs from the perspective of gender equality and women's human rights, which was not possible to conclude from the above response.

## **EQUAL OPPORTUNITIES IN THE LABOUR MARKET**

### **Women in rural areas**

**Measure 2.2.10. A secondary analysis will be carried out of the existing research results and funding will be provided for new surveys aimed at assessing the position, awareness, behavior patterns and needs of rural women and an action plan will be drawn up based on the result of these scientific analysis.** Carrier: Ministry of Agriculture, Forestry and Water Management. Deadline: 2008.

**The measure is implemented.** At the request of the Ombudsperson, the Ministry of Agriculture, Forestry and Water Management has submitted a very detailed and informative reply which states a number of activities that are consistent with the measure 2.2.10. as well as other measures of the National policy.

Pursuant to the Farm Register (hereinafter: the Register), with the aim of understanding gender equality, an **analysis of registered agricultural farms holders was made** (of family farms, crafts and trade companies and cooperatives), as well as of the holders of the total arable agricultural land area. With respect to **holders of farms registered at the Register**, results the following:

From 181 008 the holder farms, 29% are female and 71% male;

From 2822 trade holders, 21% are female and 79% male;

From 2648 holders of companies, 16% are female and 84% male.

From the total of 186 478 entries at Register, 29% are female farms holders, and 71% male holders.

With respect to **holders of arable farmland at the Register**, it follows that from the total number of enrolled acres of arable farmland, for 18.20% the female holders were registered, and for 81.80%, the male holders.

An additional analysis of the status women holders of farms and/or owners of arable farmland is required, both for all Croatian regions as well as the individual counties.

An analysis was made of the received and approved applications related to financing of various programs related to rural development measures, which showed how many of them were the female applicants and how many male applicants, sorted by county.

Pursuant to the contest, a total of 2877 applications was received, out of which there were 22% (621) female applicants and 78% (2,256) male applicants.

1759 programs were approved for co-financing, out of which 22% (393) programs were from female holders and 78% (1,366) male holders.

Expressed in monetary terms, from a total of 173,032,351.40 kn, the female applicants have realized 18.27%, or 31,616,235.25 kn, and the male applicants 81.73%, or 141,416,116.15 kn.

Regarding the development of a secondary analysis of existing research results and funding of new researches in order to determine the position, awareness, behavioral patterns and needs of rural women and create an action plan based on the results of such scientific analysis, in accordance with measure 2.2.10. of the National Policy, the Ministry of Agriculture, Fishing and Rural Development reported that there is an ongoing implementation and production of the same in collaboration with the Institute of Social Sciences "Ivo Pilar".

Furthermore, organization is being prepared for the conference "The position of women in rural areas of the Republic of Croatia" which should will be held in October 2009.

**Measure 2.5.6. Consideration will be given to introducing tax relief through amendments to the Profit Tax Act for the organization of child care and education services in companies and business organizations for employees' pre-school children, depending on the investments made and organizational costs incurred by the companies.**  
Carrier: Ministry of Finance. Deadline: 2008.

In response to the inquiry of the Ombudsperson on the implementation of measure 2.5.6., Ministry of Finance has submitted a response that it was **not implemented in 2008**. As an explanation, the Ministry of Finance states that with the Law on Amendments to the Law on Income Tax (OG 90/05) and Law on Changes and Amendments to the Law on Income Tax (OG 57/06) the provisions were deleted on tax benefits, exemptions and incentives for taxpayers in the areas of special state concern, taxpayers in the town of Vukovar, taxpayers in the mountainous areas, taxpayers in the free zones, tax payers who were registered and exclusively perform the research and development activities, investment incentives and incentives to taxpayers established for the purpose vocational rehabilitation and employment of persons with disabilities. Deleting these provisions on tax reliefs, exemptions and incentives, the same were not abolished, because they are usually prescribed by special laws, in line with the EU *acquis communautaire*.

Ministry of Finance believes that, there is no need for the introduction of new tax exemptions or extensions of existing ones in the tax system, since that would also result in additional difficulties in implementation of positive tax regulations and increasing costs of collecting taxes, while their effect in achieving the goal of promoting equality between genders would be questionable. Revenues from income tax are the state budget revenues and any introduction of new tax reliefs or extension of existing ones would have an impact in reducing the state budget revenues.

In 2008., the Law on Amendments to the Law on Income Tax (OG 146/08.) was published, which comes into force on Croatian accession to the European Union. Namely, with the said

Law, the Law on Income Tax will be adjusted with the EU *acquis communautaire*, ie European Union directives in the field of income tax shall be transferred to the legal system of the Republic of Croatia.

**Measure 2.5.1. Media campaigns will be carried out to promote the equal sharing of household work and family responsibilities, and the equal distribution of parental responsibilities for the care of children, including the promotion of the use of parental leave by fathers, to ensure the more active participation of women in the labor force and to increase the number of fathers taking parental leave.** Carrier: Office for Gender Equality. Deadline: 2007.-2008.

From the response of the Office for Gender Equality follows that **the measure is implemented** pursuant to the financial capabilities of the Office: an educational campaign was implemented on these topics in the magazine *National Geographic Junior*, adapted for the lower grades of the elementary school. In 2008., a total of 6 issues were published with pictorial and narrative material in the form of comics on the named topics under the slogan "Together we are stronger", or the individual thematic areas 'Dad on parental leave', 'Call for help', 'What will I be when I grow up' (I), 'What will I be when I grow up' (II), 'When hands come together', 'Let the better one win'.

In terms of promoting equal opportunities in the labor market, in 2008., the head of the Office has participated in series of forums, roundtables and other events, including media appearances which emphasized the importance of this thematic area in order to achieve true gender equality.

## **VIOLENCE AGAINST WOMEN**

### **Trafficking**

**5.2.8. The implementation of measures of annual Operational Plans for the Suppression of Trafficking in Human Beings will continue.** Carrier: Human Rights Office. Deadline: 2008.

**Measure 5.2.8. is implemented.** The Operational Plan for Combating Trafficking for 2008. was adopted in the session of the Croatian Government on December 7th, 2007., with a period of the implementation until the end of December 2008. With the Operational Plan, measures and activities were defined for the implementation of the objectives set out in the National Program for Combating Trafficking 2005 - 2008. After the inquiry of the Ombudsperson, the Human Rights Office of the Croatian Government submitted a very detailed response from which it follows that the Human Rights Office sent to the Ministry of Justice a proposal for



amendments to the Penal Code and Law on Criminal Procedure. Proposal for amendments related to the Penal Code, concerns the amendments to Article 175 "Trafficking and Slavery".

The provision of Art. 175. Para 2 determines the forms of exploitation of a child or a minor, but the same paragraph does not also specify the illegal adoption as a form of exploitation of children or minors - victims of trafficking. Therefore, the Human Rights Office suggested explicitly stating illegal adoptions to be a form of exploitation. The Human Rights Office has proposed that in Article 175 a new paragraph be added which would read: *"If the criminal offense referred to in paragraph 1 or 2 of this article was committed by an official persons in performing their duties, thus endangering life of the victims of trafficking, they will be punished by imprisonment of at least five years or the long-term imprisonment"*. The above was proposed because the perpetration of criminal acts in official capacity represents a qualified form of crime, being a misuse of the official position. Activities of holding the regular meetings of specialized police officers and prosecutors who deal with the problem of trafficking were continued, the CARDS 2004 project "Combating Trafficking" was successfully completed in June 2008. and all the recommendations derived from it have been implemented in the national referral system.

Until December 2008., a total of 6 victims of trafficking have been identified, of which 3 were women and 3 men. From these, two female victims were sexually exploited, while 3 men and 1 woman were labor exploited.

The funds were secured in the state budget for the continuation of ongoing work of 2 official shelters for victims trafficking, individualized assistance programs tailored to the needs of each victim were conducted, the cooperation agreement was reached related to the provision of assistance and protection to victims of trafficking between the Ministry of Interior (MOI) Ministry of Health and Social Welfare (MHSW), the Croatian Red Cross and the Organization for the Integrity and Prosperity Split, Standard operating procedures were made for handling cases of trafficking for MOI, MHSW, and the State Attorney's Office.

The public debates and seminars related to issues of trafficking were conducted. In June 2008., Human Rights Office conducted a public campaign aimed at raising awareness of potential users of services for victims of trafficking, including the production of a TV spot, billboards that were placed on trams in Zagreb area, and the European Day of Anti-trafficking (October 18) was marked with an appropriate program on Cvjetni Trg, attended by civil society organizations.

The education of targeted groups on the issue of trafficking has continued and the seminars for police employees, employees in the social welfare system, family center employees, health employees, judges and lawyers, the diplomatic and consular personnel, members of the Croatian Armed Forces who are deployed in peacekeeping missions and civil society organizations were held in 2008..

The competent authorities continued to actively participate in regional and international initiatives for combat trafficking throughout 2008. Since the Office of Human Rights is also

the Office of the National Coordinator for Combating Trafficking, the Office has systematically monitored the implementation of measures and activities of all relevant institutions in combating trafficking and regular meetings of the Operational Team of the National Committee for Combating trafficking were maintained.

**Measure 5.2.10. The Republic of Croatia will join the international Network Against Harmful Traditions - NAHT and carry out a survey to define measures for combating harmful traditional practices.** Carriers: the Office for Gender Equality, the Office for National Minorities, in cooperation with NGOs. Deadline: 2006-2008.

Some activities of measure 5.2.10. have been implemented, while the others are in the implementation phase. Through the Office for Gender Equality of the Croatian Government, the Republic of Croatia has, in early 2006., joined an international network to combat harmful traditional practices (Network Against Harmful Traditions - NAHT), an international platform for representatives of NGOs and the organizations of the European community and government bodies and political organizations of other countries dealing with issues of gender equality and health. The head of the Office, as a member of the Network, participated in the ministerial conference entitled "Joint Action of Member States against harmful traditional practices", held in January 2006. in European Commission headquarters in Brussels.

Conducting of the research to define the measures for fighting harmful traditional practices is planned to be implemented within the framework of the Working Group for improvement of the collection of statistical data on the position of Roma women in local communities and the society in whole, in cooperation with UNDP Croatia and in accordance with the already initiated activities on research, carried out by UNDP in this area, entitled "Reproductive Health of Roma Women".

**Measure 5.3.3. Educational material on all forms of violence against women will be printed and distributed to all relevant institutions.** Carrier: the Office for Gender Equality. Deadline: 2007-2008.

**The measure was implemented.** Carrier of this measure measure, the Office for Gender Equality, translated, printed and distributed 2000 pieces of *The Recommendation (2002) 5 of the Committee of Ministers of the Council of Europe on the protection of women from violence* to the state administration bodies, local and district (regional) governments, civil society organizations and other institutions, as well as the *Declaration on the Elimination of Violence Against Women* of the UN, which was printed as a leaflet with a circulation of 10,000 copies, with the aim of raising public awareness to issues of violence against women and domestic violence. In 2008., the Office has also released the UN Declaration on the Elimination of Violence Against Women in Jutarnji list and Vecernji list on the occasion of September 22nd, National Day of Combating Violence Against Women and in Jutarnji list, Vjesnik and Vecernji list, marking November 25th, the International Day of Combating Violence Against Women.

## V. CONCLUDING REMARKS

Report of the Ombudsperson for Gender Equality for year 2008 shows that a new and a better anti-discrimination legislative framework has been adopted in the field of gender equality, and that the policies and strategies related to that field have largely been implemented. However, the content of complaints and the conducted investigations shows that it is necessary to act and to increase prevention and protection from discrimination as well as to take measures, including specific measures planned by GEL.

These assessments, as well as previous ones, are based on the provisions of Article 5 of GEL, according to which gender equality means that women and men are equally present in all spheres of public and private life, that they have equal status, equal opportunities to exercise all rights as well as equal benefit from achieved results, and are based on the analysis of the Office of the Ombudsperson, statistics, results of the implementation of anti-discrimination legal provisions and policies, and the work on complaints, whose number has increased in 2008.

The position of women at the labor market has not significantly changed. A high proportion of women among the unemployed, clear horizontal and vertical segregation between men and women at the labor market, employment of women in underpaid sectors, differences in earnings by gender, a greater number of women employed per fixed term contracts, still suggest the existence of gender inequality.

The analysis of the Office of the Ombudsperson shows that the provision of Article 13 paragraph 2 of GEL on jobs advertising, aimed at the elimination of discrimination in employment, has been substantially better applied in practice than in the previous years.

I still find the strengthening of the State Inspectorate indispensable, in relation to the capacities and in relation to the authority, especially because of the fixed term labor contracts which are contrary to the Labour Law, but also because of all the other violations of labor rights that affect the achievement of gender equality with its discriminative effects.

The Office of the Ombudsperson for Gender Equality will dedicate special attention in 2009. to the implementation of new legal obligations of social partners in collective negotiation and in collective agreements in respect to the provisions of GEL as well as measures for achieving gender equality at all levels. Namely, the implementation of gender equality principles in the work area is dependent on the commitment of social partners for such initiatives and actions. With the accession of the Republic of Croatia to the European Union and harmonisation with Chapter 19, *Social Policy and Employment*, which regulates the area of gender equality and equal opportunities in the field of work, the further changes are possible in the Croatian legal framework and practice. Collective Agreement in this area particularly stands out as a mechanism that may contribute to the achievement of full equality. In the spectrum of such policies is also the balancing of private and professional life, which has a special impact on both, on the individual and on the family members as well as the individual roles which people assume. The social partners should have the sensitivity for such an arrangement, and in

the collective agreements should directly affect the resolution of specific life situations, and establishing of the good practice of respecting the principle of gender equality.

When assessing the situation with regard to domestic violence, there are still continuing efforts for suppression of the violence, especially by the Ministry of Family, War Veterans and Inter-Generational Solidarity, that, along with increased activity of the Ministry of Justice, led to the visible improvements in this area in the protection of victims of violence once it has happened.

Police work on cases of domestic violence continues to improve. All relevant legislation has been more consistently applied and amended for several years. Public awareness of this issue, thanks to the media, civil society organizations and government agencies, is increasing. As a result of the National Campaign for combating domestic Violence conducted within the Campaign of the Council of Europe, more work has been conducted on local levels, as well as in psycho-social treatment of abusers, while the number of shelters for women victims of violence increases.

Therefore, the Ombudsperson believes that the major activities described also in this report led to a decrease of seeking of the police intervention for 5.4%.

However, the assessment of the Ombudsperson on the need of prevention of domestic violence from the last year's report concluding remarks still remains, particularly at local levels.

Since GEL has introduced the obligation of the Ombudsperson to conduct independent surveys concerning discrimination and exchange of the available information with the appropriate European authorities, this report includes several surveys and analysis in different areas where the implementation of GEL, but also the relevant European legal framework, was monitored.

In the concluding comments in the report on the activities for 2007, the Ombudsperson has called for the inclusion of special statistics on all court proceedings related to discrimination in the area of labor and employment, but also in other areas of life, because the statistics are also indicators of the implementation and effectiveness of anti-discrimination laws and policies.

Anti-Discrimination Act introduced the obligation of all judicial bodies to keep records of court cases related to discrimination and basis for discrimination of these procedures, and to submit them to the ministry responsible for legal affairs.

According to the provisions of the new GEL all judicial authorities are obliged to keep records of court cases based on gender discrimination and submit them to the Ministry in charge of legal affairs.

During the previous reporting period there were no elections monitored by the Ombudsperson in terms of gender equality, but she has participated in numerous activities related to awareness of the need for greater political participation of women. Also the new GEL has introduced the obligation of political parties and other authorized applicants to implement special measures in the determination of electoral lists in the a way that the representation of men and women on the election lists of representatives to the Croatian Parliament, members in the representative bodies of local (regional) governments and members of the European Parliament, would not be significantly unbalanced.

Therefore, in 2009 the Ombudsperson will monitor the implementation of these provisions of GEL's at the local elections.

She will also monitor the application of Art. 12 Paragraph 1 of GEL which specifies that the implementation of specific measures would promote equal participation of women and men, not only in the legislature but also in the bodies of executive and judicial authority, including the public service, and gradually increase the involvement of the underrepresented gender until its representation reaches its share in the total population of the Republic of Croatia.

Only the next period will show the effects of the new anti-discrimination legislation.

#### THE OMBUDSPERSON FOR GENDER EQUALITY

Gordana Lukač-Koritnik