



**OMBUDSPERSON**  
FOR GENDER EQUALITY

---

Preobraženska 4/I, 10000 Zagreb

Telefon: + 385 (01) 48 48 100

Fax: + 385 (01) 48 44 600

E-mail: [ravnopravnost@prs.hr](mailto:ravnopravnost@prs.hr)

Web: [www.prs.hr](http://www.prs.hr)

---

# ANNUAL REPORT 2013

---

*Zagreb, March 2014*

---



REPUBLIC  
OF CROATIA

# CONTENTS

---

<b>I. CASE STATISTICS IN 2013</b>	<b>9</b>
<b>1. CASE ANALYSIS</b>	<b>10</b>
1.1.-1.3. Forms, grounds and areas of discrimination and undertaken procedures	10
1.4. Mediation procedures	11
1.5. The role of intervener in court proceedings	12
<b>2. ANALYSIS OF OTHER CASES AND ACTIVITIES</b>	<b>13</b>
<b>3. CONCLUSION</b>	<b>14</b>
<b>II. ANALYSIS BY AREAS OF WORK</b>	<b>17</b>
<b>1. EMPLOYMENT AND LABOR</b>	<b>18</b>
1.1. General overview and Ombudswoman’s standpoints in the area of employment, work and social benefits regarding balanced participation in the labor market	18
1.2. Labor market – trends in 2013 which deserve special attention	18
1.2.1. Access to labor market, employment and equal opportunities for women and men	18
1.2.2.-1.2.3. Principle of the same wage for the work of same value	19
1.2.4. Discrimination of young women in the labor market	19
1.2.5. Balancing work and family	20
1.2.6. Analysis of institutions which care for the elderly, disabled and socially excluded groups	20
1.3. Discrimination in employment and work	20
1.4. Harassment and sex-based harassment on workplace	22
1.5. Maternity and parental benefits	22
1.6. National Employment Promotion Plan for the period 2011 – 2016 – implementation of measures for 2013 (NEPP)	23
<b>2. FAMILY</b>	<b>24</b>
2.1. Domestic violence	24
2.1.1. Overview of numerical indicators of misdemeanor acts of violent behavior within a family provided by the Ministry of the Interior	24
2.1.2. Social welfare centers conduct in accordance to the Rules of Procedure in Cases of Domestic Violence	26
2.1.3. Analysis of the free legal aid (FLA)	26

---

---

2.2. Other forms of violence	27
2.2.1. Partner violence	27
2.3. Parental care	27
2.3.1. Study on expert opinions and proposals of social welfare centers related to decisions with which parent the child will live after divorce	27
2.3.2. Gender equality in the field of parental care – existing trends	27
2.4. Referendum initiative for constitutional definition of marriage	28
2.5. The implementation of the National Strategy for Protection Against Domestic Violence 2011 – 2016	28
2.6. Implementaion of the rules of procedure in cases of domestic violence	29
<b>3. SEXUAL AND GENDER MINORITIES</b>	<b>30</b>
3.1. Legal basis and situation assessment	30
3.1.1. Physical integrity and criminal acts motivated by hatred	30
3.1.2. Freedom of assembly and expression	30
3.1.3. Freedom of movement and family reunification	31
3.1.4. Asylum and subsidiary protection	31
3.1.5. The labor market and the access to services and goods	31
3.2. Ombudswoman’s projects and activities related to promotion of sexual minorities’ rights	31
3.2.1. Creating a new legislative framework of the status of the same-sex unions	31
3.2.2. Adjusting the practice of issuing certificates on marital status	32
3.2.3. Ombudswoman’s activities related to hate crime	32
3.3. Problems of gender dysphoric persons	32
<b>4. RISKS OF MULTIPLE DISCRIMINATION AND ESPECIALLY VULNERABLE SOCIAL GROUPS</b>	<b>33</b>
4.1. Women in rural areas	33
4.2. Women with disability	33
4.3. Women from national minorities	33
4.4. Women in correctional system	34
4.4.1. Study on female convicts and theirs status in Požega Penitentiary	34
4.5. Victims of sexual violence in Homeland War	34
4.6. Women in prostitution	35
4.7. Victims of trafficking, women and children	35
<b>5. EDUCATION</b>	<b>37</b>
5.1. New regulations concerning gender equality in education	37
5.2. Introduction of Health Education into primary and secondary schools	37
5.3. Introduction of Civic education in primary and secondary schools	38

---

---

5.4. Study on experimental implementation of Civic education in school year 2012/2013 from gender perspective	38
5.5. Study on gender aspects in school textbooks nature and society, nature and biology for elementary schools	38
5.6. Ombudswoman's initiatives in the area of education	39
5.6.1. Initiative to introduce systematic education for implementation of anti-discrimination law into the area of high education and professional training	39
5.6.2. Gender equality in new generation of school textbooks in school year 2014/2015	39
<b>6. MEDIA</b>	<b>40</b>
6.1. Study on representation of women and men and gender equality topics in media contents of Croatian Radio Television	40
6.2. Study on media coverage of domestic violence	41
6.3. Analysis of articles covering „marriage referendum“	41
6.4. Complaints about media contents	42
6.5. Analysis of trends in media reporting	42
6.6. Initiatives	42
6.7. Analysis of the implementation of measures from the National policy for gender equality 2011-2015 in relation to the media	42
6.8. Education of media employees	43
6.9. Ombudswoman's promotion of gender equality in the media	43
<b>7. GENDER EQUALITY IN THE AREA OF POLITICAL PARTICIPATION</b>	<b>44</b>
7.1. Election of Croatian members for the European Parliament in 2013 in relation to the promotion of the gender equality principles	44
7.2. Local elections in 2013 in relation to the promotion of gender equality principles	44
7.3. Comparative analysis of the representation of women in local elections 2001-2013	45
<b>8. NATIONAL POLICY FOR GENDER EQUALITY, IMPLEMENTATION ANALYSIS FOR 2013</b>	<b>46</b>
<b>9. REPRODUCTIVE HEALTH</b>	<b>47</b>
9.1. Study on the treatment of mothers during births in maternity hospitals	47
9.2. Health care of pregnant women in the Republic of Croatia who do not have health insurance	47

---

---

9.3. Conscientious objection with regard to women’s right to decide about their reproductive health	48
<b>10. WOMEN MIGRANTS AND ASYLUM SEEKERS</b>	<b>49</b>
<b>11. NATIONAL ACTION PLAN FOR IMPLEMENTATION OF UN SECURITY COUNCIL RESOLUTION 1325 (2000) ON WOMEN, PEACE AND SECURITY AND RELATED RESOLUTIONS 2011 – 2014 (NAP)</b>	<b>50</b>
<b>12. LAWS AND REGULATIONS – OMBUDSWOMAN’S INITIATIVES</b>	<b>51</b>
12.1. Law on Offenses against Public Order and Peace	51
12.2. Law on Amendments to the Law on Social Care	51
12.3. Law on Nannies	52
12.4. Law on Free Legal Aid	52
12.5. Family Law	52
12.6. Firefighting Law	52
12.7. & 12.8. Law on Income Tax and Tax Law on Real Estate	53
12.9. Law on the Rights of Victims of Sexual Violence in Homeland War	53
12.10. Labor Law	53
12.11. Criminal Procedure Law	54
<b>III. DISCRIMINATION IN ACCESS TO GOODS AND SERVICES</b>	<b>57</b>
1.1. Study on approving loans to pregnant women and mothers using maternity leave	59
<b>IV. COOPERATION ON NATIONAL AND INTERNATIONAL LEVEL AND OTHER ACTIVITIES</b>	<b>61</b>
<b>V. CONCLUSIONS AND RECOMMENDATIONS</b>	<b>65</b>

---



---

# SUMMARY OF THE ANNUAL REPORT FOR 2013

---

*The full Annual Report for 2013 of the Ombudswoman for Gender Equality (hereinafter: Ombudswoman) includes details about landmark cases from the Ombudswoman's practice as well as about other activities undertaken in accordance to Gender Equality Act. This summary gives only the overview of areas, activities and conclusions within the Ombudswoman's jurisdiction.*









---

# CASE STATISTICS IN 2013

---

## 1

## CASE ANALYSIS

### 1.1.-1.3. — FORMS, GROUNDS AND AREAS OF DISCRIMINATION AND UNDERTAKEN PROCEDURES

*In 2013 the Ombudswoman worked on a total of 2.133 cases, which is 40.9% increase in comparison to 1.514 cases in 2012.*

- 410 cases were opened upon citizens' complaints out of which 339 were new cases, opened in 2013<sup>1</sup>, and 71 were cases from previous reporting periods, and
- 36 new cases were opened upon Ombudswoman's initiative, related to the violation of gender equality principles or the gender based discrimination of an individual,
- 1,687<sup>2</sup> cases were opened mostly upon the Ombudswoman's initiative for the purpose of monitoring the implementation of GEA.

339 citizens' complaints and 36 cases opened upon the Ombudswoman's initiative concerning discrimination according to GEA, make the total of 375 new cases in 2013<sup>3</sup> which were analyzed in the full Annual Report for 2013. Until the end of the reporting period, 318 cases were completed (84.8%) and discrimination was confirmed in 76 cases (23.5%).<sup>4</sup> Taking into account these cases and 1,687 other cases which were not citizens' complaints, the Ombudswoman sent the total of 168 proposals, 227 warnings and 503 recommendations, initiated 1 misdemeanor charge and gave initiative for the change of 3 laws. In 318 cases (84.8 %) the Ombudswoman provided citizens with the information about rights and obligations, conducted two mitigation procedures and intervened in 3 court trials.

*In relation to forms of discrimination, there were 86.4% cases of direct discrimination, no cases of indirect discrimination, while in 13.6% of cases not a discrimination nor an unequal treatment were confirmed. In regards to the*

- 1 In 2012 there were 331 new cases, in 2011 – 283 , in 2010 – 294, and in 2009 – 274.
- 2 59,6 % increase in comparison to 1,057 new cases in 2012.
- 3 2 % increase in comparison to 331 new cases in 2012.
- 4 In 2012, discrimination was confirmed in 82 cases out of 317, which is 22,3%.

*grounds of discrimination, 77.6% cases were on the ground of sex, 5.3% on the ground of sexual orientation, 1.9% on the ground of marital status, 1.1% on the ground of gender identity and expression, 0.5% on other grounds and in 13.6% the Ombudswoman had no grounds for starting a procedure.*

## 1.4. — MEDIATION PROCEDURES

In the period 2010 – 2012, the Ombudswoman worked on complaints about sexual harassment and sex-based discrimination filed by two women; one employed in the Ministry of Defence and Armed Forces (MDAF), and the other in the Ministry of the Interior (MI). The Ombudswoman's conclusion was that both complainants had been harassed and discriminated against on the basis of their sex on their jobs by their superiors. Informed about the Ombudswoman's mediation authority, both women consented in 2013 that the Ombudswoman conduct mediation procedure between them and the employers' representatives. Situation in MI was solved when the complainant's superior was replaced and retired, because of the organizational reasons and not because of the sexual harassment. Because her employer refused to protect her, the complainant initiated a lawsuit concerning sex-based discrimination. We could say that the mediation in this case did not succeed.

The mediation procedure in MDAF was relatively successful because the representatives of MDAF were aware of the sexual harassment the complainant was exposed to, and willing to solve the problem. Since the complainant was constantly sexually harassed and discriminated against, she gave consent to be moved to another working place which did not suit her qualifications and which was in another city, while the perpetrator remained at the same working place.

MI developed an Action plan for promotion and establishment of gender equality from 2012 – 2015 with concrete measures for promotion of human rights of women and gender equality, and elimination of violence against women.

In 2013 MDAF made out a document „Gender aware policy in Ministry of Defence and Armed Forces of the Republic of Croatia“.

The Ombudswoman made certain suggestions and recommendations which MDAF accepted in its final document. The most important thing is that upon the suggestion of the Ombudswoman, the document included appointment of the commissioner for the protection of dignity of workers and adoption of the relevant rule book as goals.

## 1.5. — THE ROLE OF INTERVENER IN COURT PROCEEDINGS

In 2013, the Ombudswoman for Gender Equality continued to monitor 3 court proceedings in which she had intervened in the past 2 years (2 at the Supreme Court, 1 at the County Court in Varaždin). In 2013, three (3) court proceedings, in which the Ombudswoman intervened, were completed. All three proceedings ended with an unappealable court decision in favor of the plaintiff on which side the Ombudsperson intervened. During the reporting period, the Ombudswoman received two (2) additional requests for intervention. The first request concerned sexual harassment at workplace, and the other discrimination concerning access to the service of apartment rental.

## 2

## ANALYSIS OF OTHER CASES AND ACTIVITIES

In 2013 the Ombudswoman conducted **9 independent studies** – analysis in regard to: justice system – 1<sup>5</sup>, access to services – 1<sup>6</sup>, media – 2<sup>7</sup>, social care – 2<sup>8</sup>, education – 2<sup>9</sup> and reproductive health – 1<sup>10</sup>.

The Ombudswoman conducted activities **financed by EU funds**: (1) Partnership agreement for the implementation of the project „**Creating Society to tackle discrimination** JUST/2012/PROG/AG/AD with Cenzura Plus and partners; (2) Campaign „**Two little girls**“ with CESI, the Embassy of Great Britain and Northern Ireland and partners; (3) Project with GIP International for **publishing of the publication** „Sex-based discrimination and harassment in the area of employment and work – Guide for trade union commissioners“; (4) **Progress-project** JUST/2012/PROG/AG/GE/4157 – „*Dismantling the Glass Labyrinth – Equal Opportunity Access to Economic Decision-making in Croatia*“.

- 
- 5 Study on women convicts and their status – conducted in penitentiary in Požega.
  - 6 Study on credit approval to pregnant women and mothers (on a sample of 29 banks).
  - 7 „Representation of women, men and gender equality topics in media contents of public television“ and „Media reporting on family violence“.
  - 8 „Expertise and suggestions of social care centers in regard to the decision with whom the child will continue to live“ and „Gender equality in the area of parental care – existing trends“.
  - 9 „Experimental implementation of Civics in 2012 and 2013 from gender perspective“ and „Gender aspect in school books on nature and society, nature and biology for primary schools“.
  - 10 Study on treatment of women during labor in maternity hospitals in Croatia.

---

## 3

# CONCLUSION

---

*The number of complaints increased in 2013 in comparison to the earlier period. The majority of cases concerned sex-based discrimination and were filed by women. The biggest number of complaints concerned ensuring social security (37.1%) and labor rights (23.7%), justice and administration (7.2%) and public information and the media (6.3%). Taking steps upon complaints and her own initiative, the Ombudswoman acted on all levels of state administration and in all units of local and regional self-government, including other legal and natural persons and the media.*

**In 2013 the Ombudswoman issued public statements and in various ways and in various occasions warned about discrimination:** she actively participated in 18 sessions and thematic sessions of the Croatian Parliaments committees, 15 times visited counties where she met with the representatives of 10 counties and 12 cities and participated in 24 public events at the local level; held 8 lectures/workshops about gender equality principles; gave presentations on 23 and actively participated on 102 round tables, conferences and public discussions in organization of state bodies, institutions, international organizations and organizations of civil society; participated and held presentations on 17 international and regional conferences and expert groups; participated in 13 international studies and had 24 meetings on international/regional level; the Ombudswoman's institution conducted 9 independent studies and participated in 2 research projects concerning international and regional cooperation; organized 8 public events (4 round tables, 1 press conference, 1

conference, 1 public forum and 1 performance and promotion of the guidebook for recognition of sex-based discrimination); cooperated with all ombudspersons' offices in Croatia; cooperated and supported the work of 45 different organizations of civil society from all over Croatia and 4 trade unions; issued 19 public statements, 103 times appeared on TV and in radio shows (which is **178,4 % increase** compared to 2012), her statements were published in 363 newspaper and Internet articles (**92 % increase in comparison to 2012**). Ombudswoman's official web pages were regularly updated and were visited 1,254.770 times.









---

# ANALYSIS BY AREAS OF WORK

---



# 1

## EMPLOYMENT AND LABOR

### **1.1. — GENERAL OVERVIEW AND OMBUDSWOMAN'S STANDPOINTS IN THE AREA OF EMPLOYMENT, WORK AND SOCIAL BENEFITS REGARDING BALANCED PARTICIPATION IN THE LABOR MARKET**

The status of women in the labor market continues to be unfavorable. Firstly, the women's work activity rate is significantly low and trends point towards harmful effects of gender prejudices on equal opportunities for women to participate in the labor market. Secondly, beside the low women's work activity rate, there is an even lower rate of employment of women in Croatian society. Thirdly, unemployment rate among highly educated women increases, in general and in comparison to men. Fourthly, the gap in wages remain stable and at the expense of women. On average, women have lower gross and net income in the majority of work areas. Fifthly, the share of highly educated women who are unemployed continues to grow.

### **1.2. — LABOR MARKET – TRENDS IN 2013 WHICH DESERVE SPECIAL ATTENTION**

#### **1.2.1. ACCESS TO LABOR MARKET, EMPLOYMENT AND EQUAL OPPORTUNITIES FOR WOMEN AND MEN**

Available statistical data from 2013 show a worrisome low work activity rate of women in Croatian society – 39.1%. More than 60% employable women in Croatia are completely outside labor market and do not actively seek employment. According to available estimations for 2012 – 2013, working activity rate for women increased to 43%, while for men it was 52%. Working activity rate for women needs to be seen within the context of data about employment rate and unemployment rate for women and men. According to the latest final data for 2011, the employment rate among women amounts to only 34%, while the same rate among men was 45.8%. According to available estimations for 2012 -2013,

this rate has not changed. These data clearly indicate that market relations in Croatia are nominally dominated by men.

Abovementioned data, with other detailed data given in the full Annual Report, show the probability that: 1) women with all educational levels are the first to lose their jobs, i.e., 2) they lose their jobs mostly because of the dominant gender stereotype of woman's natural predisposition to perform tasks within a family. Regardless of the exact cause of such gender based pattern, which employers use to „defend“ themselves from the negative effects of the crises on their business, the fact remains that this pattern is linked with the sex of the employees; that it has disproportionately negative effects on women; that it perpetuates unfavorable status of women as a social group in the labor market and in the family.

### 1.2.2.-1.2.3. PRINCIPLE OF THE SAME WAGE FOR THE WORK OF SAME VALUE

Data which became available during 2013, and which concern economic indicators from 2011, show further strengthening of the wage gap between men and women on Croatian labor market.<sup>11</sup>

*In other words, women's work is less valuable and has lower price than men's. Described wage gap between men and women is transferred over to the gap in pensions.<sup>12</sup>*

The problem is that the number of men who enroll and complete higher education is decreasing because of at least two reasons. First, over-representation of hiring men with high school education, i.e. under-representation of men with higher qualifications, probably creates a negative pressure on the salaries of women in the labor market. Second, researches show that highly educated men and women are "resistant" to the traditional prejudices and stereotypes, and more likely to appreciate a person according to personal qualities, rather than the membership in a particular social group

### 1.2.4. DISCRIMINATION OF YOUNG WOMEN IN THE LABOR MARKET

The full Annual Report contains the emphasis of the Ombudswoman in regard to the exposure of women to discrimination on grounds of sex, pregnancy and maternity, exposure to sexual harassment in the workplace, the necessity of establishing a mechanism for system-

- 
- 11 Average net wage paid to men in 2011 was 5,675 kunas, and to women 5.130 kunas, i.e. 90,3% of the average net-wage for men (cca 10%). Expressed in numbers, on annual level women earned on average 9,780 kunas (gross) and 6,540 kunas (net) less than men in 2011.
- 12 According to the latest data, until 2013 in the Republic of Croatia 1.217.692 persons were retired (54.16% were women). At the same time the average pension was 2,383 kunas, for men 2,709 kunas, for women 2,106 kunas. In other words, in a year a man earns 7,236 kunas higher pension compensation than a woman.

atic control of the employers' procedures, the training of judges and prosecutors in terms of providing protection against discrimination.

The full Annual Report includes also the results of the research on the status of pregnant women and mothers with young children in the labor market as well as discriminatory practices during job interviews, uneven distribution of tasks and responsibilities for home and family between women and men as a barrier to women's employment, work and advancement. Discrimination against young women endangers society in several ways – it reduces work capacity of women, directly affects the number of children they have and destroys families.

### 1.2.5. BALANCING WORK AND FAMILY

The Ombudswoman emphasizes the need for changing educational patterns, gender stereotypes and traditional gender roles. In full Annual Report, she comments on the status of women in rural areas, which is far worse than in urban areas, on disbalance between the number of highly educated women and their share in managerial positions, on the low participation of men in using opportunity to take a maternity leave, on the importance that the national mechanisms take a more active approach, including the Government, parliamentarians, political parties, the media and educational institutions, in implementation of the gender equality policy, on the necessity of political participation of women on local/regional level in order to improve the quality of life and ensure the balance between political engagement and family responsibilities.

### 1.2.6. ANALYSIS OF INSTITUTIONS WHICH CARE FOR THE ELDERLY, DISABLED AND SOCIALLY EXCLUDED GROUPS

The analysis of data collected from the institutions which care for the elderly, infirm and socially excluded groups showed that institutions for the elderly, the infirm, the sick and the socially excluded people are led almost exclusively by women, that the staff and the volunteers working there are in an overwhelming number of female gender, while men generally do not show interest in volunteering in the institutions of this kind. The indisputable conclusion is that women are the ones who carry a major role in the care of the elderly, the infirm, the sick, the dying and the socially excluded.

## 1.3. — DISCRIMINATION IN EMPLOYMENT AND WORK

Out of 375 Ombudswoman's procedures performed on the basis of individual citizens' complaints, 89 cases (23.7%) were related to employment and working conditions; ability to perform activities independently or dependently, including selection criteria and conditions for employment and advancement; access to all forms of professional guidance, vocational education and training and retraining. If we add 139 (37.1%) complaints regarding social

security, including social care, pension and health insurance and unemployment insurance to the number of the above complaints we get a better picture of the situation. Together, these two areas make 60.8% of all complaints. Since the last year the percentage was 58.5%, there is a slight increase of 2.3%.

In 2013 there was a decrease in the number of complaints (from 112 in 2012 to 89 in 2013) related to work, working conditions, employment, access to all forms of vocational guidance, training and retraining (23.7%). This fall must be primarily seen as the result of concern related to keeping a job in the context of labor market crisis. At the same time, a further increase of the number of complaints (from 118 in 2012 to 139 in 2013) concerning unfavorable conduct in the field of social security, including social care, pension, health insurance and insurance in case of unemployment is obvious (37.1%). An increase of such complaints is not surprising because there is no risk of retribution or punishment by the employers.

*The Ombudswoman is concerned because the complaints about harassment as the form of sex-based discrimination continue to be the most represented in the individual citizens' complaints; the complaints about sex-based harassment and sexual harassment make 45.7% of all complaints from this field. 22% of complaints in this area concern unfavorable conduct on the basis of maternity leave and motherhood.*

Out of 77 complaints, 89% were related to the *rights based on employment including equal pay*. Considerably smaller share, 5.5%, was related to the access to all forms of schooling and training, 4.5% on unfavorable conduct in regard to advancement and 1% in regard to unfavorable conduct in relation to membership, activities or benefits in workers and employers associations.

In most of the cases, individual complaints about discrimination were filed by women – 66% in comparison to 7% of cases in which complaints were filed by men.

The possibility of filing a complaint is mostly used by persons with higher education (50%), persons with high-school qualifications (41%) and *persons employed on the basis of unlimited term contracts*. The complaints were related primarily to *legal entities* – 35.2% on public authorities and 28.6% on legal persons. All complaints which the Ombudswoman received in this area were in regard to direct discrimination, i.e. harassment as a form of unfavorable conduct conditioned with person's sex. Not a single complaint of indirect discrimination was received which indicates the lack of knowledge of this form of anti-discrimination protection among citizens.

## 1.4. — HARASSMENT AND SEX-BASED HARASSMENT ON WORKPLACE

Complaints regarding sexual harassment represent a total of 45.7% of all individual complaints in the area of labor and employment. Regarding the number of complaints about sexual harassment, in 2013 there was a slight decrease in the number of complaints (from 47 in 2012 to 41 in 2013). At the same time there is a slight increase in the percentage with which these complaints participate in the total number of complaints (from 42.3% in 2012 to 45.7% in 2013), which strongly indicates the prevalence of sexual harassment in the labor market, but also points out the fact that for the victims of sexual harassment it will be increasingly difficult to use the legal protection as their position in the labor market becomes more uncertain. **The complaints were filed predominantly by women.** The analysis of the received complaints shows that: women, fearing social and business stigma in predominantly patriarchal environment, still fear to file a complaint.

*Although there is a clear legal regulation according to which sexual harassment at workplace can be primarily processed through civil lawsuit, the victims of abuse are reluctant to initiate them because the duration of the lawsuits about discrimination is discouragingly long (the similar situation is in criminal procedure as well); discomfort of the victim who must testify in front of many people repeatedly about the situations of sexual harassment, exposed to the questions and provocations of the other party; starting a lawsuit means that the stability and safety of the current workplace becomes uncertain; attitudes and opinions of the colleagues who consider her to be co-responsible for the situation, or they are reluctant to keep her company out of fear that they will expose themselves to harassment.*

Lawyers also have little experience in initiating and conducting anti-discriminatory procedures. The Ombudswoman's experience is that most frequently the victim opens a sick leave because she cannot handle the pressure of the situation.

## 1.5. — MATERNITY AND PARENTAL BENEFITS

With the Law on changes and amendments to the Law on maternity and parental benefits, which came into force on July 1st 2013, women and men have become equal in their rights to **parental leave**. The data of the Croatian Institute for Health Insurance (CIHI) for 2013 show that there have not been considerable changes in the number of users of maternity and parental benefits segregated by gender – additional maternity leave, until 6 months of child's age, was used by only 165 (0.39%) men. Out of the total number of all forms of maternity and parental leaves, women used their right in 126,738 cases (97.64%), and men in 3,056 cases (2.35%).

## 1.6. — NATIONAL EMPLOYMENT PROMOTION PLAN FOR THE PERIOD 2011 – 2016 – IMPLEMENTATION OF MEASURES FOR 2013 (NEPP)

Out of **50 analyzed** NEPP's activities for 2013, **36** had implementation indicators expressed with number of specific target groups segregated by counties and gender. The Ombudswoman concluded that:

- The activities involved the total of 57,252 persons, 55.8% of which were women (31,998).

Analysis by activities:

- **more men** were involved in **22** activities, **more women** in **14**;
- only **6 activities** were conducted in all counties and the City of Zagreb in a way that **both women and men** were involved;
- **in activities in which financial compensations were ensured, more men than women were included and such a trend exists in the majority of counties**;
- women were approved less funds because they submitted less applications;
- more men than women got scholarships in 2013 in all counties and City of Zagreb in which they were awarded, and in 4 counties out of 15 not one woman was awarded a scholarship<sup>13</sup>.

Croatian Employment Service (CES) involved 78 victims of family violence, out of which 73 women victims (93.6%), in various measures of active policy for employment and training in 13 counties and the City of Zagreb. There is a continuous trend of increasing employment of women victims of family violence through NEPP's measures, but it is still not enough, especially because this activity has not been performed in all counties. The Ombudswoman again indicates that the measures related to the reduction of unemployment of women are not fully implemented and that there are still NEPP's activities in which in certain counties not a single woman has been included. Also, although the increase of the number of the employed according to fixed-term contracts (per Croatian Employment Service data – 93.6% in 2013) affects both women and men, it perpetuates unfavorable status of women in the labor market.

13 Ministry of Entrepreneurship and Crafts, activity 3.5.5.9. – More scholarships to men in 15 counties and City of Zagreb.

## 2

# FAMILY

## 2.1. — DOMESTIC VIOLENCE

On January 1st 2013 a new Criminal Code<sup>14</sup> came into force. According to its stipulations, violent behavior within a family is no longer a separate criminal offence; instead, violence toward a family member became incorporated as a specific circumstance of the following criminal acts: First degree murder, Bodily harm, Particularly heavy bodily harm, Heavy bodily harm resulting in death, Heavy bodily harm by negligence, Coercion, Threat, Sexual intercourse without consent and Heavy criminal acts against sexual freedom. Therefore, according to the existing legal solution, rape and sexual intercourse without consent within a family, i.e. in a marriage, would be punishable. On the other hand, out of reach of the Criminal Code would be psychological and economical violence within a family. Criminal Code offers legal protection to a wider circle of people than the Law on Protection against Domestic Violence, because it includes same-sex partners.

### 2.1.1. OVERVIEW OF NUMERICAL INDICATORS OF MISDEMEANOR ACTS OF VIOLENT BEHAVIOR WITHIN A FAMILY PROVIDED BY THE MINISTRY OF THE INTERIOR

According to the Ministry of the Interior (MI) data, in the period January 1st – December 31st 2013, according to the Law on Protection against Domestic Violence, 16,564 persons were charged with misdemeanor, which is 7.9% less than in the same period of 2012 when 17,976 persons were charged (**continuous decline since 2010**). Out of the total number of charged persons, 12,996 were men, 3,568 women and 442 children (322 male and 120 female). The total of 18,590 persons was injured in the acts which were charged with misdemeanor, which is 9.9% less in comparison to 2012. Out of the total number of the injured, 11,904 were women (under aged or adults) which are 64% of all the persons injured by violent behavior.



*The most frequent perpetrators of a violent behavior in a family, considered as misdemeanor, were: husband against a wife (3,897 cases or 23.5%), father against a child (3,374 cases or 20.4%), son against a parent (2,599 cases or 15.7%), common law husband against a common law wife (967 cases or 5.8%), mother against a child (981 cases or 5.4%), common law wife against a common law husband (1,077 cases or 6.5%). There has been a decline in a total number of misdemeanor acts of violent behavior in a family, but there are no data which would indicate the causes of this decline.*

Taking into consideration the new Criminal Code, MI provided differently specified data about criminal acts at the expense of a close person. Out of the total of 75 criminal acts of rape, 37 were between closely related persons. Out of the total of 41 criminal act of murder, 15 murders were committed among closely related persons. Among closely related person, according to MI estimate, the most frequent are the criminal acts against life and body, against personal freedom and sexual freedom, which include criminal acts of murder, heavy murder and heavy murder in attempt, bodily harm, heavy bodily harm, intrusive behavior, threat, rape, sexual intercourse without consent and sexual harassment.

*Analysis of the numbers of victims of criminal acts with the elements of violence committed among closely related persons and segregated by sex, it is obvious that the victims of such criminal acts are most frequently females. The analysis shows that in the period January 1st to December 31st 2013, there was a total of 879 victims, out of which 237 (27%) were men and 642 (73%) women.*

Since there is no exact data about the perpetrators of criminal acts at the expense of closely related persons, the Ombudswoman can only conclude that the number of murders of close family members, in comparison to the previous reporting period, is considerably lower – in 2012 there were 27 such murders, in 2013 – 15. Since the victims of the criminal acts committed at the expense of the close family person are mostly women (73% of cases), it could be assumed that 2/3 of victims of murders among close family members are women. It remains unknown who are the perpetrators, what is their sex and level of kinship with the victim.

*From the data about the relationship between the perpetrator and the victim it can be concluded that men are perpetrators of misdemeanor and criminal acts of violent behavior within a family in the majority of cases. According to the available related data, but also to data from the previous reporting periods, the most frequent victims are wives, common law wives, mothers and children. A cause for concern is a relatively big number of women charged with violent behavior, which were detained and brought in front of the misdemeanor judge (43.2%).*

In case when the police intervene in a domestic violence case, it registers that both persons who participated in violence were injured, concludes that it was a family dispute and charges with misdemeanor both spouses, making no difference between the attack and the defense. The police should apply a gender sensitive approach in cases of domestic violence.

The police decide who will be brought in, detained and brought before a misdemeanor judge. Therefore the Ombudswoman thinks that there is still the need for continuing education of police officers about the procedure in cases of domestic violence. Economic violence is not sufficiently recognized.

During the reporting period, the Ombudswoman noticed that murders within a family are still committed, and that in some cases when a woman is murdered by her husband and loudly called for help and screamed before or during the act, the neighbors or passersby noticed or heard that, but they did not call the police or provided help. It shows that family violence is still considered a private matter and that it is therefore necessary to continue with media campaigns to raise awareness on this issue.

*Tendency of decreasing the funds for those who conduct psychosocial treatments, leads to decreasing the number of expert institutions and individuals who provide such treatments and to the decreasing number of convicts who are included in implementation of this protective measure, which means that the possibility to influence the perpetrator of violence to modify his behavior is lost.*

### 2.1.2. SOCIAL WELFARE CENTERS CONDUCT IN ACCORDANCE TO THE RULES OF PROCEDURE IN CASES OF DOMESTIC VIOLENCE

A specific number of complaints relates to the fact that ***certain forms of domestic violence are not recognized*** (primarily psychological and economic), instead of being understood as domestic violence certain forms are presented as „disturbed marital relationships“, behavior which could be characterized as domestic violence (most frequently physical) is not reported to the police – instead a victim (most frequently a woman) is directed to contact the police if the violent act is repeated. The staff of the social welfare centers does not handle these cases with a ***special sensibility for the issues related to domestic violence***. All of the abovementioned indicates that the social welfare centers' staff must be continuously educated.

### 2.1.3. ANALYSIS OF THE FREE LEGAL AID (FLA)

In 2013, the free legal aid underwent changes. The new Law on Free Legal Aid (further: FLA), which thoroughly revised existing bases for free legal aid, was adopted. The question of exercising the right to FLA of the victims of domestic violence in criminal and misdemeanor proceedings remains unsolved. The Ombudswoman thinks that it is necessary to ensure free legal aid to all the victims of domestic violence, who fulfill the conditions, because collected data about the free legal aid beneficiaries on yearly bases show that there is a small number of claims in comparison to the number of victims of misdemeanor and criminal acts of domestic violence. Since a relatively small number of victims of family violence ask for free legal aid, the profession providing secondary legal aid should be ready to provide it to those who need it. The total number of free legal aid beneficiaries in the reporting period

was 5,476, out of which victims of family violence filed a total of 204 free legal aid claims – 203 by women and 1 by a man. The nature and the reason of each and every procedure required secondary legal aid.

## 2.2. — OTHER FORMS OF VIOLENCE

### 2.2.1. PARTNER VIOLENCE

The Ombudswoman thinks that the misdemeanor stipulation from the Article 31 of the Gender Equality Act can be implemented in cases when a violent act is committed between partners in a love relationship. The Ombudswoman received MI's data related to the initiation of misdemeanor procedures in 2013 based on misdemeanors according to the Article 31 of the Gender Equality Act. 34 perpetrators were registered, out of which 32 were men and 2 women.

## 2.3. — PARENTAL CARE

One of the fundamental principles on which policies and measures in the area of parental support should be based is *equal participation of both parents in parental care* and acknowledgement of *the importance of the fathers' role in caring and upbringing of children*, taking into account the gender equality principle.

### 2.3.1. STUDY ON EXPERT OPINIONS AND PROPOSALS OF SOCIAL WELFARE CENTERS RELATED TO DECISIONS WITH WHICH PARENT THE CHILD WILL LIVE AFTER DIVORCE

The Ombudswoman asked all the social welfare centers in Croatia for the relevant information about their expert opinions given in court proceedings in 2012 in which decisions were made with which parent a child will live after divorce. The analysis of the received data from 118 social welfare centers and subsidiaries show that a *mother* was proposed as a more suitable parent for parental care in a *total of 78.87% cases* and a *father in 15.33%*. In a big number of cases there is an agreement between parents about parental care, which the centers recognized because it was at the best interest of a child.

### 2.3.2. GENDER EQUALITY IN THE FIELD OF PARENTAL CARE – EXISTING TRENDS

In addition to the study on expert opinions in social welfare centers in relation to parental care, in 2013 the Ombudswoman conducted a study on a similar issue analyzing final court decisions of the Municipal court in Zagreb, relating to the period from October 1st 2012 till



December 31st 2012 – the total of 151 cases. The results showed that the parents' agreement concerning parental care **was not reached in only four cases**. In the analyzed period the court decided that a child would continue to live with a father in 17.75% cases and with a mother in 78.5% cases. The Ombudswoman points out that the parents reached an agreements in almost all of the cases (either at the beginning or during the court proceeding).

## 2.4. — REFERENDUM INITIATIVE FOR CONSTITUTIONAL DEFINITION OF MARRIAGE

From the beginning, the Ombudswoman's standpoint was that the initiative of gathering signatures and submitting a request for referendum to Croatian Parliament were absolutely legitimate and protected by the constitutional guarantee of freedom of political expression and action. As far as the content of the referendum question was concerned, the Ombudswoman pointed out that constitutional definition of *marriage as a community of a woman and a man* would mark other communities – common law and same-sex communities, as well as one parent families – as less valuable. The State Ombudsperson and the Ombudswoman for Gender Equality made a joint appeal to the competent bodies of the state to use all their authority in order to give a clear answer to the question of constitutionality of referendum content.

## 2.5. — THE IMPLEMENTATION OF THE NATIONAL STRATEGY FOR PROTECTION AGAINST DOMESTIC VIOLENCE 2011 – 2016

The implementation of the National Strategy for Protection against Domestic Violence 2011-2016 was analyzed on the basis of the obtained reports of the carriers of the measures with implementation term in 2013 or continuously. It is concluded that the information have not been collected systematically and that there is no elaborated mechanism of handling collected data. Therefore the measures with a definite implementation deadlines have been poorly implemented, while the measures which have continuous term have been relatively well-implemented.

A leading position in implementation of measures have certain ministries which are carriers or co-carriers of more than ten measures. They are: Ministry of the Interior, Ministry of Justice, Ministry of Social Policy and Youth, Ministry of Science, Education and Sports and Ministry of Health. In implementation, a smaller number of counties fall considerably behind other counties and the City of Zagreb, which is usually justified with financial problems, problems in functioning or work of county committees for gender equality. In conclusion, related to implementation of the National strategy measures in 2013, significant shifts have not been noticed. What has been noticed is the shortage of financial means and financial support, especially in some counties, for programs which would strengthen existing capacity and for the realization of new programs.

## 2.6. — IMPLEMENTAION OF THE RULES OF PROCEDURE IN CASES OF DOMESTIC VIOLENCE

In the majority of counties, meetings related to the issues of individual cases of domestic violence have not been held. Therefore, a satisfactory cooperation on the level foreseen by the Rules has not been established. The Ombudswoman repeats that the coordinators for gender equality, civil servants, should be financially compensated for that work since it is not in their job description.



## 3

# SEXUAL AND GENDER MINORITIES

## 3.1. — LEGAL BASIS AND SITUATION ASSESSMENT

Reporting year in the field of sexual and gender equality has been characterized by a very dynamic period of redefining the legal status of sexual minorities in Croatia. Croatian accession to the European Union on July 1<sup>st</sup> 2013 has brought a series of changes that will affect the social status of homosexual persons in Croatia.

### 3.1.1. PHYSICAL INTEGRITY AND CRIMINAL ACTS MOTIVATED BY HATRED

During 2013 the total of 35 criminal acts characterized as hate crimes was recorded, out of which 2 had characteristics of a hate crime motivated by homophobia. At the same time, there were 57 cases of hate crime, 7 cases (12%) were in relation to sexual orientation. In 2013 not one criminal proceeding was initiated based on hate crime motivated by homophobia. At the same time, during 2013, 4 cases based on homophobic hate crime, which were initiated in 2012, were solved. In all 4 cases, the courts pronounced suspended sentence. According to the same source, in 2013 one misdemeanor proceeding was initiated because of the misdemeanor motivated by intolerance towards homosexual persons. Data show that in 2013 there were a total of 6 misdemeanor cases based on homophobia, out of which 5 were transferred from the previous reporting period. Data show that none was solved in 2013.

### 3.1.2. FREEDOM OF ASSEMBLY AND EXPRESSION

The Ombudswoman points out obvious progress related to the protection of constitutional freedom of public assembly and expression of sexual and gender minorities. Both gay prides (in Zagreb and in Split) passed with no visible expression of intolerance.

### 3.1.3. FREEDOM OF MOVEMENT AND FAMILY REUNIFICATION

Aliens Act (Article 162) precludes the issuance of residence permits to a same sex partner of the person who is a citizen of Croatia or who is a legal resident of Croatia even if not a citizen. The Ombudswoman pointed out this mismatch during her participation in an expert working group at the Ministry of Public Administration responsible for drafting a Proposal of the Law on Life Partnership.

### 3.1.4. ASYLUM AND SUBSIDIARY PROTECTION

Croatian legislative is not fully aligned with the Directive 2004/83/EC in a part in which it does not allow the extension of protection to the same-sex partners or partners of the person to which an asylum or subsidiary protection have been granted. The Ombudswoman pointed out this mismatch during her participation in an expert working group of the Ministry of Public Administration, responsible for drafting a Proposal of the Law on Life Partnership.

### 3.1.5. THE LABOR MARKET AND THE ACCESS TO SERVICES AND GOODS

The Ombudswoman points out that discrimination based on sexual orientation in the markets of labor, services and goods is widely spread even though its visibility is relatively poor because the majority of people who think that they were exposed to discrimination based on sexual orientation in the labor market or in the access to goods and services do not wish to initiate anti-discrimination procedures of any kind out of fear that their identity will become public which in the end will result with a higher level of discrimination. According to statistical data of the Ministry of Justice there are 9 anti-discriminatory litigations in progress, due to the unfavorable conduct based on sexual orientation, while one case was finalized in 2013 in which discrimination was determined.

## 3.2. — OMBUDSWOMAN'S PROJECTS AND ACTIVITIES RELATED TO PROMOTION OF SEXUAL MINORITIES' RIGHTS

### 3.2.1. CREATING A NEW LEGISLATIVE FRAMEWORK OF THE STATUS OF THE SAME-SEX UNIONS

In 2013 the Ombudswoman participated in the work of the expert group of the Ministry of Public Administration which is authorized for the make out of the proposal of the law which plans to comprehensively regulate the status of same-sex unions in the Republic of Croatia.

### 3.2.2. ADJUSTING THE PRACTICE OF ISSUING CERTIFICATES ON MARITAL STATUS

The Ombudswoman pointed out to the Ministry of Public Administration the need for adjustment of practice of issuing certificates on free marital status with anti-discriminatory guarantees, in order to remove the obstacles for issuing certificates on free marital status to the citizens of the same sex orientation. The problem was recognized and the new certificate form about free marital status was designed.

### 3.2.3. OMBUDSWOMAN'S ACTIVITIES RELATED TO HATE CRIME

In the reporting year, the Ombudswoman participated in a series of events related to combating hate crimes towards sexual and gender minorities. In May 2013, in cooperation with LGBT organizations and in celebration of the International day against homophobia and transphobia, the Ombudswoman organized two round tables which were held at the same time in Zagreb and Rijeka. In relation to this issue, the Ombudswoman also had presentations in a workshop in Split in organization of the Office for Human Rights and Rights of National Minorities of the Government of the Republic of Croatia and on a round table which was held within a project of the Great Britain Embassy titled „Supporting the fight against hate crime“.

## 3.3. — PROBLEMS OF GENDER DYSPHORIC PERSONS

In 2013, the Ombudswoman became a member of the working group for the creation of the *Rules on collecting medical records and determining the terms and conditions for sex change or life in a different gender identity*. It means that a person, who hasn't undergone any surgery procedure or hasn't received any hormonal therapy, but fulfills the prescribed conditions from the Rules, could ask for the registration of her/his sex change and be granted that registration. However, it is clear that the Rules will not and cannot solve other questions important for gender dysphoric persons – the question of the operation, smaller surgeries after the operation, hormonal therapy and the payment of expenses. According to the estimation of the organizations of civil society, at this moment in Croatia there are 200 gender-dysphoric persons who cannot solve their status due to the administrative and financial obstacles. The Ombudswoman thinks that it would be appropriate to solve the overall problem with a special law which would protect the rights and the interests of gender dysphoric persons to the fullest and remove all doubts about medical procedures (bigger or smaller) and necessary hormonal therapies, as well as determine that their costs are bared by Croatian Health Insurance Fund.



---

## 4

# RISKS OF MULTIPLE DISCRIMINATION AND ESPECIALLY VULNERABLE SOCIAL GROUPS

---

### 4.1. — WOMEN IN RURAL AREAS

Patriarchal society and gender stereotypes, which are still largely present, especially in rural areas, have an adverse effect on the life of women in rural areas of Croatia. This is also linked with the issue of domestic violence as well as with the issue of unemployment or difficult employment. It all leads to an especially unfavorable status of women in rural areas.

### 4.2. — WOMEN WITH DISABILITY

According to the Convention on Rights of Persons with Disability, girls and women with disability are a particularly sensitive category exposed to the risk of multiple discrimination in all areas of life. They are in an unfavorable position in relation to persons without disability, but also in relation to men with disability. Women with disability still have lower level of education in comparison to men with disability, which leads to their less favorable position in the labor market.

*The Ombudswoman pays special attention to the issue of domestic violence against women with disability, which includes social isolation and neglect as a specific form of domestic violence related specifically to women with disability.*

### 4.3. — WOMEN FROM NATIONAL MINORITIES

Women from national minorities are exposed to the risk of multiple discrimination (based on sex and ethnicity or nationality), which is considered as a graver form of discrimination according to the Article 6, paragraph 1 of the Anti-discrimination Act. If we take into consideration extremely patriarchal society they live in, Roma women are in disadvantage. The position of Roma women is not only less favorable in relation to women who are not of Roma origin, but also to Roma men. A specific problem is inclusion of girls and Roma women into educational system.



## 4.4. — WOMEN IN CORRECTIONAL SYSTEM

In 2013 the Ombudswoman visited the Penitentiary and Correctional institution in Požega, i.e. the Department for Minors, half-closed and closed department for female convicts. The Ombudswoman inspected the conditions and the manner of accommodation of female inmates talked to law enforcement personnel, educators and teachers, and conducted an anonymous and voluntary survey among inmates. Based on data received from the Prison System Directorate, the average female inmate is a 45 years old woman with secondary school education, married or living in a common law marriage, with a 1 to 5 years (average is 4 years) sentence for committing proprietary offense – theft etc.

### 4.4.1. STUDY ON FEMALE CONVICTS AND THEIRS STATUS IN POŽEGA PENITENTIARY

The study questionnaire was presented to 80 female convicts. The results showed that offences for which women had been sentenced fell within two groups: a group of proprietary offences and drug abuse (possession and/or selling). The third, significantly smaller group constitute murders and attempted murders. Based on the analyzed and identified data, the Ombudswoman concludes that the majority of women in prison has organized life routine which does not differ significantly from their lives out of penitentiary (with certain restrictions which are consequences of the imprisonment). Everyday life in prison includes work similar to housework (keeping the living space and environment of the penitentiary clean, growing vegetables, cooking, bread baking, washing clothes, ironing) and additional activities like handiwork. Disciplinary measures are not frequent or severe, and their number, in comparison to previous years (according to Prison System Directorate), is in decline. Information are exchanged among the prisoners, which shows social interaction at least on a primary level. Almost all the prisoners keep regular contacts with their families and/or children and intend to get a job after expiry of their sentences. All mentioned data might point towards the fact that the prisoners will successfully fit in everyday life after they leave the prison. But it must also be mentioned that the traditional way of life of women is reflected in their life in penitentiary – housework, work and care for the family (in defined conditions).

## 4.5. — VICTIMS OF SEXUAL VIOLENCE IN HOMELAND WAR

In order to protect the interests of victims of rape and other sexual offenses against liberty committed in the Homeland War, the Ombudswoman participated in the working group formed at the Ministry of Veterans for drafting a Law on the Rights of the Victims of Sexual Violence in the Homeland War. It is mainly about real rights which constitute some kind of financial satisfaction for the victims, and the rights that ensure health treatment, rehabilitation, care, etc. within the system of health care and social care.

The Ombudswoman actively participated in the working group, submitted comments on the text of laws and legal solutions, and is pleased to state that her comments and suggestions

were adopted. The Ombudswoman hopes that during the next reporting period, the law will be completed and become effective.

## 4.6. — WOMEN IN PROSTITUTION

Data obtained from the Ministry of the Interior show that during the reporting period a total of 263 offenses against public order and peace – the act of prostitution – were registered. For the first time, the punishment of the users was introduced into the new criminal legislation by the Criminal Code, but the existence of the liability is limited to certain circumstances. Users could/should be able to conclude that the person from whom they are “buying” sexual favors was forced into prostitution (victim of trafficking). The access to a broader solution of the problem of prostitution was opened by the proposal of a new Law on Offences against Public Order and Peace. The Ombudswoman expected that the Ministry of the Interior, as the proponent of the law, would take a modern approach to the problem of combating prostitution, based on modern experiences of Nordic countries like Sweden and Norway, which would be manifested primarily in non-punishment of the prostitutes, and not in their further penalization. Sweden decriminalizes prostitutes, but punishes their clients. On the other hand, a number of EU countries allow prostitution nationwide, like The Netherlands, or in some parts, like Germany. Recent studies show that Sweden did not succeed in elimination of prostitution, but the number of persons engaged in street prostitution has decreased by half. So, this socially harmful phenomenon stagnates in Sweden, while in the Netherlands and in Germany it is on the rise, since it has become a profession.

*The opposite approach would lead to the stigmatization of users which would reduce the demand for the services of the prostituted persons, and consequently the offer. It seems that the chance to implement the good practice in solving prostitution problem has been missed.*

## 4.7. — VICTIMS OF TRAFFICKING, WOMEN AND CHILDREN

Trafficking in women is usually done in a way that women are brought to a specific location where they are forced to engage in prostitution, which is the main and ultimate goal of the people who are involved in such a criminal activity. It is a notorious fact that the majority of people who are prostituted are women, while men are the majority of the users of their services. According to the UN estimates, human trafficking has become the world’s third most profitable business of the 21st century, after drugs and arms trafficking.

*The Ombudswoman believes that trafficking of women is one of the most tragic and worst forms of discrimination of women; in transaction in which women’s bodies are being sold, women as human beings are reduced to objects, used by men who pay. It is a question of gender-based violence.*



Therefore, for the first time in 2012 the Ombudswoman dedicated a part of the full Annual Report to this socially harmful phenomenon, and undertook activities for the prevention of trafficking in women and prostitution, and actively participated in the implementation of the campaign to combat trafficking in women.

*With her activities, the Ombudswoman sought to raise awareness and sensitize the wider social groups for different aspects of sex discrimination against women, who are often harder recognizable as such. She directed her activities to those groups which can influence the (dis)appearance of discriminatory phenomena, warning about the various forms of discrimination of women, including trafficking for the purpose of coerced prostitution. Since the public is still not sufficiently familiar with the problem of human trafficking, or its consequences, while prostitution is lightly perceived, the Ombudswoman will continue with her activities and public presentations for the purpose of making changes for the better.*

## 5

## EDUCATION

### 5.1. — NEW REGULATIONS CONCERNING GENDER EQUALITY IN EDUCATION

In 2013, the Ombudswoman actively participated in the process of making a few new regulations related to education. One that deserves to be pointed out is Ombudswoman's recommendation to the Ministry of Science, Education and Sports to include again a criterion about under-representation of sexes into the Decision on the Elements and Criteria for Selection of Candidates for Admission to Secondary Schools for the next school year 2014/2015, which existed in the same Decision for the school year 2012/2013 and which had foreseen 2 extra points for the enrollment of the candidate of the under-represented sex.

The Ombudswoman's proposal to introduce a norm for balanced representation of sexes in school textbooks into Standard for School Textbooks (according to which textbooks would try to incorporate the rule of representation of at least 40% of one sex in texts and visual and graphics) and the proposal for including a textbook on health education within the Rules on obligatory textbooks, were not accepted.

### 5.2. — INTRODUCTION OF HEALTH EDUCATION INTO PRIMARY AND SECONDARY SCHOOLS

During the public discussion on Curriculum of Health Education, the Ombudswoman did not have crucial remarks. She thinks that working materials and workshops of the Agency for Education for the implementation of the Curriculum are of good quality in relation to sex and gender equality issues. She also thinks that the educational content in relation to gender based violence is adequately integrated into the Curriculum and in accordance to the Ombudswoman's last year's recommendation. Three manuals for teachers and expert associates dedicated to the implementation of the Health Education include detailed curriculum topics. However, they have one serious flaw; the Manual for Teachers and Expert Associates in Secondary School mentions sexual orientation as a choice. The Ombudswoman recommends the change of that part of the text as well as the introduction of evaluation of the progress of a student and creation of the textbook for Health Education.

### 5.3. — INTRODUCTION OF CIVIC EDUCATION IN PRIMARY AND SECONDARY SCHOOLS

In 2013, there were positive shifts towards good quality introduction of the Civic education into the national educational system, in accordance to the recommendation of the Ombudswoman about the introduction of specific discrimination basis for the purpose of including a wider area of human rights into educational system. At the beginning of the school year 2013/2014, an educational module „Gender equality“ was presented as a manual for teachers, and it should become a constituent part of the school subject Civic education. The manual „I know, I think, I participate – Help in implementation of Civic education“ was also presented. The Ombudswoman recommends preparation of the school textbook for this school subject after the experimental phase expires, since in the first and the second grade of the secondary school it has the status of an obligatory subject.

### 5.4. — STUDY ON EXPERIMENTAL IMPLEMENTATION OF CIVIC EDUCATION IN SCHOOL YEAR 2012/2013 FROM GENDER PERSPECTIVE

All schools involved in the study, covered, to some extent, the issues of discrimination on grounds of sex, marital and family status, gender identity, gender expression and sexual orientation. The biggest problem is that 38% of teachers in primary and 52% in secondary schools believed that they were not well prepared for teaching Civic education (although the majority had completed training). Despite insufficient preparation, about two thirds of teachers were mostly satisfied with the implementation of Civic education in school year 2012/2013, which is surely a positive indicator.

*To teach about sex as a discriminatory basis was not a problem for most of the teachers, while on the other hand, teaching about gender identity and gender expression, were issues that a very low percentage of teachers felt confident about.*

Therefore, the Ombudswoman recommends: (1) to ensure professional training of teachers for the module gender equality; (2) to ensure continuous professional trainings of new teachers after the expiry of the experimental phase and introduction of Civic education into all primary and secondary schools in the Republic of Croatia.

### 5.5. — STUDY ON GENDER ASPECTS IN SCHOOL TEXTBOOKS NATURE AND SOCIETY, NATURE AND BIOLOGY FOR ELEMENTARY SCHOOLS

Out of 72 chosen texts, 51 were estimated as positive examples (they include anti-discriminatory dimension) and for 21, proposals for changes or additions were made. Based on study results and conclusions, the Ombudswoman recommends: (1) to cancel *the invisibility* of the theme of sexual orientation in textbooks and thus avoid mentioning the subject only in the

contextual framework of AIDS; (2) to avoid insisting on preoccupation of girls and young women with their physical looks in school textbooks; (3) to avoid gender stereotypes on roles of women and men, especially a stereotype of a woman as a housekeeper in visuals and graphics as well as in texts; (4) to increase the representation of women in visuals and graphics and texts in nature and society textbooks; (5) to use female and male grammar gender related to professions and qualifications, whenever it is acceptable, without impairing the natural style of Croatian language and legibility of text.

## 5.6. — OMBUDSWOMAN'S INITIATIVES IN THE AREA OF EDUCATION

### 5.6.1. INITIATIVE TO INTRODUCE SYSTEMATIC EDUCATION FOR IMPLEMENTATION OF ANTI-DISCRIMINATION LAW INTO THE AREA OF HIGH EDUCATION AND PROFESSIONAL TRAINING

In relation to the need for a more comprehensive professional training of the lawyers and judges in the field of anti-discrimination law, which became noticeable during years-long practice of the Ombudswoman's institution, the Ombudswoman sent recommendations about professional training, which will start beginning with 2014 at the Ombudswoman's premises, to the Croatian Bar Association, Governmental Office for Cooperation with NGOs, National Foundation for Civil Society Development and Faculties of Law in Osijek, Rijeka, Split and Zagreb. Also, the Ombudswoman *signed a Memorandum of Cooperation with the Legal Clinic* of the Faculty of Law in Zagreb, on the basis of which the students who participate in the activities of Legal Clinic will have an opportunity for professional training in the office of the Ombudswoman for Gender Equality which will start beginning of 2014.

### 5.6.2. GENDER EQUALITY IN NEW GENERATION OF SCHOOL TEXTBOOKS IN SCHOOL YEAR 2014/2015

The Ombudswoman invited the publishers of school textbooks (18 publishers) to take into account, all the recommendations resulting from the former studies of the Ombudswoman for Gender Equality. The Ombudswoman's proposals to the publishers were: (1) to integrate contents related to gender equality into school textbooks (depending on educational subject); (2) not to support the historically and socially ingrained stereotypes and traditional ideal of women; (3) to strive towards balanced representation of women and men in visuals and graphics; (4) to pay attention to gender sensitive language. In accordance to the Ombudswoman's recommendation to withdraw a school textbook for ethics (Vesna Šipuš – Etika 4), it was not included into the List of approved school textbooks for the school year 2014/15.



## 6

# MEDIA

*In 2013, the Ombudswoman's activities in the area of monitoring the media included: proceedings based on citizens' complaints about media contents, public statements (19), independent studies (2) and analysis (5), co-operation with public bodies related to the media (4) and educational workshop for media employees from gender equality aspect (1).*

### **6.1. — STUDY ON REPRESENTATION OF WOMEN AND MEN AND GENDER EQUALITY TOPICS IN MEDIA CONTENTS OF CROATIAN RADIO TELEVISION<sup>15</sup>**

Three months long study<sup>16</sup> has shown that women are half as much as men present as guests in TV studio, that there is the smallest disbalance in representation of women and men when they are representatives of organizations of civil society and that in video reports there are five times more men than women represented as members of the government, parliament or bodies of local and regional self-government. Out of the total of 495 topics, there were only **34 topics related to gender equality (6.86%)**. Gender aspect is missing in many media contents.

15 Weekly shows: „Fokus“, „Labirint“, „Treća runda“, „Treći element“, and two daily shows: „Govornica“ i „Hrvatska uživo“

16 September 16th – December 12th 2013.



## 6.2. — STUDY ON MEDIA COVERAGE OF DOMESTIC VIOLENCE

The total of **88 articles** was collected in two and a half months<sup>17</sup>. Although a progress has been noted, there is still sensationalism in headlines. Texts use inappropriate expressions or reveal details which might be extremely traumatic for victims. Reporting about men – victims of domestic violence, some articles use *expressions which mock the seriousness of criminal acts*.<sup>18</sup> In some texts, family violence and even brutal physical assaults, which result in death of the victim, are still brought into the context of love which didn't turn out well, or jealousy. *Journalists* who cover rapes *should receive additional training in order to become aware that the rape is primarily about dominance and control and not sexuality*, especially not a healthy sexuality which, due to alcohol or „wild party“, went wrong.

*Commentaries of citizens on forums, Facebook or underneath articles on Internet news portals show that violence on social networks in a large number of cases is gender based, meaning that women are more often victims of insults, hate speech and public embarrassment.*

## 6.3. — ANALYSIS OF ARTICLES COVERING „MARRIAGE REFERENDUM“

The Ombudswoman monitored the media coverage of the referendum about marriage, because the issue included family status and the rights of LGBT persons which are within the authority of the Ombudsperson for Gender Equality.

*In relation to the referendum, the Ombudswoman gave 3 public statements<sup>19</sup>, spoke on TV and radio 9 times<sup>20</sup>, while the Joint public statement of the Ombudsman and the Ombudsperson for Gender Equality, related to the referendum on constitutional definition of marriage, and two independent statements<sup>21</sup> of the Ombudsperson for Gender Equality, were published on 24 Internet portals 42 times.*

17 July 2nd – September 16th 2013.

18 For example: „Female abuser (74) „carved“ her husband with a 40 cm long knife“ (other examples in the full Annual report).

19 May 6th 2013.; May 16th 2013. and November 5th 2013. – all public statements are available at [www.prs.hr](http://www.prs.hr)

20 Jabuka TV, 27.6.2013.; Hrvatski radio 1, 5.11.2013., Media servis, 5.11.2013., 24 sata TV, 5.11.2013., HRT Studio 4, 6.11.2013., RTL Vijesti 15.11.2013., Radio Slavonija, 15.11.2013., Al Jazeera, 28.11.2013., Bjelovarsko Bilogorski radio, 4.12.2013.

21 May 6th and 16th 2013.

## 6.4. — COMPLAINTS ABOUT MEDIA CONTENTS

Women and men complained about sexism in advertising or media contents. In cases in which the Ombudswoman established that it was a matter of gender stereotypes and sexism, warnings and recommendations to the media were sent and public statements issued. Some of them were used as examples in public appearances.<sup>22</sup>

## 6.5. — ANALYSIS OF TRENDS IN MEDIA REPORTING 23

Gender stereotypes and sexism are still present in the media. It seems to be even harder to raise awareness about them because they are not always obvious and often seem as „harmless“. Publishing good quality articles from various areas and supporting all aspects of human rights cannot compensate for presenting women in a degrading manner or as objects for attracting attention. *Women and women's bodies cannot be the goods for trade in order to increase profits or Internet hits of media contents.*

Media systematically cover legal initiatives and activities of organizations of civil society which are active in promoting and protecting the rights of LGBT people.

## 6.6. — INITIATIVES

Upon her initiative, the Ombudswoman had meetings with the representatives of the Croatian Journalists' Association, Croatian Media Council, and Council for Electronic Media, Committee on Information, Informatization and Media of the Croatian Parliament and the Court of Honor of the Croatian Association of Advertising Agencies. She also met with editors-in-chief of two Internet news portals – T-portal and Index. Established personal contacts are the starting point in finding solutions to the omissions in defining the jurisdiction in cases when the media contents are not in accordance with the provisions of laws and regulations.

## 6.7. — ANALYSIS OF THE IMPLEMENTATION OF MEASURES FROM THE NATIONAL POLICY FOR GENDER EQUALITY 2011-2015 IN RELATION TO THE MEDIA

Per Ombudswoman's request, all measure holders submitted their reports about the implementation of the National Policy measures in 2013. Although the report by Croatian Radio Television was very detailed and showed progress in comparison with previous reports, there are still flaws which are to the largest extend results of the fact that there is *no unique methodology of monitoring media contents from gender perspective.*

22 Case descriptions to be found in full Annual report.

23 Detailed analysis to be found in full Annual Report.

As far as the implementation of the measures by the county committees for gender equality is concerned, the conclusion is that the measures of the National policy are not being implemented.

The Governmental Office for Gender Equality implemented the measures in relation to combating gender stereotypes in the media.

## 6.8. — EDUCATION OF MEDIA EMPLOYEES

The Ombudswoman for Gender Equality held fourth workshop for the employers on Croatian Radio Television in which 11 employees (journalists and editors)<sup>24</sup> participated.

On 73rd session dated January 24th 2013, the Government of the Republic of Croatia adopted the Contract between the Croatian Radio Television and the Government of the Republic of Croatia for the period 2013 -2017. *The proposal of the Ombudswoman dated December 17th 2012 was included into the final version of the Contract.*<sup>25</sup>

## 6.9. — OMBUDSWOMAN'S PROMOTION OF GENDER EQUALITY IN THE MEDIA

Table – comparative table for the past 4 years

YEAR	PUBLIC STATEMENTS	TV AND RADIO STATEMENTS	PRESS-CLIPPING
2010.	6	38	98
2011.	4	33	91
2012.	18	37	189
2013.	19	103 <sup>26</sup>	363 <sup>27</sup>

Comparative table of visits of the official web page in the past 4 years

YEAR	VISITATION OF OFFICIAL OMBUDSWOMAN'S PAGES (HITS)
2010.	805.025
2011.	781.270
2012.	1.468.489
2013.	1.254.770 <sup>28</sup>

24 6 from Information media center, 1 from Sport newsroom, 1 from department for children and young people, 1 from drama department, 1 from Culture and religion department and 1 from entertainment department.

25 Article 47. – Article 9. para. 2. item 8.: Programs directed towards equality between men and women.

26 178,4% increase in comparison to 2012.

27 92% increase in comparison to 2012.

28 The reason of decreased number of hits in comparison to 2012 is the change of service provider; the counter of hits was disabled for two months.

## 7

## GENDER EQUALITY IN THE AREA OF POLITICAL PARTICIPATION

### 7.1. — ELECTION OF CROATIAN MEMBERS FOR THE EUROPEAN PARLIAMENT IN 2013 IN RELATION TO THE PROMOTION OF THE GENDER EQUALITY PRINCIPLES

The majority of political parties took into account the gender equality principle on the election candidate lists for the European parliament in 2013. The representation of one sex was not lower than 40% on 15, out of the total of 28 candidate lists. In accordance to the proposal of the Ombudsperson for Gender Equality, 2 candidate lists used the model one woman candidate and one men candidate alternately. There was almost complete equivalence of men and women in relation to their positions on candidate lists. However, in regard to the list carriers, women were carriers on only 5 (12%) candidate lists, which mean that women are still not equally represented at the top positions of political decision-making. Also, men candidates on candidate lists were almost twice as often elected than women (one female candidate received 1,473.67 votes in average, and one male candidate 2,663.31 votes).

*Although only a small number of political parties did not take into account the gender equality principle on their candidate lists, at the end it did not influence gender structure of elected members for the European Parliament (6 men and 6 women candidates were elected).*

### 7.2. — LOCAL ELECTIONS IN 2013 IN RELATION TO THE PROMOTION OF GENDER EQUALITY PRINCIPLES

The total of 56,558 candidates participated on local elections in 2013, out of which 15,973 or 28.2% women and 40,585 or 71.8% men.

9,683 candidates were elected, out of which 1,711 or 17.7% women and 7,972 or 82.3% men. In relation to the results of the local elections in 2009, the share of women in the area of political participation on the level of local and regional self-government stagnated.

It should be emphasized that the share of the *elected women* is considerably smaller than the share of *women candidates* for the positions in representative or executive bodies of the units of local and regional self-government. Besides, a significantly lower share of women among heads of municipalities and city mayors is noticeable in relation to their deputies (where there are more of them), which is one more indicator of the conclusion that lower positions in the hierarchical ladder of political decision making are reserved for women (similar to other areas of public life), while the highest positions are still mainly occupied by men. This conclusion is also supported by data that there were only 11.6% female carriers of candidate lists in city and municipal councils, and 10.8% in county assemblies.

The Ombudswoman warns that a political system which does not guarantee to women and men true gender equality in political decision making does not fulfill basic principles of democracy.

### 7.3. — COMPARATIVE ANALYSIS OF THE REPRESENTATION OF WOMEN IN LOCAL ELECTIONS 2001-2013

During the period 2001-2013, the local elections showed quantitatively unsatisfactory shifts regarding representation of women in representative bodies of the local and regional self-governing units. Present status in which women are represented: 16.1% in municipal councils, 22.6% in city councils and 20.7% in county assemblies<sup>29</sup> cannot be considered as satisfactory fulfillment of legally prescribed gender equality principle.

---

29 Including the Assembly of the City of Zagreb.

## 8

## NATIONAL POLICY FOR GENDER EQUALITY, IMPLEMENTATION ANALYSIS FOR 2013

*The Ombudswoman received replies from the measure holders of the activities from the National Policy for Gender Equality 2011 – 2015 about the implementation in 2013.*

The analysis showed that the measures were implemented in 2013 on a satisfactory level by the majority of measure holders. However, certain measures were not implemented or were implemented partially, primarily because of the financial means shortage, and in some cases because of the poor activities of the holders in relation to certain measures, while some of the measures were not implemented at all. In regard to the county committees for gender equality, their activities in implementation of the majority of measures are visible, although some of them mentioned in their reports that the poor financial situation is a problem which influences implementation. It's been noticed that the activities of the local committees in 2013 were determined by local elections and constitution of new working bodies of county assemblies, which resulted that committees were not active all of the year.

## 9

## REPRODUCTIVE HEALTH

### 9.1. — STUDY ON THE TREATMENT OF MOTHERS DURING BIRTHS IN MATERNITY HOSPITALS

From the replies of all maternity hospitals, except one, to the Ombudswoman's questionnaire, it is clear that any person chosen by a woman giving birth may witness the birth, regardless of her/his sex or relation to the woman giving birth. Not one maternity hospital excluded directly the possibility for a female life partner to be present at birth.

*However, the medical center Metković, as the only remaining maternity ward within medical centers, does not allow a close person of the woman giving birth to be present at birth and the Clinic for Obstetrics and Gynecology of the Clinical Hospital Center Zagreb, does not allow the presence of female persons to accompany women giving birth.*

In relation to the presence of „doule“<sup>30</sup> at birth, in a large number of cases they are accepted and allowed to be present. General Hospital Karlovac does not allow „doule“ to be present at birth. Almost all maternity hospitals answered that they acknowledge courses for pregnant women attended in other hospitals, and some maternity hospitals allow the presence of a friend without attendance of courses. However, General Hospital Dubrovnik did not accept courses attended in other hospitals.

### 9.2. — HEALTH CARE OF PREGNANT WOMEN IN THE REPUBLIC OF CROATIA WHO DO NOT HAVE HEALTH INSURANCE

The Ombudswoman obtained the report from the Croatian Health Insurance Fund and concluded that pregnant women and women giving birth, whether they are foreigners or citizens of the Republic of Croatia, if they do not have the status in obligatory health in-

30 The word *doula* comes from the Greek language and means – a woman who serves. Now that name is used for educated and experienced professionals that provides ongoing emotional, physical and informational support to the mother before, during and just after birth; or who provides emotional and practical support during the post-birth period.

insurance, their medical treatment will be limited on emergency medical help, including all diagnostics and therapeutical procedures essential in averting imminent danger to life and health of pregnant women, or mothers and newborn babies. As far as expenses in relation to pregnancy and birth are concerned, Croatian citizens with residency and foreigners with approved permanent residency in Croatia are in favorable position because they can achieve their status per Article 15. of the Law on Compulsory Health Insurance, in comparison to pregnant women and mothers who gave birth but are not Croatian citizens with registered residency, because they are under jurisdiction of the Law on Compulsory Health Insurance and Health Protection of Foreigners.

### 9.3. — CONSCIENTIOUS OBJECTION WITH REGARD TO WOMEN'S RIGHT TO DECIDE ABOUT THEIR REPRODUCTIVE HEALTH

Considering the issue of conscientious objection of doctors and masters of pharmacy in relation to women's, i.e. patients' reproductive rights, the Ombudswoman warned about the obligation of the Republic of Croatia to ensure equal opportunity for men and women related to access to goods and services and connected to the effective implementation of the principle of equal treatment towards men and women in members of EU.

*Having in mind the abovementioned stipulations, as well as her legal authority, the Ombudswoman initiated procedures in two cases and sent warnings and recommendations. One in a case related to the owner of the pharmacy, who refused to give the contraceptive to the patient with a medical prescription. The other related to the case in relation to the doctor from the Clinical Hospital Center who refused to prescribe to a patient a „day after pill“. Both of them invoked conscientious objection.*



---

# 10

## WOMEN MIGRANTS AND ASYLUM SEEKERS

---

*According to the data of the Ministry of the Interior, the total number of asylum seekers in the reporting period was 1,088. Out of that number 117 or 10.7% were women.*

In 2013, the status of asylum seekers was granted to 7 persons (4 male and 3 female), which means that asylum is granted proportionally to women.



## 11

# NATIONAL ACTION PLAN FOR IMPLEMENTATION OF UN SECURITY COUNCIL RESOLUTION 1325 (2000) ON WOMEN, PEACE AND SECURITY AND RELATED RESOLUTIONS 2011 – 2014 (NAP)

---

*The basic purpose of NAP is to support and monitor the implementation of the UN Security Council Resolution 1325 and related resolutions, which will be promoted on all levels – on a local level through alleviation of the consequences of conflicts and crisis and strengthening gender awareness of the local population, on national level as a part of governmental programs, and on international level through active participation of Croatia in activities of international organizations which deal with areas within the authorities of these resolutions.*

The Ombudswoman obtained reports about the implementation of NAP from all measure holders. The analysis of the reports showed that there has been a considerable progress in implementation which can be seen in an increased inclusion of gender perspective.

---

## 12

# LAWS AND REGULATIONS – OMBUDSWOMAN'S INITIATIVES

---

### 12.1. — LAW ON OFFENSES AGAINST PUBLIC ORDER AND PEACE

The Ombudswoman noted that Article 12 of the Draft proposal on the Law on Offenses against Public Order and Peace still penalizes persons who offer sexual services for money (paragraph 1) i.e. who engage in prostitution (paragraph 2). The Ombudswoman pointed out that it is necessary that the aforementioned persons are exempt from misdemeanor responsibility, as their participation in this type of misdemeanor cannot be considered voluntary, whereas it is (mostly) conditioned by economic necessity. On these grounds, the Ombudswoman suggested that the new Law on Offenses against Public Order and Peace punishes only persons who seek or use sexual services for money or other gain.

### 12.2. — LAW ON AMENDMENTS TO THE LAW ON SOCIAL CARE

The Ombudswoman thinks that women victims of domestic violence should be included as a separate category in the Law on Social Care, as well as the social welfare user category. Also, the Law should specify that the perpetrator of domestic violence, in addition to him/her not being considered a family member, is also not considered to be a member of the household. The Ombudswoman believes that, for the purposes of the Law and in the exercise of the rights provided by the Law, it should explicitly stipulate that the perpetrator of domestic violence is the person against whom the police or an authorized prosecutor filed an indictment before the competent court for offenses in the field of domestic violence. In criminal proceedings it is the person against whom the public prosecutor filed an indictment for aggravated forms of crimes committed against family members. With regards to the principle of respect for human rights and the integrity of the user, this definition should include the category of sexual orientation and/or gender identity. Prohibition of discrimination on grounds of pregnancy covers and applies to the entire pregnancy (since its very beginning until the end/until birth) and this should also apply to certain rights provided by the Law.

### 12.3. — LAW ON NANNIES

The very title of the Law should not be an obstacle to a man who in the performance of such work finds his market interest. In our society, certain occupations are considered "feminine" as a result of a deeply-rooted tradition. This can be changed only by changing social consciousness and in this case, the Law on Nannies and any economic necessity, can lead to such changes. In that sense, the Ombudswoman did not find that the title of the Law was discriminatory against men.

### 12.4. — LAW ON FREE LEGAL AID

What was particularly problematic in examining this Draft was the fact that free legal aid was not provided for victims of violence/injured parties/witnesses in misdemeanor and criminal proceedings. It is important to emphasize that free legal aid in criminal and misdemeanor proceedings for victims of domestic violence is not provided under the current Misdemeanor Act or the Criminal Procedure Law, contrary to the verbal assurances from the proponents of law, the Ministry of Justice. In order to protect the victim from further violence, she/he needs professional legal assistance from the beginning of the process. Therefore, it is necessary to draw up a list of attorneys who are to represent victims of domestic violence before the police, public prosecution and courts. The Bar Association is ready to support this initiative and to compile such lists.

### 12.5. — FAMILY LAW

The Ombudswoman objected to parts of the proposed legal text relating to common-law marriage because in her longstanding practice and complaints handling, the Ombudswoman found that certain legal provisions, especially those that regulate the rights and obligations of taxpayers, discriminate against common-law partners. Common-law partners are ensured only basic rights. The question of adoption of children by common-law partners is also left unresolved. By differentiating legal status of marriage and common-law marriage, discrimination against persons living in common-law marriage will be continued in various spheres of social rights and obligations. The Ombudswoman believes that it is necessary to determine precisely what would constitute evidence of domestic violence in which case mediation will not be conducted.

### 12.6. — FIREFIGHTING LAW

Law on Amendments to the Firefighting Law prescribes that a person who has completed military service will have priority in admission to employment of a professional firefighter under the same conditions. This provision is contrary to the Gender Equality Law, an organic law, but also with Article 23 of the Croatian Constitution because the Law on Defence prescribes military service only for men. Accordingly, the disputed provision of Article 2

paragraph 3 of the Firefighting Law, which gives preference in admission to employment of a professional firefighter to a person who has completed military service under the same conditions, is in fact giving a practical advantage to men exclusively, and not to women, who are not obliged to undergo military service.

Consequently, the Ombudswoman believes that the disputed provision of Article 21 paragraph 3 of the Firefighting Law favors further perpetuation of gender stereotypes in society and she therefore initiated the amendment of that article.

## 12.7. & 12.8. — LAW ON INCOME TAX AND TAX LAW ON REAL ESTATE

The Ombudswoman received a complaint regarding unequal treatment of common-law partners in relation to married couples in the application of the Law on Income Tax and the Tax Law on Real Estate because the legal text does not contain a provision that would equalize common-law marriage and marriage. Since common-law marriage is a category protected under the Constitution, unmarried couples should not be discriminated against in relation to the married ones. The Ombudswoman continues to receive complaints from citizens regarding this issue. Bearing in mind all the above, and according to her authorization from the Article 24 paragraph 2 of the Gender Equality Act, she proposed amendments to the Law on Personal Income Tax and the Tax Law on Real Estate so they would apply to common-law partners as well as married partners in the same manner and under the same conditions.

## 12.9. — LAW ON THE RIGHTS OF VICTIMS OF SEXUAL VIOLENCE IN HOMELAND WAR

During the reporting period, the Ombudswoman actively participated in the working group formed at the Ministry of Veterans for drafting the Law on the Rights of Victims of Sexual Violence in Homeland War. The Ombudswoman made several comments and suggestions to the working group directly and in writing, concerning the Draft proposal, and they have been partially respected. At the initiative of the Ombudswoman, the Draft proposal was clarified so that it is clearly indicated that it is enough that the victim suffered any form of sexual abuse to exercise his/her rights arising from the Law.

## 12.10. — LABOR LAW

In her comments of the Draft proposal on the Labor Law the Ombudswoman focused only on conditions that could place both male and female employees at a disadvantage on the basis of pregnancy, maternity or family status. The latter especially relates to single parents. Therefore, the Ombudswoman gave remarks regarding articles of the Proposal in the following three segments of the law: fixed-term and temporary employment, working hours and rest, and terminations of employment contracts, believing that in these three segments

lies the highest risk of discrimination of a specific category of persons – women, mothers, pregnant women. It seems that the tendency of legislators is to impose an atypical form of employment contract (fixed-term employment) as the dominant one. A large number of legislative solutions for organizing work and allocating work hours are undetermined, open to numerous individual interpretations of the employer and his judgment and therefore subject to abuse and placing employees in a more difficult position. This opens up the possibility for abuse of those working in shifts etc., which could bring most damage to women, especially young women who are usually one of the most discriminated categories in the labor market. Therefore, the Ombudswoman believes that by adoption of this Draft proposal, the position of women, pregnant women, mothers with young children and single parents will at the very least remain unchanged, or will lead to a deterioration of the position of women in the labor market.

## 12.11. \_\_ CRIMINAL PROCEDURE LAW

Victims of domestic violence and sexual violence are given the status and rights of the injured party by the Criminal Procedure Law, the Protection against Domestic Violence Act and Misdemeanor Act. However they (usually) do not have the financial means to exercise those rights at a time when they need them the most. Therefore, the Ombudswoman proposed, once again, that the Article 21 of the Draft proposal on the Criminal Procedure Law should be amended so that the victims of domestic violence are allowed the use of prescribed rights regardless of the prescribed punishment for the criminal act of which they are the victim and regardless of the severity of psychological and physical damage caused by the criminal act.









---

# DISCRIMINATION IN ACCESS TO GOODS AND SERVICES

---





## 1.1. — STUDY ON APPROVING LOANS TO PREGNANT WOMEN AND MOTHERS USING MATERNITY LEAVE

*The Ombudswoman conducted a study the aim of which was to check how the banks treated pregnant women and mothers who used maternity leave in relation to loan approval. She found out that only Croatian Post Bank (HPB) directly discriminated pregnant women and mothers who used maternity leave.*

Namely, in their responses to the Ombudswoman's inquiry they mentioned that pregnant women on sick leave and women using maternity leave could not participate in loans as long as they did not have an income from a regular employment, meaning that they could not apply for a loan in those banks. Although one group of banks (9 banks) claimed that they treated those women equally, the Ombudswoman established the practice which led to *indirect discrimination* of pregnant women and young mothers.

The Ombudswoman established the existence of the crediting practices based on an *open approach* towards pregnant women and women on maternity leave which was characteristic for the third group of banks (8 banks) which consider that such openness does not affect their marketing success. There is the fourth group of banks (10 banks) for which it was not possible to discern how they treated pregnant women and women on maternity leave in loan approvals.



---

# IV

---

## COOPERATION ON NATIONAL AND INTERNATIONAL LEVEL AND OTHER ACTIVITIES

---





## Except activities mentioned under relating titles, in 2013. the Ombudswoman:

- Organized 8 public events (4 round tables, 1 press-conference, 1 conference, 1 public forum and 1 performance and promotion of the Manual for recognizing sex discrimination;
- 15 times visited 10 counties (12 cities) participating on 24 local events;
- Gave presentations on 23 and actively participated on 102 round tables, seminars, conferences, public fora and events organized by state bodies, institutions, international organizations and organizations of civil society;
- Participated and presented at 17 international and regional conferences, participated in 13 international researches and had 24 meetings on international and regional level;
- Participated on 18 sessions of Croatian Parliament committees;
- Held 8 workshops on gender equality principles;
- Cooperated and supported activities of 45 different organizations of civil society from all over Croatia, and 4 trade unions;
- Cooperated with numerous stated bodies and institutions, international organizations with residency in Croatia, women's forums and initiatives of political parties, legal persons and other ombudspersons' offices.

Table – Comparative activities 2010 -2013

YEAR	INTERNATIONAL AND REGIONAL COOPERATION	PRESENTATIONS AND PARTICIPATIONS ON PUBLIC FORA	ORGANIZATION OF PUBLIC FORA	WORKSHOPS	VISITING COUNTIES
2010.	9	85	0	3	6
2011.	12	95	6	0	7
2012.	31	109	5	22	13
2013.	56	143	8	8	10





---

V

---

# CONCLUSIONS AND RECOMMENDATIONS

---



*In 2013, the institution of the Ombudswoman for Gender Equality monitored the implementation of the law provisions and other regulations in relation to gender equality. She also monitored the national and the European case law in relation to discriminatory bases she is authorized to act upon – sex, marital and family status, motherhood and sexual orientation – and established a pro-active approach with governmental bodies and public authorities, organizations of civil society, international and regional organizations and others.*

Due to the greater presence of the Ombudswoman's institution on the local level (10 counties and 12 cities) and in the media (178.4% increase) in comparison to 2012, there was an increase of the total number of cases the Ombudswoman's institution worked on (2,133, a 40.9% increase)<sup>31</sup>, as well as the number of complaints on discrimination (2%). Statistics show that citizens mainly file complaints on sexual discrimination (77.6%) and that in the biggest number of cases women are the injured party (68.3%).

With the capacity of the Ombudswoman's institution with 9 employees, 9 independent studies were conducted.

As an intervener in court proceedings, the Ombudswoman continued to monitor 3 initiated court proceedings and conducted 2 mediation procedures related to sexual harassment. The Ombudswoman sent 168 written proposals, 227 warnings and 503 recommendations, initiated 1 misdemeanor charge, gave initiative for amending 3 laws<sup>32</sup>, applied for funding with 2 projects; the French Embassy and European Commission (for Progress-project) approved project funding.

---

31 In 2012 – 1,514 cases, 8,8% increase in relation to the number of cases (1,391) in 2011.

32 Fire Fighting Law, Law on Income Tax and Tax Law on Real Estate

The biggest number of complaints – 60.8% – was related to work and employment, social security, health and pension insurance and they have the biggest share of all cases (2.3% increase), in which women complained about discrimination in 66% of cases. Cases the Ombudswoman worked on show further deterioration of already unfavorable status of women in the labor market.

The Ombudswoman handles with special care each and every citizen's complaint in relation to family violence. According to the data of the Police Directorate, there were a total of 16,564 persons charged with misdemeanor (7.9% less than in the previous reporting period), 64% of the injured persons were women. The matter of concern is that relatively big number of women were reported for violent behavior in a family, detained and brought to the misdemeanor court (43.2%). Out of the total number of victims of violent behavior within a family, 73% were women. Economical violence in a family is often not recognized.

Since the national legislative framework does not fulfill the demands of the legal protection of gender minorities, which result from the legal system of the Council of Europe and *acquis communautaire*, the Ombudswoman supports the creation of the new regulation which will regulate the legal status and other rights of life partnerships (same-sex unions). In her public statements, the Ombudswoman pointed out that homophobic statements of hate speech are prohibited.

This report includes especially vulnerable social groups which face the risk of multiple discrimination: women in rural areas, women with disabilities, women members of national minorities, women in penitentiaries, women victims of sexual violence in Homeland War, women in prostitution and trafficked women. These social groups are at the higher risk of violence, poverty, economic dependence on their partners or families and are subjects to gender stereotypes, prejudices and/or social stigma.

Monitoring media in 2013, as well as the results of the studies conducted in relation to the public television, printed media and Internet news portals, showed that 19 years after Beijing declaration and 11 years after the adoption of the first Gender Equality Act – the media perpetuates gender stereotypes and sexism.

In the field of education, the Ombudswoman initiated introduction of the systematic education for the implementation of the anti-discrimination legislation into the area of higher education and expert trainings. Namely, in case law there is a specific problem of a big number of claims which do not specify discrimination as the basis of a complaint, which means that a significant number of lawyers are still uncertain about the ways of implementation of anti-discrimination guarantees.

Women are still under-represented in the area of political participation, concerning their share on candidate lists, public presentation of party policies or final results of the election.



Based on her work in 2013, the Ombudswoman gave 60 recommendations specified by the area from her authority (which can be found in the full Annual Report for 2013).

OMBUDSWOMAN FOR GENDER EQUALITY

Višnja Ljubičić, dipl. iur.