



SUMMARY

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OMBUDSPERSON
FOR GENDER EQUALITY

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SUMMARY

This summary is an overview of the complete Annual Report for 2016 of the Ombudsperson for Gender Equality of the Republic of Croatia (further Ombudsperson), which on 344 pages includes detailed description of the case studies from the Ombudsperson's practice¹ and consists of a detailed analysis of data and trends in the fields of work and employment, social security, education, media, sports, political participation and reproductive health, as well as the conclusions based on monitoring the implementation of the Gender Equality Act (further GEA) and other laws and regulations pertaining to gender equality with relevant recommendations to authorized bodies.²

I. CASE STATISTICS

In 2016, the Ombudsperson worked on the **total of 2.757 cases**, which is an increase of 11.7% in comparison to 2.467 cases from 2015. Out of 2.757 cases there were **610 citizens' complaints**, out of which **537 were new complaints** submitted in 2016 (32.9% more than in 2015³) and 73 cases were reported in previous year, but the work continued in 2016. The Ombudsperson independently initiated the procedure in 39 cases, related to the violation of the principle of gender equality or gender-based discrimination against individuals (25.8% more in comparison to 31 cases in 2015). Remaining **2.147 cases** (8.4% more in comparison to 1.981 from 2015) were mostly opened as a result of monitoring the implementation of GEA and other laws and regulations regarding gender equality.

The Ombudsperson received complaints from the citizens from all over the Republic of Croatia and most complainants were women – 75.8%.

In 537 complaints, **classified by the form of discrimination**, there were 533 cases of direct discrimination (99.2%), 1 case of indirect discrimination (0.2%), 3 cases without discrimination; **classified by discrimination grounds**: sex - 90.7%, sexual orientation – 3.3%; marital status – 0.9%; family status – 0.6%; gender identity and expression – 2.7%; *other grounds based on Anti-discrimination Law* – 7 cases (1.3%) and without ground – 0.6%; **classified by the area of discrimination**: public information and the media - 27.6%, working conditions, employment, promotion and other labor related issues - 23.5%; social security, including social care, retirement, health insurance and unemployment insurance - 18.4%; public administration - 10.3%, judiciary - 5.9%; education, science and sport - 5.4%; health care - 4.6%; access to goods and services - 2.4%; union, civil society organizations, political parties membership and activity - 1.3%; housing - 0.4% and cultural and artistic creation - 0.2%.

From the total of 537 cases, by the end of the year 479 were solved (89.2%), and discrimination was established in 209 cases (60.7% more in comparison to 130 cases from 2015); in 13 cases⁴ the suspicion of criminal offense, and in one case a suspicion of misdemeanor offense⁵ were reported to the State Attorney's Office; an amendment to the legal regulations was initiated in 5 cases⁶. The

¹ The complete Annual Report for 2016 includes a selection of 92 case studies.

² The complete Annual Report for 2016 is available on our official web site www.prs.hr only in Croatian language.

³ In 2015 – 404 cases, in 2014 – 394 cases, in 2013 - 375 cases, in 2012 – 368 cases, in 2011 – 308 cases.

⁴ If in the course of discharging the duties of the office, the Ombudsperson becomes aware of any infringements of the provision of the GEA constituting a criminal offence, he or she reports such cases to the competent State Attorney's Office (Art.23.parag.4. GEA). In 2016, the Ombudsperson reported 13 such cases: 5 – related to labor; 2 - domestic violence; 2 - partner violence; 3 - public information and the media; 1 - health care/reproductive rights.

⁵ One case from the area of labor.

⁶ 5 cases: 2 - from the area of labor; 1- education and work; 1- parental care and 1- violence (in public space).

Ombudsperson notified the complainants about their rights and obligations in 93.8% of cases and intervened in 3 court proceedings⁷. The Ombudsperson also continued to monitor judicial proceeding on Supreme Court (the cases in which the Ombudsperson intervened in previous periods).

Statistical data shows the increase in number of complaints in comparison to year 2015 (32.9% more compared to 2015) and earlier period. The biggest increase was recorded in a field of public information and the media (261%). The majority of complaints still concern sex discrimination (90.7%) and in most cases complainants are women (75.8%). There was an increase in number of complaints concerning gender identity and expression.

The Ombudsperson conducted **3 independent researches**: (1) „*Impact of gender based division of family responsibilities and household chores on the professional life of employed women*“, (2) „*Usage of the right to breastfeeding break at work*“, (3) „*Representation of men and women in employment procedures in elementary and secondary schools in the Republic of Croatia*“; **14 independent analyzes**⁸, **published 5 publications** in the field of labor and working conditions, **implemented 2 memorandums of collaboration** – with the Ministry of the Interior and with the Legal Clinic of the Faculty of Law in Zagreb. The Ombudsperson was the main carrier of 3 EU projects funded by the European Commission. Total value of all 3 EU projects is 1.122.456 EUR. In addition to all the other activities we carry out, we consider it a great success for an institution with a staff of only **11 people**.

The Ombudsperson issued **510 written recommendations** (52.2% more than in 2015), **245 warnings and 189 proposals**⁹. **The Ombudsperson's proposals are being fully accepted in fairly high percentage (84.4%)**.

The Ombudsperson also actively participated at the sessions of the committees of the Croatian Parliament, visited different Croatian counties, cities and municipalities, gave presentations at round tables, organized and co-organized public events, participated in international and regional conferences, and collaborated with other ombudsperson institutions in Croatia, national authorities, civil society organizations and unions. The Ombudsperson issued 19 public statements and had 96 performances on TV and radio shows (30% more than in 2015). The statements and activities of the Ombudsperson were reported on in 675 press and Internet portals' articles (2.6% more than in 2015).

The Ombudsperson's official web page - www.prs.hr - had 3.149.426 hits.

Web pages of EU Progress-project „Dismantling glass labyrinth“, www.staklenilabirint.prs.hr had 141.825 hits (which is an 80% increase in comparison to 2015).

At the end of 2016, for the purpose of EU project „In Pursuit of Full Equality between Men and Women: Reconciliation of Professional and Family Life“, a new web page rec.prs.hr was opened.

⁷ Article 21. of Anti-discrimination Act (Official Gazette 85/08 and 112/12).

⁸ Analysis were related to the implementation of GEA in the area of labor and working conditions, social care, domestic violence; access to goods and services; public information and the media; political participation and implementation of public policies (strategies and protocols) and other regulations concerning gender equality.

⁹ In 2015 – 335 recommendations, 238 warnings and 189 propositions; in 2014 - 570 recommendations, 115 warnings and 37 propositions; in 2013 - 503 recommendations, 227 warnings and 168 propositions; in 2012 - 132 recommendations and 133 warnings; in 2011 - 207 recommendations and 120 warnings.

II. ANALYSIS BY AREA OF WORK

1 EMPLOYMENT AND LABOR

1.1. LABOR MARKET – TRENDS WHICH DESERVE SPECIAL ATTENTION

1.1.1. Low working activity rate among women

According to Central Bureau of Statistics (CBS) data, the share of women in the total population of the Republic of Croatia in 2016 was the same as in 2015 - 51.7%. However, women become majority in 45+ age group.

Women, also continue to be predominantly represented in working inactive population. According to CBS data, **women represented 58.8% of working inactive population** and 46,4% of working active population. With repeated decrease in working activity of the population, especially among women, Croatia strengthened its position at the back of EU28. **The Ombudsperson has been pointing out for years that such low rate of working activity of women in Croatia indicates extremely high risk of their economic dependence on other family members and their exposure to economic poverty.** According to accessible Eurostat data, social exclusion and poverty strikes 34.4% of women age 65+ in comparison to 28.2% of men. EU average for women age 65+ is 19.6%.

1.1.2. Trends related to an unequal status of women and men in regard to the employment

According to CBS data in 2016, **women represented only 45.8% of the employed** (it is a slight decrease compared to last year's 46.1%). European Commission's 2016 Country Report for Croatia states that *the employment rate is still among the lowest in EU, because of the early retirement and, in regards to women, because of their caring responsibilities (for children and elderly family members), and therefore a large potential of work force at mature age does not participate in the labor market.* In that sense, the Ombudsperson emphasizes again the extremely low employment rate of mature women. In fact, **less than one third of women older than 54 and fit for work, participate in the labor market.** Women are particularly exposed to the risk of poverty and social exclusion in old age.

The Ombudsperson points out again that, except age, an education degree is also a significant factor of influence on the employment rate of women in Croatia. **In comparison to men, women are more likely to find and keep a job if they've got a tertiary level of education.**

Unequal position of women and men in the labor market is also visible in unequal share of those who are employed per fixed-term contract. According to Eurostat data, the number of men employed in 2016 per fixed-term contracts increased from 20.5% to 22.2%, and the number of women from 20% to 24.5%. It means that *in a reporting year women were employed in a same number as men, but more often per fixed-term contracts.* Available data and noticed trends related to the labor market show that it is still considerably harder for women to find a job. Except the fact that women need more time to get a job, they also can lose their jobs more easily.

The ongoing decline in unemployment is underway, both among men and women. In comparison to 2015 when unemployment among men was 15.7% in total, in reporting year it was 12.2%. At the same

time, unemployment among women in 2015 was 17%, and in 2016 it dropped to 13.4%. **The unemployment rate for women in total is still higher than the unemployment rate for men. However, the Ombudsperson finds the fact that the gap at the expense of women has decreased during the reporting year a positive sign.**

1.1.3. Sex-based segregation in the labor market

According to CBS data the Croatian labor market remains to be segregated by sex. Out of 19 industry branches in the labor market, only 5 are balanced to a certain degree (no sex is represented with more than 55%). In the remaining 14 areas, the extreme underrepresentation of one sex (one sex is represented with over 70%) or significant underrepresentation (one sex is represented with over 55%, and less than 70%) has been noted. While being underrepresented or significantly underrepresented in 9 industry branches, women are extremely overrepresented (over 70%) in the field of „health insurance and social care“(78.3% out of 91.277); „education“(77.4% out of 111.175) and significantly overrepresented in the field of „finance and insurance“(68.8% out of 36.042).

In her reports and public performances, the Ombudsperson repeatedly stressed that existing segregation of labor market is closely related to gender-based prejudices and stereotypes about women and men, respectively about their abilities, aptitude, interests and suitable social roles. Alongside horizontal segregation, the trend of vertical segregation continued. According to the last results published by the Croatian Financial Services Supervisory Agency (CFSSA), women make up only 14.7% members of the managerial boards of joint stock companies in Croatia, which represents a drop in comparison to already unacceptable low 17% from the previous year. The latest published results of CFSSA show that on average women's share in supervisory boards is 20.86% in comparison to last year's 20.34%.

1.1.4. Equal pay for equal value work – pay gap

According to CBS gathered in 2014, the average gross salary in Croatia was 7.951 KN which is 30 KN more than last year's 7.926 KN. At the same time, the share of an average salary of women (7.445 KN in comparison to last year's 7.470 KN) in an average salary of men (8.395 KN in comparison to last year's 8.319 KN) decreased to 88.7%, in comparison to last year's 89.8% in 2015 and 90.2% in 2014. **These data clearly confirm that the average pay gap continues at the expense of women. Men, on average, annually earn a gross of 11.400 KN more than women** (10.382 KN in 2015 and 9.708 KN two years ago), or in average, 1.43 Croatian gross salary more. If this trend continues, the pay gap will soon reach two average salaries on yearly basis. The Ombudsperson points at the continuation of a devastating trend of a bigger pay gap in public sector. According to the latest available Eurostat data, average pay gap in public sector is still 16.4%, while average pay gap in a private sector amounts to 11.2%.

1.1.5. Trends which additionally contribute to gender inequality in the labor market

The number of fixed-term contracts continues to rise. In 2016, the share of fixed-term employees increased to 18.8%. Employment per fixed-term contracts continues to be an important initiator of the increase of the employment rate, although it isn't evenly distributed between women and men. **While the employment rate for men, employed per fixed-term contracts in 2016, increased by 1.5 percentage points (from 20.5% to 22%), the employment rate for women increased twice as much, by 3 percentage points (from 20% to 23%).**

The analysis of the available data shows another unwanted trend. Men with university education are more likely to find a job per indefinite time contracts than women who, despite their university education, more often have to face the uncertainty and the unfavorable position in which fixed-term contract puts a person in relation to the employer.

1.1.6. Conclusion with special emphasis on a relation between gender inequality in the labor market and demographic trends

The Ombudsperson emphasizes that trends which reflect the inequality of women in labor market, at the same time contribute to unfavorable demographic context. According to the latest Eurostat data women represented 51.7% of the total Croatian population. At the same time, Croatia faces demographic decline of the total population. Eurostat data shows that in 2015 decreasing rate of total population was 0.82% (34.647 persons). Worrisome fact is that more than a half (51.7%) of the total decrease is the result of migrations. Moreover, according to the European Commission's 2016 Country Report for Croatia *„the data for 2015 indicates the acceleration of negative demographic trends that have been recorded in Croatia for the past two decades. The reasons for this are a negative birth rate and migration outflow, which increased after Croatia's accession to the European Union in 2013“*.

Simultaneously, the highest fertility is recorded in the age groups 25-29 and 30-34. In other words, taking into account that younger and middle-aged men and women are leaving Croatia, and that they are precisely of the age when they decide to have children, further negative birth rate should be expected. **The Ombudsperson believes that the key for a successful demographic politics is the improvement of the working conditions in the Croatian labor market, where gender equality policy plays an extremely important role.** The advancement of equal position of women and men in the labor market would contribute to achieving two goals. Firstly, better working conditions and greater equality of opportunities would help more younger and middle-aged women in their decision to stay in Croatia. This especially applies to highly educated women. Secondly, if a woman decides to build her career in Croatia, it will influence also her partner's decision to stay. Paradoxically, the more disadvantageous position women have in the Croatian labor market in comparison to men, the more likely they are to support partner's decision to leave the country altogether.

The success of the demographic policy does not solely depend on women's decision not to leave the country. According to Eurostat data, 79.5% of women in Croatia, who decided to give birth, were employed. This fact points to two aspects that we need to bear in mind when developing a demographic politics. Firstly, the decision of establishing or expanding a family is closely connected to a possibility of the employment, more precisely to a financial security it brings. Secondly, it is probable that a women who decides to leave Croatia in order to find a job and then decides to start a family in another country, will not return to Croatia.

Aforesaid clearly shows the need for a pro-active policy that would improve the position of women in the Croatian labor market. It should be developed in two directions. **First direction** would be the measures of pro-active policy which would contribute to the significant increase of women's working activity and employment. The Ombudsperson points out that EU states which have the highest population growth rate, such as Sweden (2.4), Norway (3.5), Great Britain (2.7), Switzerland (2.3), Netherlands (1.4) or Denmark (1.0), also have the highest rate of women's working activity in Europe.

Moreover, the employment rate in all these countries is significantly or much higher than the EU28 average.

Abovementioned data shows that, although the material stability is significant, it is not the only factor influencing women's decision to have children. Since the positive population growth and a high rate of the working activity and employment of women, the Ombudsperson points out in the complete Annual Report for 2016 several measures that should be considered within successful pro-birth policy.

Except the measures for the increase of working activity of women, **second direction** of measures should include encouraging women to build their careers and start their families in Croatia. This is why the Ombudsperson welcomes the Government's announcement that they will increase maternity and parental benefits. At the same time, the Ombudsperson encourages the Government to include the measures that would motivate women to return to the labor market upon the termination of maternity and parental leave. The Ombudsperson also welcomes the Government's announcement of changes related to child benefits by the introduction of single child benefit through more equitable distribution of income from the income tax relief system. She also points out the need for introducing measures to stimulate men to use their right for maternity and parental leave to the maximum for the purpose of more even distribution of child care between men and women and of facilitating the inclusion of women who gave birth into the labor market. In order to create the setting where there will be an equal possibility to compete for opportunities and benefits on the labor market, the Ombudsperson encourages the Croatian Parliament and the Government to invest additional effort and resources into a more significant expansion and advancement of institutional capacities which would provide support to parents in child care.

For strengthening the equal position of women in the labor market, the Ombudsperson made a list of more than 30 recommendations included in the complete Annual Report for 2016. Some of the general recommendations are:

- (1) To encourage the inclusion of women in the labor market in order to increase the working activity rate among women with emphasis on the need for the introduction of effective measures that would incite the inclusion of women in the labor market.
- (2) To urgently introduce measures that would secure transparency of determining cash and non-cash work benefits.
- (3) To urgently develop measures which would lower currently growing gap in the employment rates, i.e. unemployment of women and men.
- (4) To develop measures which would lower persistent pay gap between men and women.
- (5) To develop measures which would aim at creating gender balance in the positions of political decision-making (board of directors, supervisory board, non-executive directors, heads of the departments and similar) within the companies.
- (6) More dedicated devotion to development of the network of institutions which would be able to provide quality and affordable services connected to a child care.
- (7) To consider instruments which would allow flexibility of work conditions for the purpose of harmonization of professional and family life.
- (8) To incorporate in the announced governmental changes of system of maternity and parental benefits the measures which would motivate women to return to the labor market in greater numbers upon the termination of maternity and parental leave.

(9) To introduce the measures which would stimulate men to use their legal right for maternity and parental leave to the maximum for the purpose of easier return of women who gave birth to the labor market.

1.1.7. Demographic policy

The Republic of Croatia has been for a longer period of time in a demographic recession which is indicated by reduced rates of fertility, population decline and aging population. Even though the data is still incomplete, in 2016 the adverse demographic and birth trends continued. Therefore, there is encouraging news that demographic and pro-birth policy have a key place in Government's programs and that the Republic of Croatia will finally get a Demographic Strategy. However, the demographic and pro-birth policy should not support the patterns which exclude women from the labor market, but should rather be based on: higher employment of women (employment of both parents), expansion of services and support to families and creation of family and children friendly environment. The experiences of European countries which have increased birth rates and have positive demographic trends show that this is possible.

1.2. DISCRIMINATION IN EMPLOYMENT AND LABOR

Out of 537 received citizens' complaints in 2016, **126 cases (23.5%)** were related to **labor and working conditions**, the ability to perform an independent or a non-independent activity, including selection criteria for the employment and promotion, access to all types of professional guidance, vocational training and retraining, while **99 cases (18.4%)** were concerning **social security**, including the area of social welfare, pension, health insurance and unemployment insurance. Together, these areas amounted to **41.9% of all cases**.¹⁰

The biggest number of citizens' complaints was related to sex-based discrimination and they amounted to 88% of complaints in the area of employment and labor. Complaints on the basis of marital and family status make 5.4%, while complaints on the basis of sexual orientation make 1.6% of all the complaints in this area. Out of 126 initiated proceedings, 88 (69.8%) were related to the labor rights, including pay equality and advancement, while 27 complaints (29%) were related to employment conditions. Out of 88 complaints on discrimination regarding working conditions, 12 referred to discrimination related to job advancement.

The Ombudsperson initiated 26 anti-discrimination cases based on complaints about the violation of maternity rights - 20.63% of all complaints related to labor rights, including equality in wages. Individually, complaints were submitted 65% by women and 21.4% by men. In the remaining 7.9% of cases the proceedings were initiated by the Ombudsperson's initiative. In 5.5% cases complaints were submitted by groups of both sexes. The Ombudsperson points out again that complaints about sexual harassment (42%) continue to make the largest share in individual complaints in the area of working conditions and employment.

¹⁰ Out of 126 cases initiated during 2016, 107 (85%) were completed, and the remaining 19 cases were still pending. In 38 out of 106 completed cases (35.8%), the discrimination was established, while in 28 (26.4%) the allegations were unfounded. In 52 cases, discrimination was not established because the case was terminated: 1) by providing legal advice, 2) withdrawing the party from further proceedings, 3) initiating court proceedings, 4) transferring cases to other ombudsmen for lack of competence.

1.3. SEXUAL HARASSMENT IN THE AREA OF EMPLOYMENT AND LABOR

In 2016, all cases, except one, concerning gender based harassment in the area of employment and labor were reported to the Ombudsperson by women. Every behavior of sexual nature does not constitute sexual harassment. Certain behavior will be qualified as sexual harassment if it is conditioned by gender or sexual nature and, at the same time is unwanted by the person it is directed to, while the perpetrator, after being clearly given a sign that his behavior is unwanted, persistently continues to behave in the same way and thus brings the person into a humiliating position.

The Ombudsperson gives special attention to these cases, including reports to the State Attorney's Office to initiate criminal proceedings (4 in 2016). There is still a trend of a very small number of civil lawsuits filed against responsible persons by which it is possible to ask for a ban of further discrimination and compensation for damages, in accordance with the Gender Equality Act and the Anti-Discrimination Act. This suggests that by not reporting the perpetrator in hope that such misconduct will stop on its own, a large number of victims of sexual harassment continue to suffer from an unwanted sexual behavior of their male co-workers or supervisors. The Ombudsperson states that in combination with discrimination on the grounds of pregnancy and maternity rights, the pay gap and the effect of '*glass ceiling*', sexual harassment as a form of discrimination, apart from having a disastrous effect on the victims who most often end up on sick leave, significantly and directly threatens the position of women on the labor market and has negative impacts on gender equality. Sexual harassment is still a kind of taboo which neither the victims (who primarily want to preserve their privacy out of fear to expose themselves to scorn or mockery), nor the witnesses are inclined to talk about.

1.4. EU PROJECTS

1.4.1. EU PROGRESS PROJECT „Dismantling the Glass Labyrinth - Equal Opportunity Access to Economic Decision-making in Croatia“

The Ombudsperson for Gender Equality was the carrier of the Progress-project *„Dismantling the Glass Labyrinth - Equal Opportunity Access to Economic Decision-making in Croatia“*, which was granted financial support by the European Commission. The project was conducted from October 10th, 2013 till April 10th, 2016 and consisted of analytical, educational and regulatory activities. In the final phase of the project, the main activity was the creation of the *Business Women Database*, carried out in cooperation with the Croatian Employers Association. The whole project was highly commended in the final evaluation of the European Commission because of the media coverage and the widespread visibility of the project, as well as networking with other member countries. *Project details are available on web page www.staklenilabirint.prs.hr.*

1.4.2. EU PROJECT: „In Pursuit of Full Equality between Men and Women: Reconciliation of Professional and Family Life“

The Ombudsperson started in January 2016. Project partners are the Croatian National Theater in Split, Association The/Arto0 „Riječi/Prave/Predstave“ and MAMFORCE (Spona ltd). and the project is supported by the Ministry of Science and Education and the Ministry of Entrepreneurship and Crafts. The specificity of the project is innovative ways of working with the student population, using theatrical art as a tool. Project activities are directed towards raising awareness about gender equality in local community and the pupil population in the final grades of high-schools through the use of

specific methods such as dramatic texts and performances. The project will be conducted from January 1st, 2016 till January 1st, 2018. *All info about the project on web page rec.prs.hr/.*

1.4.3. RESEARCH „Impact of gender based division of family responsibilities and household chores on the professional life of employed women“

The Ombudsperson conducted this empirical research within EU project *„In Pursuit of Full Equality between Men and Women: Reconciliation of Professional and Family Life“*, on a nationwide sample of 600 women, age 18-65 who lived with their (married or common-law) partners at least a year and who were employed (any form of paid work outside their home).

Division of household chores - Research has shown that women carry a significantly larger share of every day housekeeping chores. The vast majority of respondents (40.5%) answer that they weekly spend 10-20 hours on the routine household jobs, 25.2% spend 10 hours per week, and 22.4% spend 20-30 hours a week. In other words, the largest share of respondents invests between 1.5 to 2.5 hours each day on routine household work. Since most of the respondents are employed, it means that their daily average working hours add another few hours of household work. At the same time, the largest share of 31.6% of respondents estimate that their spouses/partners spend up to 2 hours a week on the same routine housework, 29.3% estimate that their spouses/partners invest more than 2 and not more than 5 hours per week, and a further 23% estimate that their spouses/partners invest more than 5 and a maximum of 10 hours on a routine housework. ***Research has shown that the largest number of men invest weekly on routine housework as much as the largest number of women invests per day.*** This would also mean that men actually finish their working day at the end of their working hours, while women don't.

Division of care about children - The highest proportion of respondents (24.3%) estimate that they invest over 10 to 20 hours on a care for children over the course of the week, 18.3% estimate that they invest more than 20 to a maximum of 30 hours per week, and 12.2% estimate that they invest more than 30 to a maximum of 40 hours per week, i.e. 8% invest more than 40 and a maximum of 50 hours per week. Only 18.6% of respondents estimate that they invest less than 10 hours a week. At the same time, the respondents estimated that their partners spent significantly less time in performing childcare duties. The highest proportion of respondents (26%) estimated that their spouses/partners invest in childcare more than 5 and not more than 10 hours per week. 21.7% of respondents estimated that their spouses/partners invest more than 10 and a maximum of 20, while 20.5% estimated that they spent less than 5 hours a week on childcare commitments. In other words, according to estimates, ***while the largest share of women invests between 2.5 and 3 hours a day in childcare, the largest share of men invests one to one and a half hours a day*** in the same obligations. Moreover, as many as 38.5% of respondents estimate that they invest in childcare obligations more than three hours a day, while only 17.5% of them estimated that the same time is also invested by their spouses.

1.4.4. EU PROJECT „Building more effective protection: transforming the system for combating violence against women“

End of 2016, the European Commission granted the Ombudsperson the amount of 427.782,27 EUR for the third European project *„Building more effective protection: transforming the system for combating violence against women“*, which will be conducted from June 2017 till November 2019. The project deals with the role of the judiciary and the media in cases of violence against women with special

emphasis on cases of femicide. Project partners are Women's Room - Center for Sexual Rights, Judicial Academy, Police Academy and Croatian Journalists' Association. All info about the project on web page vawa.prs.hr.

1.5. MATERNITY AND PARENTAL LEAVES

1.5.1. ANALYSIS of the use of maternity and parental benefits

The Ombudsperson for Gender Equality received from the Croatian Institute for Health Insurance data segregated by sex about the number of beneficiaries of maternity and parental support. Data analysis showed that there was an unexpected drop in the number of men/fathers who used maternity leave (158 men - 0.24%) and parental leave (1.930 men - 4.42%). Since the existing legal solutions and measures have not led to favorable effects, better solutions are urgently needed as well as the new initiatives which would be directed towards raising awareness and motivating fathers to take a more active role in early age of their children. The cause of the situation in which the still low number of fathers uses maternity and parental leave should also be sought in the social environment, i.e. the fact that the primary role of women is still focused on caring for children and households. Introduction of a father's leave would be a real challenge.

1.5.2. RESEARCH „Usage of the right on breastfeeding break“

The research the Ombudsperson conducted included 75 entrepreneurs from private, public and state sector employing a total of 173,559 employees, out of which 77,539 (44.65%) women. The results of the research confirmed the assumption that employers did not provide the optimal conditions for the use of the right to breastfeeding babies at work and that women face obstacles in exercising their rights arising from their pregnancy and maternity. Namely, the research has found that employed women who are breastfeeding face barriers like the lack of specially designed breastfeeding spaces and special refrigerators for storage of milk. There are many reasons for such a situation, but one of them is that equal and joint responsibility of women and men for caring for children is not sufficiently promoted in all walks of life. Consequences are that employed women are those who most often use maternity leave, and continue with parental leave and return to work after one year. It would be necessary to raise the general level of information and public awareness about the use of maternity and parental support, in particular about the right of women to a breastfeeding break at work, and to involve as many fathers in the use of maternity and parental support. This research has confirmed that when women are using the right to breastfeed their child, they use it at home, most often in a form of shorter working hours. Despite the fact that employers did not provide the optimal conditions for the use of the right to breastfeeding break at work, good practice was noted with some of the employers.

1.5.3. ANALYSIS of the Decision of the City of Zagreb about financial support for stay-at-home parents

On September 8th, 2016, the *Decision of the City of Zagreb about financial support for stay-at-home parents* came into effect. With this provision one of the parents who take care about at least 3 children is entitled to a month support in the amount of an average monthly salary. In 2016, the City of Zagreb received applications for financial support of stay-at-home parents from 2.239 persons out of which 1.987 (88.74%) were women and 282 (12.59%) were men. A 1.761 request was positively resolved, of which 1.584 (89.94%) in favor of women, and 177 (10.05%) in favor of men. The Ombudsperson

warns that the measure of financial support for stay-at-home parents might have negative effects on women in the long run, particularly in regards to their position on the labor market and generally in society. An additional problem is that the measure of financial support for stay-at-home parents is not implemented in the totality of economic, social and gender policies.

1.6. GUIDELINES FOR THE DEVELOPMENT AND IMPLEMENTATION OF THE ACTIVE EMPLOYMENT POLICY IN CROATIA, 2015-2017, IMPLEMENTATION ANALYSIS FOR 2016

According to the results of this analysis, the awareness about the necessity to create equal opportunities for women and men, so that they could be equally present as beneficiaries of intervention measures on the labor market and have equal benefits from allocated budgetary funding at national and local level, is still slow. Namely, *seemingly the same conditions for men and women are not confirmed in practice* because the data on financial means for subsidies show significantly higher percentage of men than women: *Croatian Employment Service* - more men were included in 4 grants, more women in only one; *Ministry of Economy, Entrepreneurship and Crafts* - men sought financial incentives with a share of 73%, and realized them with a high share of 75.5%; *local and regional self-government units* which were included in this analysis - grants/subsidies were used by men with a share of 68.6%, but the number of men who were approved funds was with an even higher share of 73.6%. **Significantly greater financial gain had men as compared to women**, and it can be concluded that the situation has not changed in relation to the Ombudsperson's analyses from previous years.

(1) The Ombudsperson for Gender Equality gives a recommendation to all stakeholders to promote the development of the economy and entrepreneurship at national and local level, in particular the units of local and regional self-government and the carriers of the labor market interventions defined in the "*Guidelines for the Development and Implementation of Active Employment Policy in the Republic of Croatia 2015-2017*" to promote de facto and not only de jure targeted empowerment of women so that they would apply in bigger numbers for the usage of the measures foreseen with the Guidelines, as well as other measures foreseen by the budgets on local and regional levels.

(2) The Ombudsperson for Gender Equality gives a recommendation that the units of local and regional self-government, together with shelters and counseling centers for women victims of domestic violence, regional employment offices and entrepreneurs, implement, more actively, the measures from the Guidelines dedicated to a special group of the unemployed - victims of domestic violence.¹¹

1.7. UNEMPLOYMENT AND EMPLOYMENT

The Ombudsperson points out significantly bigger number of the employed per fixed-term contracts (91.7% in 2016). Although this trend seems to be equally affecting men and women, it perpetuates the unfavorable position of women in the labor market. Namely, in 2016, the proportion of women employed per unlimited time contracts was 41.9% and per fixed-term contract 54.1%. The Ombudsperson's opinion is that the trend of employing per fixed-term contracts should be stopped since it has been present continuously since 2011.

¹¹ In 2016, the measures from the Guidelines intended for a special group of the unemployed - the victims of domestic violence were not implemented in 8 counties, and in the counties in which they were implemented the number of persons involved was minimal (24 women victims of domestic violence were employed in 12 counties).

2 FAMILY

2.1. DOMESTIC VIOLENCE

In the previous years, the Ombudsperson invited the Government and the Croatian Parliament to initiate the ratification process of the Council of Europe *Convention on the Prevention and Combating of Violence against Women and Family Violence* (Istanbul Convention) as soon as possible. Therefore, she commends the Government for the formation of a working group at the Ministry of Demography, Family, Youth and Social Policy, of which the representative of the Ombudsperson for Gender Equality is a member, for initiation of the procedure for the ratification of the Convention.

2.1.1. Misdemeanor acts of domestic violence

In 2016, the police reported the total of 11,948 persons for misdemeanor offenses of domestic violence, which is 13.2% less than in the same period of 2015 when the police reported on 13,775 persons. However, the majority of such cases remain unrecorded. One of the reasons for not reporting is that women lack trust in the work of institutions, primarily the police, the state attorney's office, and the judiciary.¹²

According to the sex structure of the reported perpetrators of domestic violence in 2016 there were 9,217 men (77%), which is 1,358 or 12.8% less than in 2015, and 2,731 women (23%). The percentages are the same as in 2015. The police arrested a total of 7,561 persons for domestic violence, out of which 84% were men and 16% women. A total of 13,362 persons were harmed, out of which 64% were female and 36% male. Out of the total of 8,182 sanctions issued by the courts for misdemeanor offenses of domestic violence, 2,373 conditional sentences were imposed on men and 521 on women, 728 unconditional jail terms for men and 41 for women, 3,574 fines for men and 945 for women. A total of 3,849 protective measures were proposed, out of which 2,493 protective measures were imposed.

2.1.2. Domestic violence as criminal offence committed between closely related persons

The number of reports about criminal offenses among closely related persons still rises. However, it significantly slowed down in comparison to the past reporting period when the rates of violence jumped more than 100% in relation to the previous reporting period.

In 2016, according to the data of the Ministry of the Interior, the total of 2,408 ***criminal offences of violence between closely related persons was recorded*** (9.5% increase since 2015 when 2,220 were recorded). There were a total of 2,552 victims (which is 7.5% more than in 2015 when there was a total of 2,359 victims). In the total number of victims, 1,948 was women (10% more than in 2015) and 604 men (0,5% less than in 2015).

Out of the total number of 1,648 perpetrators of violence between closely related person, there were 1,519 (92%) men and 129 (8%) of women. **In all criminal offenses between closely related person, men are predominantly perpetrators and women are victims.** In 2016, all 100 perpetrators of criminal offences of rape, sexual intercourse without consent and sexual harassment, were men. Regarding the criminal offense referred to in Article 179a - *Domestic Violence*, a total of 330 criminal

¹² Detailed analysis of the causes of distrust in institutions described in paragraph 2.1.3. *Persisting problems and new trends* of the full Annual Report for 2016.

offenses were committed by 46 male perpetrators and 3 female perpetrators at the expense of 279 women and 51 men. Compared to 2015, there were no significant differences in numbers.

The year 2016 records the highest number of homicide of women in the past 7 years (19 between closely related persons, out of which 15 women were killed by men who were their intimate partners - 78%). With the trend of brutalization of violence, i.e. the transition of violence against women and domestic violence from the field of misdemeanor offenses into the field of criminal justice, the increase in the number of murdered women indicates that legal, judicial, media and other educational measures to combat violence against women have not reached desired results.

2.1.3. Persisting problems and 'new trends'

Based on his experience, work and practice, the Ombudsperson points out that one of the causes of the transition of violence from the area of misdemeanor-legal protection to the area of criminal justice, and the migration from lighter criminal offenses to the more serious ones, lies in the fact that misdemeanor courts pronounce mild, mostly conditional sentences, and regularly release defendants to defend themselves from freedom, while protective measures are pronounced in a smaller number of cases, and in those cases where they are determined, their effective enforcement is questionable.

2.1.4. The omissions of the police and the judiciary in dealing with victims of domestic violence

Although somewhat diminished, the trend of arresting both partners during police interventions in domestic violence cases still exists. The Ombudsperson emphasizes that the context and the history of domestic violence are key elements in deciding who the victim and who the perpetrator of the violence is, and all the later decisions of the judicial bodies about the detention of perpetrators, the protective measures, the punishment, depend on it. The police also lose sight of the fact that the victim has the right to necessary self-defense against the attacker and that swearing is sometimes the only 'weapon' victim has. Failures of the competent authorities which often lead to tragic consequences for the victim are that in most cases the courts continue to release domestic violence suspects or defendants, allowing them to replace prison custody with a protective measure, which in certain cases the police are unable to carry out, that they distrust the victim, that there is a misunderstanding of or inability to recognize all forms of domestic violence, primarily verbal, psychological or economic, as well as sexual violence from the Law on Protection against Family Violence.

2.2. TREATMENT OF VICTIMS OF DOMESTIC VIOLENCE BY OTHER AUTHORIZED BODIES

2.2.1. Treatment of victims of domestic violence by the centers for social care

Bearing in mind all the specifics of domestic violence, and especially the fact that it is no longer a private problem, but the problem of the society as a whole, it is of particular importance that the victims are urgently provided with all forms of help and protection. Significant role, beside the police, have centers for social care whose obligations are prescribed by laws and the Protocol on Treatment in Domestic Violence Cases. Complaints from this area indicate that there is some *progress and generally good practice* regarding the consistent application of the provisions of the Protocol by all relevant authorities, including centers for social care. However, in individual cases, an unequal application of all the provisions of the Protocol occurs, in particular with regard to the recognition of psychological and economic violence as forms of domestic violence, and the obligation of urgent reporting of any information related to violence. Therefore, the Ombudsperson recommends the

implementation of systematic education of all employees in the social welfare system in relation to the consistent application of the provisions of the Protocol on the Treatment of Domestic Violence.

2.2.2. ANALYSIS „Legal Institute for Rehabilitation in Domestic Violence Cases“

The legal institute of rehabilitation in domestic violence cases represents a specific and complex issue requiring special approach and analysis. Although the right of a perpetrator to rehabilitation is undisputable, it should not have a negative impact on the rights of victims, especially when it comes to domestic violence as a specific form of violence. Therefore, bearing in mind the provisions of the *Istanbul Convention*, consideration should be given to the possibility of improving the legal provisions relating to rehabilitation in domestic violence cases, taking into account the rights of the perpetrator as well as the rights of victims of this form of violence. As one of the possible legal amendments, twice as longer periods should be reconsidered for the deadlines set for rehabilitation in domestic violence cases. Possible legal changes could also go in the direction of introducing qualifying circumstances in cases of former conviction for domestic violence, which would certainly be in the spirit of the *Istanbul Convention*, which in Art.46. speaks of aggravating circumstances in the determination of the punishment related to criminal offenses established in accordance with the Convention.

2.3. OTHER FORMS OF VIOLENCE

2.3.1. Partner violence

In 2016, the Ombudsperson continued to point out that violence against women does not only take place in marital and common-law relationships, but that it, to a large extent, includes violence in partner relationships in which the intimate or emotionally involved partners are not or were not the members of the same household. The protection of victims of partner violence has still not found an appropriate and consistent legislative solution. Hence, better legal solutions should be sought that will go in the direction of more effective protection of people in partner relationships in case of violent behavior.

Based on the received complaints on partner violence (5 in 2016), it was noted that partner violence characterizes retaliation for reporting on previous violence, coercion and imposed control. In recent years, partner violence is becoming more brutal. In 2016, the Ombudsperson continued to cooperate with the civil society organizations dealing with the protection of women from partner violence. Until the necessary legislative changes are made, the protection of victims of partner violence is provided in two ways: (1) If a police reports that the violence took place between intimate partners (present or former), with elements of common-law marriage, protection is provided in accordance with the Law on Protection from Domestic Violence, (2), Partner violence should be appropriately sanctioned by applying a misdemeanor provision from the Article 31. of Gender Equality Act, which should be supplemented by authorized prosecutors, sanctions and appropriate protective measures.

2.3.2. Rape

In 2016, the number of registered criminal offenses of rape and sexual intercourse without consent continued to rise. There was a 12.5% increase in rape cases and 65.7% in cases of sexual intercourse without consent. In addition, the increase in the mentioned criminal offenses is also noted between closely related persons. In cases of sexual intercourse without consent there was an increase of 220%, out of which 71% was an intercourse between a stepfather and stepdaughter. In the total of 81 registered cases of rape, 34 cases concerned rape between close persons, out of which in 50% the

perpetrator was a common-law husband and the victim was his common-law wife, while in 23.5% cases the perpetrator was a brother and the victim was his sister.

In relation to the criminal offense of rape committed between close persons, in 50% of cases it was committed between extramarital partners, and in as much as 23.5% of cases between brothers (as perpetrators) and sisters (as victims). The aforementioned data indicate that victims of the sexual intercourse without consent and rape among close persons, in addition to spouses and extramarital (present or former) partners, increasingly become other close persons, especially stepdaughters and sisters.

2.4. PARENTAL CARE

2.4.1. Complaints related to parental care

By analyzing the complaints related to parental care, the Ombudsperson noticed *basically good practice of the social welfare centers*. However, there are still individual cases in which there are problems linked with gender stereotypes and domestic violence. The majority of complaints in this area have been submitted by men/fathers (56.06%) who complained about gender stereotypes according to which mothers are automatically considered as better custodians for children: They also complained about the difficulties in realization of undisturbed regular meetings with a child who lives with a mother. The intervention of the competent social welfare centers was therefore sought, which, in the complainant's view, was not sufficiently active in taking appropriate measures. The mothers mostly complained about their unfavorable position due to the violence in the family they were exposed to. However, in a significant number of cases, gender discrimination was not the issue, given that the treatment of the competent centers was conditioned by various objective factors. Some of the complaints in this area concerned dissatisfaction with court proceedings and decisions related to parental care, which is not within the Ombudsperson's jurisdiction, due to the independence of the courts.

2.4.2. ANALYSIS „Personal relationship between a child and a parent with whom the child does not live in domestic violence cases“

The Ombudsperson's last year's recommendation on this issue was fully taken into account. Starting from July 1, 2016, in the premises of the Children's and Adolescent Home Counseling Center Zagreb, the conditions for carrying out the supervision of the personal relationship between the separated parent and the child have been improved, regardless of the fact that the place of residence of mothers and children is in a shelter in the City of Zagreb. However, the Ombudsperson has been informed, by the civil society organizations dealing with the provision of assistance to victims of domestic violence that certain problems related to this issue exist outside the City of Zagreb. Namely, these organizations are expected to ensure that in cases of domestic violence the meetings of a separate parent with the child takes place in their premises and under the supervision of their staff, but these organizations cannot provide such services. Therefore, the Ombudsperson recommends that all competent institutions ensure that personal relationships of a child with a separate parent in cases of domestic violence can always be carried out in a safe manner.

2.4.3. Violation of the Child Support Right

The Ombudsperson for Gender Equality and the Ombudsperson for Children held a joint meeting with regard to the prosecution of a criminal offense of violation the duty of child support under Article 172 of the Criminal Law. As a result of this meeting, a joint recommendation was sent to the Ministry of Justice to review the subject matter and the current practice of the competent authorities, and to consider *the possibility of amending Article 172. of the Criminal Code* in such a way that the criminal offense of the violation of the duty of child support includes the earlier period specified in the decision (for which period the obligation of child support was also established for the child support provider), and not just for the period after the enforceability of the decision, as it is the case now.

2.5. IMPLEMENTATION OF THE NATIONAL STRATEGY FOR PROTECTION AGAINST DOMESTIC VIOLENCE 2011-2016, IMPLEMENTATION ANALYSIS FOR 2016

Given that 2016 was the final year for the implementation of the above National Strategy, drafting of the new *National Strategy 2017-2022* started during the reporting period. For this purpose, the Ministry of Demography, Family, Youth and Social Policy have set up a Working Group. The Ombudsperson is a member of this group. She proposed that the new National Strategy reintroduces the measures related to the care about and the assistance to the victims of violence, in particular the provision of housing for victims of domestic violence, the provision of financial support for the work of shelters and counseling centers for victims of domestic violence, and encouragement of the local and regional self-government units to introduce gender-sensitive budgets. The Ombudsperson has continued her years long practice of monitoring and analyzing the implementation of the National Strategy. For better implementation of specific measures, it is necessary to provide significantly more funding at both national and local level in the future. Best results have been achieved in those thematic areas of activity which had not been related to the allocation of substantial financial resources, such as enhancing inter-departmental cooperation and professional development and raising public awareness. However, **when it comes to treating and supporting victims of domestic violence, the results are weaker or completely absent.** It is also evident that some institutions do not implement psychosocial treatment because the funds offered by the Ministry of Justice are too small.

2.6. IMPLEMENTATION OF THE PROTOCOL IN CASES OF DOMESTIC VIOLENCE

2.6.1. Coordinators for gender equality

The coordinators obtained data mostly from the police, the centers for social care and judiciary, while in a lesser degree from health and educational institutions. Collaboration has been established with local self-government units as well as with commissions for gender equality in counties. The cooperation is manifested primarily through the participation of coordinators at the sessions of county commissions for gender equality whose members they are.

2.6.2. County committees for gender equality

There is still some inconsistency in the work and activities of individual commissions, which is partly a consequence of unequal financial resources received by the commissions for their work. Although most commissions reported about the established cooperation and data exchange, the Ombudsperson

proposes further development of the existing cooperation. It is also important that the committees apply a pro-active approach which would include regular meetings on individual cases of domestic violence, an obligation prescribed by the Protocol.

2.7. REGIONAL CONFERENCE "FEMICIDE WATCH - PREVENTION OF FEMICIDE IN CROATIA"

On the occasion of the International Day of Combating Violence Against Women - November 25, the Ombudsperson for Gender Equality organized in Zagreb a ***Regional Conference "Femicide Watch - for the prevention of femicide in the Republic of Croatia"***. An introductory speech on the gender aspect of violence and violence as a global issue was addressed by the UN Special Rapporteur on Violence against Women, Its Causes and Consequences, Ph.D. Dubravka Šimonović. She presented the "Femicide Watch" initiative, which would closely monitor the occurrence of women's homicide, and analyze data to identify key failings that led to the killings of women by their husbands or former and current partners. At the Conference the body of the Ombudsperson for Gender Equality was announced to coordinate the work of the Femicide Watch Group for the Republic of Croatia at national level, involving representatives of state bodies, civil society organizations and judiciary. Monitoring the femicide will not only mean keeping statistics, but monitoring and analyzing individual cases and situations that have led to the killings of women.

The Conference was completed by adopting conclusions: on the urgent need to commence the process of ratification of the Istanbul Convention in the Republic of Croatia; to organize systematic education of all stakeholders; to improve joint action through inter-institutional cooperation; more consistent implementation of the "zero tolerance of violence against women" policy; sensitization of institutions and the judiciary for gender-based violence; raising awareness about the problem of violence as an obstacle to the development of the entire society; strengthening mechanisms for the prevention of violence and victims support; improvement of the penal policy; strengthening regional co-operation and establishment of the bodies which would carry out comprehensive monitoring, data collection, case killings and reporting under the "Femicide Watch" project.

3 SEXUAL AND GENDER MINORITIES

3.1. LEGAL GROUNDS AND SITUATION ASSESSMENT

In 2016 the trends of the previous years have largely continued. However, we must highlight the growing inefficiency of the judiciary system in combating criminal acts motivated by hatred directed towards persons of same-sex orientation and transgender persons.

3.1.1. Implementation of the Law on Lifelong Partnership of Persons of the Same Sex

During 2016 there were no obstacles to the implementation of the provisions of the *Law on the Lifelong Partnership of Persons of the Same Sex*. According to the official statistics of the Ministry of Administration, in the period from January 1st to December 31st 2016, 66 life partnerships were registered, of which 35 among male life partners and 31 among female life partners.

Since August 6th 2014, when the Law came into the force, until the end of 2016, a total of 174 life partnerships were registered, of which 92 between male partners and 82 among female partners.

3.1.2. Physical integrity, dignity and criminal offenses motivated by hatred

The Ombudsperson points out the inadequate efficiency in protecting the physical integrity of citizens of the same-sex orientation and of the suppression of criminal offenses motivated by hatred towards this group.

According to the Ministry of Justice's records, during 2016, four (4) new proceedings were initiated in connection with the criminal offense of hate crime motivated by prejudices about sexual orientation. Two proceedings were completed during the reporting year with convicting verdicts and in both proceedings, both offenders received a suspended sentence. The remaining two proceedings against two perpetrators are still ongoing. At the same time, data submitted by the Ministry of the Interior indicate that in 2016 a total of 35 criminal offenses were identified for which the police found that they were motivated by hatred, with 3 criminal offenses motivated by hatred towards persons of the same sex orientation. The representatives of the judiciary explained the Ombudsperson the existing practice of prosecuting hate crimes through misdemeanor proceedings. The Ombudsperson considers that the responsibility for the proper qualification and persecution of hate motivated violence is equally divided between all three judicial bodies. The police and the state attorney's office should work together in order to define the proper qualification of the offense according to the existing practice of the European Court of Human Rights. At the same time, the Ombudsperson thinks that misdemeanor courts have full and unlimited authority to determine their material jurisdiction.

3.1.3. Freedom of assembly and expression

The Ombudsperson points out that during the reporting year the system of protection of the constitutional freedom of public gathering and expression of sex and gender minorities was exemplary. All of the gay prides were held without any apparent expressions of intolerance or obvious provocations.

3.1.4. Labor market and access to goods and services

The Ombudsperson believes that discrimination based on sexual orientation in the labor market and in the access to goods and services is widespread, although its visibility is relatively weak. In 2016, the same as in 2015, the Ombudsperson received two complaints in the area of work and employment because of the discrimination based on sexual orientation. According to the data of the Ministry of Justice, in 2016 three litigation proceedings were conducted in civil courts because of the unfavorable treatment based on sexual orientation, two of which started in previous years and one was initiated in 2016. Out of three procedures, two have been solved as unappealable: one was resolved with a conviction, and the other „otherwise", by withdrawing a lawsuit or a settlement (it was not specified). In both cases, the court ruling was in favor of three victims, out of which two were female and one male.

3.1.5. Closing commentary and recommendations

The Ombudsperson's view is that, in 2016, the *Law on the Lifelong Partnership of Persons of the Same Sex* continued to be successfully implemented in practice. However, despite the significant positive shift in equality of the sexual and gender minorities, in regard to their civic status and material rights, the problem of physical violence against this social group remains high. The Ombudsperson

included the following recommendations into her Annual Report for 2016: (1) To define misdemeanor legal provisions precisely in order to ensure that the acts motivated by hatred based on prejudices against the same sex orientation citizens will be persecuted according to the criminal and not misdemeanor procedures; (2) To improve the system of collecting and processing data related to the court disputes involving litigating, administrative, misdemeanor and criminal courts in relation to discrimination based on sexual orientation; (3) all the bodies included in the Protocol on treatment of hate crimes should undertake prompt actions in cases of offences motivated by the prejudice towards persons of same sex orientation; (4) To develop a training program for state attorneys and judges who make rulings in anti-discrimination disputes, especially in criminal-law proceedings.

3.2. RIGHTS OF GENDER DYSPHORIC PERSONS

In 2016 the Ombudsperson continued to monitor the level of protection of the rights of gender dysphoric persons. The Ombudsperson's office received six complaints of gender dysphoric persons in 2016. The Ombudsperson continued to emphasize the importance of the protection of fundamental human rights of gender dysphoric persons by referring to the statutory provisions of the Anti-Discrimination Act, the Civil Register Act and the Ordinance on the method of collecting medical documentation, and determining conditions and assumptions for gender change or life in another gender identity. She also pointed to the most common legal difficulties faced by the gender dysphoric persons, such as the slow procedure for issuing opinions by the National Health Council, issues related to re-issuing of certificates, diplomas and health certificates after sex change, therapeutic system and health care system in regards to the issues of gender dysphoric persons, etc. The status and the rights of gender dysphoric persons in our society in the past few years have been significantly improved, but the Ombudsperson repeats that the transition from one sex to another has still not been "covered" by the appropriate rapid, efficient and transparent procedures of the competent authorities.

4 RISKS OF MULTIPLE DISCRIMINATION OF VULNERABLE SOCIAL GROUPS

4.1. WOMEN IN RURAL AREAS

The Ombudsperson's findings, after visiting personally many Croatian counties and rural areas, are that women from rural areas are exposed to the risk of multiple discrimination (by sex, social status, nationality, education etc.) which makes them one of the most vulnerable groups. Their exposure to domestic violence, with difficulties in accessing the police, the physician, free legal aid etc., makes their situation even more risky than the situation of women in urban areas. The lack of education and poor transport infrastructure in many rural areas leads to social isolation. Due to the lack of public services, women have difficulties in finding jobs and face obstacles in engaging in local social and/or political activities. Besides performing most of the work on land, raising crops, taking care about domestic animals and producing agricultural products, women from rural areas are also expected to have primary role in carrying for the family and the household.

4.2. WOMEN WITH DISABILITIES

Women and girls with disabilities are particularly vulnerable group, which is, per definition of the Convention on the Rights of Persons with Disabilities, exposed to the risk of multiple discrimination in all areas of life. Comparing data of the end of 2015 and 2016 on unemployed persons with disabilities in the Croatian Employment Service's Register, a drop of 1.4% in the total number of unemployed persons with disabilities was noted. There is a fall in unemployment of 2.8% in relation to men with disabilities, while in a relation to women with disabilities there is a slight increase of 0.6%, which also indicates their unfavorable position, not only in relation to persons without disability, but also in relation to men with disabilities. In addition, the disadvantaged position of women with disabilities is manifested in their poorer education (72.5% have completed or not only elementary school) as well as exposure to various forms of domestic violence, including social isolation. The violence is often not reported due to series various factors (economic dependence on the abuser, distrust in the system, different social stereotypes, etc.).

4.3. WOMEN FROM NATIONAL MINORITIES

Positive steps have been made in relation to Roma inclusion in the field of education, but some other areas, primarily the area of employment and labor, still pose a significant problem for members of national minorities in the context of the risk of multiple discrimination. A factor which affects the access to all areas of public life is social exclusion. The Ombudsperson was involved in drafting the *Action Plan for the Implementation of the National Roma Inclusion Strategy 2013-2020 for the period 2017-2020*.

The Ombudsperson proposed that anti-discrimination training of members of mobile teams be included in the Action Plan, taking into account their importance in the immediate work with Roma persons and Roma women, and that the analysis of enrollment in secondary schools includes the ratio of Roma persons who enroll and graduate from secondary school education, taking into account the reduced participation of Roma women at this level of education in comparison to their participation in the area of primary education.

4.4. VICTIMS OF SEXUAL VIOLENCE IN HOMELAND WAR

Since the adoption of the *Law on the Rights of Victims of Sexual Violence in Homeland War*, in drafting of which the Ombudsperson actively participated as a member of the working group, the Ombudsperson closely monitors the implementation of the Law and the activities of the Commission for the Claims of the Victims of Sexual Violence. According to the data submitted by the Ministry of Croatian Defenders, from the date of entry into force of the Law (6/18/2015), a total of 185 applications were received for obtaining the status and the rights of victims of sexual violence in the Homeland War and the exercise of the rights arising from this Law. Until the end of 2016, the Commission received 160 claims, out of which 108 claims had positive outcome, 48 negative, while 4 were dismissed due to the death of the interested party.

According to the Ministry's records, 25 unsolved claims will be decided upon in 2017. Out of 160 solved cases, 127 were related to the female applicants and 33 to male applicants. Out of 108 positive solutions, 84 were in favor of women, and 24 in favor of men. Out of 48 negative solutions, 39 are

related to women and 9 to men. Out of 4 dismissed cases, 2 were related to women and two to men. Out of the remaining 25 unsolved cases, 17 are related to women and 7 to men.

4.5. WOMEN IN PROSTITUTION

Prostitution is a form of sexual exploitation of women, especially given the fact that in 2016, as in previous years, all the harmed persons in prostitution were women. Therefore, the Ombudsperson advocates for, and recommends, the full decriminalization of the sexual service providers and sanctioning of the users/clients, regardless of the circumstances. Namely, at the moment the current legislative in Croatia provides misdemeanor sanctions for the prostitutes, but not for their clients/users of their sexual services. A client may be liable in certain cases in accordance with Article 157, paragraph 2. of the Criminal Code, if he paid for the sexual services to a person whom the third party, for the purpose of his/her personal profit, coerced or forced by threats, deception or abuse of authority or difficult position of dependence, to provide sexual services and the client knew about it or could have known about the aforementioned circumstances.

According to the Ministry of the Interior data, in 2016, a total of 71 criminal offenses of prostitution were recorded in compliance with the Art.157 of the Criminal Code, which harmed a total of 81 people. **All the persons harmed by the criminal offenses of prostitution for years have been exclusively younger women in the age group 26-30.**

4.6. VICTIMS OF TRAFFICKING

Out of 30 recorded victims of human trafficking in 2016, 21 were women and 9 men. Analysis of age, gender and type of exploitation of victims shows that **the largest share of victims of trafficking in human beings represent women under the age of 30 who are sexually exploited** (in over 60% of cases). Men, as victims of trafficking in human beings, have been exploited as labor force (in over 75% of cases).

5 EDUCATION

In 2016, the Ombudsperson analyzed 52 documents of Curricular Reform and stated that, as a whole, these documents include significantly more topics related to the human rights and gender equality in comparison to the existing curricula. In this regard, the Ombudsperson gave her support to the Curricular Reform and expressed hope that this reform will be completed. However, she also pointed out the lack of education about discrimination based on sexual orientation, given that researches among primary/secondary school students have shown widespread discriminatory attitudes based on sexual orientation. The Ombudsperson called for the integration of anti-discrimination contents as compulsory contents, but the recommendation was not accepted. During the year, the Ombudsperson worked on multiple gender issues in school textbooks and other teaching materials. In some of them complaints were rejected as unfounded, while in others discrimination was established.

As a result of the case which showed the shortcomings of the National Classification of Occupations 2010, because the male gender for the profession "midwife" does not exist, the Ombudsperson requested from the Institute for Croatian Language and Linguistics an expert opinion on male and female gender for all the professions listed in the National Classification of Occupations 2010,

especially those which were listed in only one gender (for example only in male gender are professions like: housekeeper, croupier, disk jockey, drama writer etc., while only in female gender are professions like: midwife, servant girl, nanny, maid, ballet dancer, cleaning woman, etc.)¹³. The Institute provided suggestions which mean that there is a space for improvements of the current List of occupations. In the following period it would be necessary to initiate the changes of the List.

5.1. RESEARCH „GENDER ASPECT OF JOB ADVERTISEMENTS FOR EMPLOYMENT IN PRIMARY AND SECONDARY SCHOOLS“

Starting from the significantly unbalanced representation of female and male educators in elementary and high schools, the fact that the significant underrepresentation of men is not in line with the principle of gender equality, and taking into account the cases from her practice in the past period, the Ombudsperson conducted a research on a sample of 1.961 completed tenders for recruitment of educational staff in 470 elementary/high schools in the school year 2015/2016. The main aim was to identify the differences in the representation of women and men in the process of competing for a job as teachers, tutors and educators in primary and secondary schools in Croatia.

Research has shown that men are somewhat more "interested" in high schools than in elementary schools - only 16.7% applied for jobs in primary schools and 25.4% in secondary schools. Consequently, the conclusion is that the cause of the underrepresentation of men among the school educators is the consequence of their lower interest in working with children, especially younger ones.

More men than women were employed on the basis of the conducted employment procedures, but the difference is negligible. The research has confirmed the existence of a traditional division into "male" and "female" educational areas, both in primary and secondary schools, so that men are typically employed as gym teachers and women as class teachers in lower grades of primary schools and teachers of Croatian and foreign languages. Gender disbalance, as a criterion for giving employment benefits, is not widely recognized as an option during the employment process.

6 MEDIA

Although freedom of expression is one of the foundations of democracy, it is often used as justification for sexual stereotypes or sexism. However, as the Ombudsperson often points out, **the freedom of expression is not**, and shouldn't be, **contrary to the principles of gender equality and human rights**. Though it is a constitutional category, it is not absolute, but it is regulated by laws and regulations unlike personal taste, attitudes or values which people share in their private environment and communication.

Furthermore, a large number of media still uses a female body as an object to attract attention of readers or viewers to other media contents or for the purpose of evaluating women primarily on the basis of their looks, regardless of whether they are models, celebrities, politicians, scientists or the President of Croatia. The Ombudsperson recommended compulsory education of all media workers about the principles of gender equality, reporting on violence against women and domestic violence, violence against women and men, knowledge about the international binding documents and national

¹³ (Explanation: unlike in English language, in Croatian the nouns have three genders: masculine, feminine and neuter gender and they affect all other words like adjectives or verbs.)

legislation regulating the issue of sex stereotypes and sexism, introduction of media literacy at all levels of the education system and education of members of media supervisory bodies about the principle of gender equality and the prohibition of gender discrimination in advertising and other media contents.

In the complete Annual Report for 2016, the Ombudsperson includes 16 case studies and gives detailed overview of media trends such as: sensationalism in reporting on violence against women and domestic violence, violence against women presented as the result or an expression of an excessive love, mocking the act of violence when women are perpetrators and men are the victims; exploitation of naked or half naked female bodies for the purpose of advertising products and services; focus on physical appearance of women in politics; commentaries on social networks as the source of media contents; the lack of understanding what is gender-based discrimination in media content.¹⁴

6.1. ANALYSIS OF MEDIA REPORTING ABOUT PARLIAMENTARY ELECTION CAMPAIGN 2016

The Ombudsperson monitored the media reporting on the campaign for the election of MPs for the 9th convocation of the Croatian Parliament, from the official start (August 16th, 2016) till the beginning of the electoral silence (September 10th, 2016), and conducted an analysis of the representation of women and men in the presentation of party programs and public statements on Nova TV and Croatian Radio Television, based on a total of 2.742 photographs, 617 people in 305 videos and 2.222 cited people in 1.518 articles. The results show that: men were on 92% of all the photographs, in 305 videos, there were 538 men (87%) and 79 women (13%). In the total number of cited individuals in articles, men make up 86%, and women 14%. There is a significant underrepresentation of women in photographs, as speakers in video clips and as persons quoted in articles. The burden of responsibility for such results is not born primarily by the media, because the parties were those who chose male candidates for the public presentations of party programs in the media. Personal insults and discriminatory statements are still part of the election rhetoric. The Ombudsperson constantly warns all the candidates that they are public persons and that, as such, they often give an example to others or a justification for the same behavior or imitation, because they set standards of public communication and thus bear more responsibility for what they do or say in public. There is a need for greater involvement of parties in the prevention and suppression of sexual stereotypes and sexism in the statements of their own members and candidates.

6.2. ANALYSIS OF THE PRESS AND INTERNET PORTALS: REPRESENTATION OF GENDER EQUALITY ISSUES

The analysis was conducted on 2,532 articles published in 2016 in newspapers and on the Internet news portals. In the total number of monitored articles, ***the most frequent was the topic of violence and domestic violence (27%)***, followed by topics related to the labor market (18%) and protection against discrimination of persons of the same sex orientation (16%). More than 10% had the topic of political participation (12%). Below 10% were reproductive rights (9%), the media (3%), family issues (2%), education (1%), prostitution and trafficking (1%). ***Topics on demographic issues, gender equality in sport and the position of women in rural areas were represented with less than 1%.***

¹⁴ The complete Annual Report form 2016 includes detailed explanations of each trend with examples from the media.

7 GENDER EQUALITY IN THE AREA OF POLITICAL PARTICIPATION

7.1. APPLICATION OF MISDEMEANOR SANCTIONS AFTER PARLIAMENTARY ELECTIONS HELD IN 2015

After the parliamentary elections held at the end of 2015, the problem of the implementation of the Article 35 of the Gender Equality Act appeared. The Article stipulates that political parties and other authorized proponents who, when proposing a candidate lists for parliamentary elections, will not respect the principle of gender equality in terms of gender quota of at least 40% of both sexes on each list, will be punished with a fine of 50,000 KN.

At the 2015 elections, gender quota was not respected on 33 out of 166 lists of candidates. Misdemeanor procedures have not been initiated due to the disagreement of relevant institutions in the interpretation of legal provisions. The key issue was whether the Act on the Amendments to the Act on the Election of Members of Parliament in the Croatian Parliament prescribed sex quota of at least 40% for the parliamentary elections in 2015, earlier than the Gender Equality Act foresees it, or not. The Ombudsperson's point of view was the same as the point of view of the Constitutional Court and the State Election Commission that the quota should have been applied for the parliamentary elections in 2015, while the State Attorney's office argued that there was no legal basis for initiating misdemeanor proceedings. That was the reason why the misdemeanor proceedings were not initiated.

7.2. ANALYSIS OF 2016 PARLIAMENTARY ELECTIONS

At the elections held on September 11, 2016, the lowest proportion of women 12.6% (19 MPs) has been elected so far. After rotations (after some of the MPs were appointed to the positions in government and state bodies, their places in the Parliament occupy another candidate from that party candidate lists), the 9th assembly of the Croatian Parliament has only 18.5% of female parliamentarians (28). In total there were 39.7% women and 60.3% men on candidate lists. **A gender quota of at least 40% representation of both sexes was not met on 54 out of 177 candidate lists (30.5%).**¹⁵ Women were again the least represented at the top of the lists (14.7%). Out of 151 MPs, only 64 (42%) were elected by preferential votes, and among them only 5 were women (8%).

8 NATIONAL POLICY FOR GENDER EQUALITY

Although a new *National Policy for Gender Equality 2016-2020* has not been adopted in 2016, activities in implementation of policy measures for the previous period, continued (especially by measure carriers such as the Ministry of Demography, Family, Youth and Social Policy, the Ministry of Justice, the Judicial Academy and the Police Academy). It was noted that besides the personal dedication of the measure carriers, adequate financial resources certainly represented one of the key factors for the implementation of these measures. The creation of the new *National Policy for Gender Equality 2016-2020* started in December 2015, and the Ombudsperson proposes the finalization and

¹⁵ In 2016 parliamentary elections, according to all gender relevant indicators, weaker results were achieved compared with previous parliamentary elections in 2015 - 1.7% less women candidates, 4% less women list carriers, 2.6% less elected women, gender quota was not met on 10.6% candidate lists more, and zip system was applied on 9% candidate lists less than in 2015.

adoption as soon as possible, as well as the provision of sufficient financial means for the continuous implementation of all the measures envisaged.

9 WOMEN AND SPORTS

The received complaints confirm the unfavorable position of women in sports. Women's sport is subordinated to men at all levels. Women in sports are generally underrepresented and often completely invisible. Such a situation is not motivational, so in order to change the existing situation, it is necessary to address the key problems women face in the field of sports. The Ombudsperson recommends: (1) To ensure an environment where women would be free from any form of gender-based violence; (2) To combat stereotypes about sports as a "male" domain and to empower and encourage women to be more involved in sports activities.

10 REPRODUCTIVE HEALTH

In 2016, there were two different outcomes in regard to two cases related to the right to a dignified treatment of pregnant women in maternity wards, which are described in the complete Annual Report for 2016. One was the case of stillbirth, in which the Ombudsperson determined that the competent authorities responded appropriately and took all the necessary steps to investigate allegations about an inhuman treatment by a physician during childbirth. In the second case, involving sexual harassment of the woman in labor from the obstetrician, the Ombudsperson did not find proofs which would confirm the suspicion of sexual harassment of the complainant. Besides, the hospital itself took appropriate action to investigate the allegations from the complaint.

Progress has been made concerning the efforts to improve the health care in the hospital maternity wards. According to the Ministry of Health's report, following the inspection of the gynecology and obstetrics departments in health institutions in Croatia, a series of concrete measures have been planned to improve the health care of pregnant women during childbirth.

The progress has been made in regard to the accessibility of the emergency contraception. Last year, the Ombudsperson warned the Ministry of Health and the Croatian Chamber of Pharmacists about the formalities and the restrictions in the issuance of emergency contraceptive pills *ellaOne* for a day after, without a prescription. Following the Ombudsperson's initiative, as well as the initiative of other instances that made comments on the existing protocol on issuing this pill, the Croatian Pharmacy Chamber developed new Guidelines for issuing medications without prescription. All recommendations of the Ombudsperson for Gender Equality were adopted.

10.1. THE RIGHT TO LEGALLY INDUCED ABORTION

The work of the Ombudsperson in the field of reproductive health in 2016 was primarily founded on the received complaints, which were mostly related to the disruption of the work of health institutions in providing legal service of medically induced termination of pregnancy.

The year 2016 was marked by intense campaigns organized by civil society organizations and initiatives, whose actions were directed toward gaining support for making the abortion illegal. The problem was also that the public health facilities were not excluded as places for, so called, pro-life activist campaigns.

There were cases of postcards and promotional leaflets, disseminated in the hospital waiting rooms, which labeled and condemned women who decided to have abortions and doctors who performed the procedures. There were also cases where campaigns were conducted in places belonging to hospitals (driveways, in front of the entrances, etc.).

The Ombudsperson pointed out that in such situations the right of patients to physical and mental integrity and protection of their personalities, including the respect for their privacy, worldview, and moral and religious beliefs, should be taken into consideration. Also, the right of the civil society to conduct campaigns and proclaim their views should not be denied, but health institutions should provide health care to those seeking it and in need, and not be the areas where patient pressure and campaigns against health services these institutions are obliged to provide, are being carried out.

In all cases, the Ministry of Health and health institutions responded in a timely manner and made clear that they would take measures to prevent the repetition of the same situation.

The Ombudsperson received numerous media inquiries and 94 complaints of citizens in regard to the video material and promotional jumbo posters of civil initiative ProLife.hr disseminated within campaign „I want to live“. The text: „While you celebrate Christmas, my mom plans to kill me“ was accompanied with a photo of a woman's belly in 7th or 8th month of pregnancy, although the abortion is legal in Croatia until 10th week after conception. The Ombudsperson issued a public statement in which she pointed out that from legal point of view this was an inappropriate identification of healthcare services of legally induced termination of pregnancy with the criminal act of homicide. Gynecologists performing the medical procedure which they are required to perform, and women who decided to terminate their pregnancy (a medical procedure which women certainly decide to undergo in case of extreme need), were labeled publicly as murderers. The Ombudsperson submitted the case to the State Attorney's Office on the assessment whether this speech of ProLife initiative was punishable by the Criminal Code, which in the article 325 foresees sanctioning of public incitement to violence and hatred. The State Attorney's Office sent the request to the County Attorney's Office in Zagreb whose response was not received until the end of 2016.

11 WOMEN - INTERNATIONAL PROTECTION SEEKERS

All relevant EU directives were integrated into the Croatian legal system with the Law on International and Temporary Protection, by which the women have been recognized as a vulnerable group, especially pregnant women, single parents with underage children (women are majority in this group too), victims of trafficking in human beings, victims of torture, rape and other psychological, physical and sexual violence, such as the victims of genital mutilation. As such, they enjoy special procedural and care guarantees. According to the information provided by the Ministry of the Interior, only in 2016 the refugee crisis has influenced the increase in the application for international protection

granted by the Republic of Croatia to a total of 2,233 persons, which was **ten times more than in 2015**. According to the Ministry of the Interior data for 2016, 103,722 persons entered Croatia, out of which 62.18% were men and 37.81% women (compared to 2015, the percentage of women was 17.35%).

However, after filing a request, more than half of international protection seekers left Croatia. A total of 99 international protections were approved, 60 to men and 39 to women. One of the problems is that women, as well as the members of gender and gender minorities, have been subjected to special forms of persecution on the basis of gender, which in most cases cannot be recognized in the process of approving international protection. Although the legal integration of people under international protection in Croatia is well established, the integration system is still being built. Regarding Croatia's participation in the European Program for the Relocation of Third-Country Nationals or Persons without Citizenship, who are eligible for international protection, according to the Ministry of the Interior data, 19 persons, 11 male and 8 female, were relocated to Croatia from Italy and Greece.

12 IMPLEMENTATION OF UN SECURITY COUNCIL RESOLUTION 1325 (2000) ON THE STATUS OF WOMEN, PEACE AND SECURITY AND RELATED RESOLUTIONS

Although a new *National Action Plan for the Implementation of UN Security Council Resolution 1325 (2000) on the Status of Women, Peace and Security and Related Resolutions* has not been drafted and adopted, it is positive that most of the measures from the National Action Plan 2011-2014, which was formally completed in 2014, continued to be implemented. The progress is particularly visible in the efforts to achieve gender equality in the armed forces, the police and the state security system, the areas that were exclusively treated as men's domains, and in the increase of the number of women on managerial positions in these institutions. Bearing in mind the dramatic changes in the world, it is necessary to strengthen women's participation in the prevention and resolution of crisis situations, the problem of sexual and gender-based violence in conflicts, taking into account the gender dimension in tackling new threats such as terrorism and violent extremism as well as humanitarian activities concerning migration and refugees.

13 LAWS AND REGULATIONS - OMBUDSPERSON'S INITIATIVES

The Ombudsperson analyzed numerous laws and regulations, along with the amendments to the existing laws, in order to determine whether they complied with the Gender Equality Act as the organic law. She submitted her remarks, suggestions and comments to the competent bodies, proponents and the legislator on the following documents: Family Law, Law on Protection against Domestic Violence, Law on Misdemeanor Offenses against Public Order and Peace, Tax legislation, Criminal Procedure Act, Rules on Implementation of the Protective Measures, Precautionary and Insurance Measures in Domestic Violence Cases, Compulsory Health Insurance Act and Rules of Procedure of the Croatian Parliament.

Among other initiatives related to laws and regulations, the Ombudsperson conducted comparative analyses of various laws in the area of her jurisdiction such as: the Housing Care Act, Social Welfare Act, rulebooks, protocols etc., and independently and/or at the request of the proponent, evaluated the compliance of laws' proposals and regulations with the provisions of the Gender Equality Act.

III. DISCRIMINATION IN ACCESS TO GOODS AND SERVICES

The Ombudsperson has pointed out the discriminatory treatment in the area of health services related to the women's reproductive health and their right to make free decisions about their sexual and reproductive health. In this area, the citizens filed complaints to the Ombudsperson in connection with discriminatory practice of the insurance companies (which refused to pay a child's birth compensation to men on the basis of life insurance), of the Croatian Health Insurance Fund (which denied a prescribed drug to men under the same conditions as to women), of a fitness center (which had different prices for male and female students), of a city transport provider (men gain free annual ticket under different conditions than women), etc.

1 ANALYSIS: "APPLICATION OF GENDER EQUALITY PRINCIPLES IN THE MARKET OF INSURANCE SERVICES - CHILD BIRTH ALLOWANCES"

The Ombudsperson received two male citizens' complaints about sex discrimination on the part of insurance companies because they refused to pay them the childbirth fee which they otherwise pay to women/mothers in comparable situations. Both insurance companies replied to the Ombudsperson's warning showing their good will and openness to harmonize their practice with the principle of gender equality and the Ombudsperson commends the successful outcome.

The Ombudsperson asked the insurance companies, which provide life insurance services, to inform her whether they provide child birth allowances and whether they are paid to fathers as well as to mothers. From the received information follows that 6 insurance companies, out of 15 included in the analysis, do not currently offer life insurance with a childbirth allowances, and 9 insurance companies currently offer this service payable to both fathers and mothers who are insured in their companies. One of the insurance companies, which currently does not provide life insurances with included child birth allowances, reported that during a period longer than a year they rewarded both, women and men, a child birth or child adoption fee in cases when the insured person on the insurance policy was a woman. At the meeting of the Ombudsperson with the Croatian Insurance Bureau, attended by the representatives of all major insurance companies in the Republic of Croatia, it was accepted that insurance companies should not reject a policyholder for contracting a particular product based on sex.

IV. COOPERATION ON NATIONAL, REGIONAL AND INTERNATIONAL LEVEL

The Ombudsperson actively participated or gave presentations in 165 seminars, conferences, public hearings, meetings and events organized by the state bodies, institutions, gender equality committees and civil society organizations; participated and gave presentations 24 times at international and regional conferences and expert gatherings and had 13 meetings at international/regional level; visited 13 different counties; organized and co-organized 6 public events and sponsored 3; actively participated in 15 sessions of gender equality committees of Croatian Parliament or local county and municipality bodies, cooperated with 75 different organizations of civil society and state bodies,

institutions, county committees for gender equality, international organizations with Croatian branches, political parties, legal entities and other ombudspersons' offices.

As a member of the EQUINET - European Network of Equality Bodies, the Ombudsperson has been participating since 2015 in the Equinet's expert group for drafting a document on the development of standards for all EU bodies dealing with the suppression of discrimination. The document seeks to identify the positions that equality and anti-discrimination bodies can take in relation to the governments of member states, in order to establish equal standards for all bodies, organizations and institutions in all EU countries.

V. OMBUDSPERSON'S CONCLUSION REMARKS

Within the scope of our authorities and based on the Gender Equality Act, **during the last year we worked on a total of 2,757 cases** (11.7% increase). In this respect, the number of individual complaints continued to rise by 32.9%. Cases were still predominantly related to gender discrimination in 90.7% of cases, submitted mostly by women (75.8%), in regards to the area of work/employment and social security 41.9%, followed by the complaints in the area of public information and media 27.6%, administration and judiciary 16.2% and about 5% on education, sport and health care.

Discrimination was established in 209 cases (60.7% more than previous year), 13 cases were reported to the competent State Attorney's Office for the suspicion in criminal offence and one case for the suspicion of misdemeanor act.

The Ombudsperson was **an intervener in 3 court proceedings**.

We carried out **three independent researches** (2 - from the field of work, working conditions and social security, 1 - from the field of education and science) and **14 analyzes**, published 5 publications, continued with 2 memorandums of cooperation, one with the Ministry of Justice and another with Faculty of Law in Zagreb.

In 2016, **we conducted three EU projects**: „*Dismantling the Glass Labyrinth - Equal Opportunity Access to Economic Decision-making in Croatia*“, which was also finalized in 2016; new EU project: „*In Pursuit of Full Equality between Men and Women: Reconciliation of Professional and Family Life*“ which will be implemented until the end of 2017. In December 2016 we were approved our third EU project “*Building more effective protection: transforming the system for combating violence against women*”. We are proud of the fact that in the last three years we have received three major EU projects worth together around **EUR 1,200,000**. We believe that, along with all the other activities we carry out in the course of a year, this is a great success for an institution with the staff of **only 11 employed persons**.

Most often our work consists of addressing all the problems and obstacles women face today in society, taking into account the fact that women in Croatia are the majority of the population, with a 51.7% share in the total population, and represent a social group faced with gender discrimination in social, public and private spheres. **For years our institution has been dealing with the complaints on discriminatory treatment in all segments of society, submitted mostly by women - which makes up about 2/3 of all complaints.**

In practice, discrimination occurs in various areas of public and private life, and according to the complaints received, **most often in the areas of labor, employment and social security - 41.9%**. The majority of complainants were women, which is not a surprise because women make the majority of

the unemployed, the majority of the employed on a fixed-term contracts, the majority of those in underpaid sectors, the majority of victims of sexual harassment at work. At the same time women are underrepresented on high managerial positions and face “glass ceiling” (women make only 14.7% of executive board members, which is a decrease in comparison to 2015. when the percentage was 17%).

They do not have equal opportunities for promotion at work and their salaries are lower than men’s (**pay gap is 12%**). Age is increasingly emerging as an obstacle to employment/promotion (less than one third of work capable women older than 54 years participate in the labor market).

During 2016, **an unfavorable demographic process**, which lasts for the last few decades, **has continued**. We have pointed out several trends that reflect women's inequalities in the labor market, and, at the same time, are contributing to an unfavorable demographic context. In that regard we have proposed the introduction of necessary measures which will encourage fathers to maximize their use of parental and maternity leave and facilitate the reintegration of women into the labor market after they gave birth. We also recommended that additional efforts and resources be invested in expansion of the institutional support network for parents. **Demographic and pro-birth policy should not support the exclusion of women from the labor market**. Instead it should be based on: higher employment of women (employment of both parents), expanding services and support to families and creating a family and children friendly environments. The experience of some European Union countries, which have recorded increased birth rates and positive demographic trends, show that this is possible.

There are still insufficient measures which would provide for the **balancing of the family and professional obligations**. Fathers should be more effectively encouraged to take more active care of children, especially in their early formative years. In 2016 there was an unexpected fall in the number of fathers who used maternity leave - 0.24% and parental leave - 4.42%. In that sense, we have given recommendations to the authorities to encourage the increase of the number of fathers who will use their respective rights.

In the area of **parental care** sexual stereotypes continue to represent the most common cause of fathers’ complaints (56.6%), while mothers point out the insensitive approach of the experts in relation to the domestic violence they were exposed to. However, in a number of cases, gender discrimination was not the case, and the treatment of the competent social care centers was conditioned by various objective factors. Some complaints concerned dissatisfaction with court proceedings and decisions related to parental care. However, the Ombudsperson for Gender Equality was unable to take them into procedure due to the independence of the courts.

It is worth mentioning the encouraging **good co-operation with the police and social welfare centers** which regularly respect the Ombudsperson's recommendations and improve their work and conduct accordingly. In addition, the Ombudsperson's last year's recommendation regarding the provision of supervision of the meetings between separated parents and their children, regardless of the fact that mothers and children were placed in shelters, was fully taken into account.

Regarding the cases of **domestic violence**, women are still, in vast majority, victims of misdemeanor offenses of domestic violence and criminal offenses with elements of violence. Citizens’ complaints include: the lack of recognition of certain forms of violence, double arrests (of the perpetrator and the victim), violation of protective measures, misunderstanding of the dynamics of domestic violence by the police and social care centers, etc. There is a continuous decrease in misdemeanor offences of domestic violence - 13.2% (77% of men and 23% of women misdemeanor offenders), and more than

9.5% **increase in criminal offenses with elements of violence among close persons** (92% men and 8% women).

Excellent cooperation was established with the Ministry of Interior and the Police Directorate and the Ministry of Demography, Family, Youth and Social Policy, in relation to resolving complaints on family/partner violence, violence against women and parental care.

Victims of **partner violence** still lack adequate legal protection, so better legislative solutions should be urgently found.

Concerning the rights of **sexual and gender minorities**, the *Law on the Lifelong Partnership of Persons of the Same Sex* continued to be successfully implemented in practice. In 2016 we tried to encourage judicial bodies to sanction **homophobic hate speech** and violence motivated by hatred towards the sexual and gender minorities. We proposed that the legal provisions ensure that acts motivated by hatred based on prejudice against the citizens of same-sex orientation would be prosecuted within a criminal and not within misdemeanor procedure. We also recommended improvements of the system of collecting and processing data related to the court disputes involving litigating, administrative, misdemeanor and criminal courts in relation to discrimination based on sexual orientation

Working on the complaints of the citizens discriminated against on the basis of **gender identity**, we pointed out to the Ministry of Health and National Health Council the need for normative frame on the basis of which **gender dysphoric persons** could solve their legal and medical status. We also emphasized the need for further measures that would improve the accessibility of health and medical services to gender dysphoric persons in Croatia, in order to enable them to live in another gender identity. We also worked on the cases related to the re-issuance of certificates, diplomas and health certificates after a gender change and unregulated therapeutic and health care system.

During participation in public events, as well as in working on citizens' complaints, a special attention was paid to addressing the problems of particularly vulnerable social groups that are at risk of **multiple discrimination** - women in rural areas, women with disabilities, women from national minorities, victims of sexual violence in the Homeland War, women harmed by the criminal act of prostitution and trafficking in human beings.

The establishment of the legislative framework on **the rights of victims of sexual violence in the Homeland War**, contributed to the personal and social rehabilitation of victims, especially women. It is certainly worth pointing out that the victims of sexual violence in the Homeland War can now realize all the rights under this Act, regardless of whether the perpetrator of sexual violence is known or not. Independently, or in association with other stakeholders, we have launched a series of initiatives regarding **women in rural areas**. However, we still point to the necessity of adopting the *Strategy for the Improvement of the Position of Women in Rural Areas*. We continuously monitor the position of **women with disabilities** in the areas of labor and employment, domestic violence, education, reproductive rights etc.

In the area of **education**, there were several cases related to gender equality issues in school textbooks and other teaching materials. In some of them, complaints were rejected as unfounded, while in others we established the existence of discrimination. After the Government issued 52 curricular documents, we analyzed them and concluded that, in general, these documents include a more substantial coverage of human rights issues, compared to current curricula, including the gender equality area. The attention

was drawn to the omission of contents related to learning and teaching about discrimination based on sexual orientation, taking into account empirical evidence which demonstrates the widespread discriminatory attitudes based on sexual orientation among elementary and high school students.

Based on many years of monitoring **the media**, we still cannot conclude that there has been a positive shift in the way the media portray women. They have been primarily portrayed as objects and praised for their looks and physical attributes. However, the number of citizens who report and complain to our institution about the inappropriate media contents from the aspect of gender equality has been increasing. In public space we still witness **sexism**. A parliamentary election campaign has shown the need for greater involvement of parties in the prevention and suppression of sexual stereotypes and sexism in the statements of their own members and candidates. The trends in the media about which we continuously report are: sensationalism in reporting on violence against women and domestic violence, the use of sexual stereotypes, the social networks as the sources of news, vilification and humiliation on the basis of sex in public statements, sexual stereotypes and sexism in advertising campaigns.

Women are still highly underrepresented in the areas where political and economic decisions are being made. Promotion of gender equality in **the area of political participation** still remains a great challenge. Only 12.6% of women (19 MPs) were elected at the last parliamentary elections. The last 10 years there is a constant of 17-18% of women in representative bodies on local level. On the eve of the election of the representatives for the Croatian Parliament, we addressed a recommendation to all active political parties to fulfill the obligation of the Article 15 item 1 of GEA, according to which they were obliged to respect the principle of gender equality and include at least 40% of each sex on their candidate lists. To this end, we proposed the use of the model recommended by the European Parliament and the Council of Europe - zip system - according to which every other person on the candidate list is of the opposite sex. Due to a non-compliance with political quotas, misdemeanor proceedings have not been initiated due to the discrepancies in the interpretation of legal provisions. The key issue was whether the Act on the Amendments to the Act on the Election of Members of Parliament in the Croatian Parliament prescribed sex quota of at least 40% for the parliamentary elections in 2015, earlier than the Gender Equality Act foresees it, or not. Our point of view was the same as the point of view of the Constitutional Court and the State Election Commission that the quota should have been applied for the parliamentary elections in 2015, while the State Attorney's office argued that there was no legal basis for initiating misdemeanor proceedings.

Concerning the discrimination of women in **sports**, we reacted with public statements or addressing sport associations. We recommended the environment in which women would be free from any form of gender-based violence and the suppression of stereotypes about sports as a "male" area. Women should be encourage engaging in sports activities and empowered to do so by greater promotion of sports among women, equal treatment of women in sports and elimination of gender based discrimination.

Regarding citizens' complaints about **reproductive rights**, apart from dealing with individual cases (treatment of women who gave birth, conscientious objections, contraceptives), we monitored the outcome of the medical inspection supervision that was carried out in order to improve the health care for pregnant women and women who gave birth. In that sense we support the recommendations of the UN Committee on the Elimination of Discrimination against Women to the Republic of Croatia.

We established a good cooperation with the Ministry of Health. Our recommendations, following the citizens' complaints regarding the activities of certain civil society organizations in hospitals and infirmaries, as well as the complaints concerning the accessibility of contraceptives, were respected.

There is an increase in complaints regarding **the provision and access to goods and services**, mostly in the area of health and banking services and insurance.

Great progress has been made in regard to the respect of the warnings and recommendations of the Ombudsperson for Gender Equality by those bodies or legal entities they were addressed to. The latest indicators show that compared to 2011, when only about 35% of state administration bodies, units of local and regional self-government and other bodies with public authority and other legal and natural persons were fully respecting and acting upon the Ombudsperson's warnings and recommendations, the percentage increased significantly to 84.6% in 2016.

Based on the citizens' complaints, the results of the conducted researches and analysis and our own initiatives, we included **92 case studies and 151 recommendation in the complete Annual Report for 2016**, in hope that the Government and the Croatian Parliament will take them into consideration and apply in the current year for the common purpose of improving constitutional principle of equal opportunities for men and women.

Zagreb, March 2017

**OMBUDSPERSON
FOR GENDER EQUALITY**

Višnja Ljubičić