

Summary of the Annual Report | 2019.



SUMMARY OF THE ANNUAL REPORT 2019

This summary includes an overview of the trends in the monitored areas and activities of the Ombudsperson for Gender Equality of the Republic of Croatia (Ombudsperson), while the full annual report for 2019¹ includes **detailed description of 99 cases** from the Ombudsperson's practice and detailed analysis of trends in the monitored areas of employment and labor, maternal and parental benefits, gender based violence, parental care, sexual and gender minorities' rights, education, the media, sports, political participation, reproductive health, international protection seekers, peace and security and access to goods and services. The full annual report also includes the Ombudsperson's concluding remarks based on monitoring the implementation of the Gender Equality Act (GEA) and other laws and regulations pertaining to gender equality, as well as **144 recommendations** to the authorized bodies.

In 2019 the Ombudsperson worked on the total of **1,719 cases**² out of which **503** were **citizens' complaints**. The majority of the remaining cases were opened in relation to monitoring the implementation of GEA.³ The full Annual Report for 2019 includes selection of characteristic and significant cases from the Ombudsperson's practice and other activities undertaken by an independent body for elimination of discrimination in the field of gender equality.⁴ The specificity of this reporting period is the implementation of two EU projects, one related to more effective protection and change of the system for combating violence against women, and the other to raising awareness about the pay gap and pension gap between men and women for the purpose of reducing the risk of poverty for women.⁵ Upon the proposal of the Government of the Republic of Croatia, on October 31st, 2019, the Croatian Parliament appointed Ms. Višnja Ljubičić as the Ombudswoman for Gender Equality for the second eight-year mandate.

1 PROTECTION AGAINST DISCRIMINATION - CASE STATISTICS

In the reporting year, **503** cases were **citizens' complaints** (an increase of 9.8 % in comparison with 2018). The same as previous reporting periods, the complaints were **related to the protection of women in 73.4%** of cases.

Classified by the grounds of discrimination, the citizens' complaints were related to: sex - 85.8%, sexual orientation - 6%, gender identity and expression - 3%, family and marital status - 1.2%, other grounds from the Anti-discrimination Act⁶ - 2%, while in 2% of cases, the Ombudsperson did not have grounds to act.

Classified by the area in which discrimination occurred, the majority of complaints, same as in previous reporting periods, was related to the area of social security and social welfare, pensions,

¹ The complete Annual Report for 2019 is available on our official web site www.prs.hr only in Croatian language.

² An increase of 9.1% in comparison to 1,576 cases in 2018.

³ Official Gazette, no. 82/08; 69/17.

⁴ Please note that the numbers of chapters in this Summary do not correspond with the numbers of chapters in the full Annual Report for 2019 because we could not include all the titles and subtitles in this Summary and the numeration changed.

⁵ JUST/2016/RGEN/AG/VAWA/9940 in 2017. and REC-RGEN-PENS-AG-2017-820696-GPPG from 2018.

⁶ Official Gazette, no. 85/08 and 112/12.

health insurance (29.2%), labor conditions (21.2%) and public administration (14.5%), which makes in total a significant percentage of 64.9% and confirms the persistence of this trend⁷.

As every year so far, acting upon complaints and personal initiative (in 24 cases), the Ombudsperson was active at all levels of state administration and all units of local and regional self-government, including other legal and natural persons and the media. Territorially, **the largest share of complaints comes from the City of Zagreb - 45.5%**, and this is largely due to the fact that the Ombudsperson does not have regional offices and that direct contacts with citizens outside the City of Zagreb are organized during the Ombudsperson's visits to counties, cities and municipalities.

By the end of the reporting year, 448 (89.1%) cases were completed, out of which discrimination was founded in 124 cases.

Conducting the examination procedure in all cases, the Ombudsperson received the requested statements from the authorized bodies mainly within deadlines and in full, and her cooperation with the competent authorities at the state, regional and local level, as well as with other stakeholders, can be assessed as good.

The Ombudsperson issued a total of **293 written recommendations, 160 warnings and 131 proposals** to the bodies at all levels of public authority and other legal and natural persons. **The trend of accepting** these warnings/recommendations/proposals has been maintained at a high percentage of cases - **89.3% in full** and in 7.1% cases partially (with an explanation why it cannot be fully accepted). In addition, based on citizens' complaints, the Ombudsperson reported to the competent State Attorney's Office the suspicion on commitment of a criminal offense in 5 cases⁸, a misdemeanour offense in 1 case⁹ and initiated the amendment of legal regulations in 3 cases¹⁰.

2 PROMOTION OF GENDER EQUALITY - ANALYSIS OF ACTIVITIES

In addition to monitoring the implementation of GEA and all other laws and regulations related to gender equality, the Ombudsperson promotes gender equality in order to raise awareness of the general public about equality of men and women as one of the fundamental values and conditions for faster economic development and social prosperity. In this sense, in 2019 the Ombudsperson:

- **monitored** from gender equality perspective **22 announcements** on the official e-Counselling application (e-Savjetovanje) **related to the law-making process** and provided commentaries and proposals to the legislator on 17 laws and regulations.

⁷ In 2018 – 71.4%.

⁸ When in the performance of his/her duties the Ombudsperson finds out about the violation of the provisions of GEA with the characteristics of a criminal offense, s/he submits a report to the competent State Attorney's Office (art.23.paragr.4. GEA). In 2019 there were - **4 cases in the area of work:** PRS-01-01/19-06, PRS-01-01/19-07, PRS-01-01/19-10 and PRS-01-02/19-12 and **1 from the area of public information and the media:** PRS-05-02/19-01.

⁹ When in the performance of his/her duties the Ombudsperson finds out about the violation of GEA with the characteristics of misdemeanour offence, s/he proposes to the authorised body initiation of misdemeanour procedure. In 2019 there was **1 case from the area of work:** PRS-01-06/19-01.

¹⁰ 2 cases from the area of pension and health insurance: PRS-01-05/19-08 and PRS-01-05/19-13 and 1 from the area of public administration: PRS-15-01/19-04.

- **conducted 3 independent researches¹¹**, one with the purpose of raising awareness about discrimination on the basis of sex in the area of sport and the other two about gender pay and pension gap in private and public sector;
- **conducted 10 analysis¹²** for the purpose of monitoring implementation of GEA and other laws and regulations related to gender equality in various areas of life and work;
- published **4 publications** within EU projects¹³;
- implemented **5 memorandums/agreements** about cooperation signed with:
 - (1) Police Academy of the Ministry of the Interior (from 2012)
 - (2) Legal Clinic of the Faculty of Law in Zagreb (from 2017)
 - (3) The Ministry for Demography, Family, Youth and Social Policy (from 2017)
 - (4) The Ministry of Defence of the Republic of Croatia (from 2017)
 - (5) Agency for Electronic Media (from 2019)¹⁴
- **Presided** over the „*Monitoring body for comprehensive supervision, data collection, analysis of cases of femicide and reporting - Femicide Watch*“, which the Ombudsperson established in 2017;
- As a project holder implemented **2 EU projects¹⁵**:
 - (1) „*Building more effective protection: transforming the system for combating violence against women*“, whose value is 427.762,27 EUR; implementation period April 1st, 2017 till December 31st, 2019.¹⁶
 - (2) „*Equal rights - equal pay – equal pensions*“ – *Expanding the scope of implementation of gender equality actions and legal standards towards achieving gender equality and combating poverty in Croatia*, whose value is 468.510,20 EUR; implementation period October 1st 2018 till September 30th 2020.¹⁷
 - (3) **As a supporter**, the Ombudsperson participated in an EU project ***Parents@Work: Changing Perceptions!*** The holder of this project is L&R Sozialforschung from Austria and partners are Austrian Ombudsperson for Equal Treatment and Center for Education, counselling and research CESI from Croatia. The project will be conducted from 1st of June 2019 until June 30th, 2021.

¹¹ Researches: (1) „**Gender equality in youth handball**“, doc.dr.sc. Zrinka Greblo Jurakić; (2 and 3) During the analytical phase of the European project REC-RGEN-PENS-AG-2017-820696-GPPG of which the Ombudswoman is a holder, two researches were conducted: 1. Institute for Social Researches from Zagreb conducted A) the quantitative research of attitudes towards the pay and pension gap of the employees in managerial positions and examination of practices and policies of companies and institutions in the private and public sector in the area of manufacturing, finance and insurance, and health and social work activities and B) examining the attitudes of high school students in the field of social welfare and health care, finance and insurance, and the manufacturing industry on the gender pay and pension gap. The results will be published in the form of a brochure and will be used to draft a strategic document containing standards, measures and actions to reduce the gender pay gap, which the Ombudswoman will present to the Croatian Parliament and the general public.

¹² The analysis are related to the monitoring of the implementation of GEA in the following areas: **2 analysis** - areas of labor market, **3 analysis** - public information and the media; **1 analysis** - education and **4 analysis** - implementation of public policies (strategies/protocols) in relation to gender equality.

¹³ During the analytical phase of the European project JUST/2016/RGEN/AG/VAWA/9940, the Ombudswoman published **4 publications** which are available on project web page <http://vawa.prs.hr>: „Quantitative results of the expert analysis of final criminal verdicts in violence against women cases, 2012-2016“, „Expert analysis of final criminal verdicts in violence against women cases 2012-2016“, „Quantitative results of the expert analysis of final misdemeanour verdicts in violence against women cases 2012-2016“ and „Expert analysis of final misdemeanour verdicts in violence against women cases 2012-2016“.

¹⁴ Agreement about cooperation signed on July 4th, 2019.

¹⁵ The Ombudswoman has been so far **the holder of four EU projects** financed by the European Commission with **the total value of 1.590,966 EUR**: (1) JUST/2012/PROG/AG/GE/4157 from 2013, (2) JUST/2014/RGEN/AG/GEND/7796 from 2016, (3) JUST/2016/RGEN/AG/VAWA/9940 from 2017 and REC-RGEN-PENS-AG-2017-820696-GPPG from 2018.

¹⁶ Final report about the implementation of the project was submitted to the European Commission on February 28th, 2020.

¹⁷ REC-RGEN-PENS-AG-2017-820696-GPPG.

- **Independently organized** 14 workshops and 3 educational lectures¹⁸, 3 conferences¹⁹, 2 round tables²⁰, 1 regional meeting²¹ and was a sponsor of 1 public event²².
- **Actively cooperated** with the state bodies and units of local and regional self-government, especially **with the mechanisms for ensuring implementation of GEA** on national and local level:
 - 1) Visited or conducted activities in the City of Zagreb, 9 counties, 12 cities of Croatia on 21 different event; participated and gave presentations on 173 events in Croatia;
 - 2) Actively participated in 11 sessions of parliamentary committees and county commissions for gender equality;
 - 3) Cooperated with 79 different organizations of civil society, ministries, agencies, institutes, international organizations with branches in Croatia, embassies, other ombudspersons, initiatives of political parties and parliamentarians, professional associations, trade unions, academic community, legal persons.

The Ombudsperson promoted the principles of gender equality at the local, national and regional level. All the activities of the Ombudsperson are visible on 5 official web pages which had **1.389,406** hits in 2019²³.

II. EU PROJECTS

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

The Ombudsperson was a holder of the EU project „*Building more effective protection: transforming the system for combating violence against women*“²⁴, whose value was 427,762.27 EUR, and was implemented in the period 1.4.2017 until 31.12.2019.²⁵ The project addressed the role of the police, judiciary and the media in cases of violence against women, with special emphasis on femicide. It included various target groups – judges of county and municipal courts, state attorneys (120), police

¹⁸ **9 two-day workshops** for the police, state attorneys and judges held in Zagreb (30.9.-1.10.2019, 10.-11.10.2019, 29.-30.10.2019), Osijek (3.-4.10.2019, 21.-22.10.2019, 17.-18.10.2019), Split (24.-25.9.2019, 14.-15.10.2019) and Trijelj (24.-25.10.2019) and **2 two-day workshops** for journalists (Zagreb 30.-31.10.2019 and Donja Stubica 13.-14.4.2019) within EU project JUST/2016/RGEN/AG/VAWA/9940; **3 two-day workshops** „Equality for all“ in Rijeka (12.-13.12.2019), Split (19.-20.11.2019) and Zagreb (14.-15.10.2019) within EU project REC-RGEN-PENS-AG-2017-820696-GPPG; **3 educational lectures in cooperation with OCS TransAid** held in the Center for Education of the Ministry of Justice, Directorate for the Prison System and Probation, at the prison premises in Zagreb, dedicated to the prison officers on the subject: “Training of civil servants - rights and specifics of working with transgender, transgender and gender non-normative persons” (11.12.2019, 13.11.2019 and 9.10.2019).

¹⁹ **(1)** Conference presentation of the Media Codex in Croatian Journalist Association within EU project JUST/2016/RGEN/AG/VAWA/9940 (8.3.2019); **(2)** marking the European Day of Equal Pay with a press-conference and the theatre play "Money is a noun of masculine gender" within EU project REC-RGEN-PENS-AG-2017-820696-GPPG (4.11.2019) and **(3)** final presentation of the implementation results of the EU project JUST/2016/RGEN/AG/VAWA/9940 (16.12.2019).

²⁰ **(1)** The Ombudswoman organized a round table entitled "Prevention of Violent Behaviour and Sexual Harassment in Sports" in cooperation with the Ombudsperson for Children, Committee for Gender Equality of the Croatian Parliament and a parliamentarian Mr Veljko Kajtazi (29.1.2019); **(2)** The Ombudswoman and project partner organization Woman's Room - Center for sexual rights held a round table „Role of the media in shaping perception about violence against women and femicide - influence on society and victims of violence“ within EU project JUST/2016/RGEN/AG/VAWA/9940 (20.2.2019).

²¹ On a Regional meeting of national mechanisms for gender equality the representative of Montenegro, Croatia, Northern Macedonia, Bosnia and Herzegovina and Serbia discussed gender policies in the Western Balkans countries (25.1.2019).

²² Under the patronage of the Ombudswoman, the World Bank's report "Investing in Equal Opportunities for All: An Analysis of Gender Equality in Croatia" was presented. (22.3.2019).

²³ <http://www.prs.hr>, <http://vawa.prs.hr>, <https://gppg.prs.hr/>, <http://rec.prs.hr>, <http://staklenilabirint.prs.hr>

²⁴ JUST/2016/RGEN/AG/VAWA/9940286.

²⁵ Project partner was an organization of civil society Woman's Room-Center for sexual rights and associated partners: Judicial Academy, Police Academy and Croatian Journalist Association.

officers (160), media representatives (75) and 464 women victims of violence within the counselling activities of the project partner - Woman's Room. Special efforts were made to sensitize the general public about the importance of combating violence against women and femicide. Conducted expert analyses of final misdemeanour and criminal verdicts in the cases of violence against women in the period from 2012 to 2016, were published in 2 publications.²⁶

The Ombudsperson **visited 22 courts** throughout the Republic of Croatia, where she gained an insight into 3,295 criminal and 1,092 misdemeanour verdicts, out of which **906 criminal and 557 misdemeanour verdicts** were taken for the **research sample**. The analysis focused on problematic aspects of court proceedings that the Ombudsperson had already noticed through individual complaints of citizens, as well as through previous research.

In cooperation with the Police Academy and the Judicial Academy, as associated partners, the Ombudsperson organized and conducted a total of **9 two-day trainings** in Zagreb, Osijek, Split and Trilj for a total of 83 judges of municipal and county courts, 63 state attorneys and deputies on municipal and county levels and 108 police officers. The total grade of the lecture content was 4.51 (out of 5). A total of **62% of the participants believe that there is a need for systematic training on gender-based violence**, while 77% of all three groups believe that the training has met expectations in terms of topics. Out of the total number of respondents to evaluation questionnaires, **66% believe that the content of education is applicable in practice**. A very high percentage of respondents (**90%**) are satisfied with the trainings. The most pronounced satisfaction with the training was recorded at the trainings for judges of the municipal and county courts, who gave the highest grade to the trainings (4.72).

Two in-depth analyses of media coverage of violence against women and femicide were conducted and published, on the basis of which the **“Media Code - Guide for Professional and Sensitized Reporting on Violence against Women and Femicide”** was developed and published.²⁷

The Ombudsperson also held the final conference of the project entitled **“Femicide - regional and global challenges”** (December 16, 2019), which presented the goals and achievements of the project and within which a panel discussion was held about femicide as a social, regional, European and global problem. As a part of the conference, a dramatic performance "Speak out!" was presented. It was created as part of the "Lily" project of the Ministry of the Interior, aimed at sensitizing citizens about violence.

1.2. EU project “Equal rights - equal pay – equal pensions“ – Expanding the scope of implementation of gender equality actions and legal standards towards achieving gender equality and combating poverty in Croatia ”

In 2019, the Ombudsperson was a holder of another EU project “Equal rights - equal pay – equal pensions“ – Expanding the scope of implementation of gender equality actions and legal standards towards achieving gender equality and combating poverty in Croatia²⁸, with a value of 468,510.20 EUR,

²⁶ „Expert analysis of the final misdemeanour verdicts in violence against women cases, 2012 – 2016“, on a sample of 470 final misdemeanour verdicts, and „Expert analysis of the final criminal verdicts in violence against women cases, 2012 – 2016“, on a sample of 655 criminal verdicts. Both analyses are available in Croatian on project web pages: <http://vawa.prs.hr/publikacije/>

²⁷ More information in chapter 6. of this Summary.

²⁸ “Equal rights – Equal Pay – Equal Pensions” – *Expanding the scope of implementation of gender equality actions and legal standards towards achieving gender equality and combating poverty in Croatia*, REC-RGEN-PENS-AG-2017-820696-GPPG, Partner organizations on the project are: Institute for social research in Zagreb, CESI – Center for education, counselling and research, Pensioners’ Union of Croatia and the

and implementation period from 1.10.2018 till 30.9.2020. The project addresses the almost invisible topic of gender inequality in wages and pensions, which results in social and economic insecurity for women. It aims to provide standards, measures and actions that will contribute to raising awareness of the existing problem of pay and pension gap between men and women in order to reduce the risk of poverty for women.

In the **research phase** (2019), the following activities were carried out: a) analysis of the situation; b) research of the attitudes of students of secondary vocational schools; c) research of the attitudes of employees in companies / institutions in the public and private sector. All researches were conducted in the areas of manufacturing, finance and insurance, health care and social welfare. The research of the attitudes, knowledge and prejudices of secondary vocational school students on the topic of the gender pay and pension gap included a survey on a sample of 600 students in Zagreb, Osijek, Rijeka and Split. The survey of the attitudes of employees in managerial positions was conducted on a sample of 135 persons and the analysis of a survey of the situation, practices and policies related to the gender pay and pension gap in companies and institutions in the public and private sectors in Zagreb, Osijek, Rijeka and Split.

Two-day workshops „Equality of all“ were held in Zagreb (14.-15.10.2019), Split (19.-20.11.2019) and Rijeka (12.-13.12.2019).²⁹ The workshops were attended by 158 people, namely: representatives of state institutions, local and regional authorities, secondary vocational schools, companies from the public and private sector, trade unions and civil society organizations.

Commemorating **the European Day of Equal Pay** - November 4th, 2019, the Ombudsperson organized **a press-conference** in the theatre &TD after which **a play „Money is a noun of masculine gender“**³⁰ was performed for the public. The play was developed within the project and based on real economic data about gender inequality in the labor market and on the cases of discrimination from the Ombudsperson's practice.³¹

The project was also presented in Brussels (June 26-27, 2019) at a meeting of organizations whose projects were funded through the European Commission under the Rights, Equality and Citizenship program.

The Voice of Pensioners³² published **monthly articles on the pension system and gender equality**.

The Ombudsperson spoke about the project at the public events outside project activities; in Osijek at the public debate "Obstacles to exercising the right to work",³³ at the round table "Gender equality in wages

Institute for equality of men and women (Belgium). State bodies which support the project are: Ministry of Labor and Pension System, Ministry of Science and Education, Ministry of Administration and Croatian Bureau of Statistics. More on project pages: <http://gppg.prs.hr>

²⁹ The topics of the workshops were: the problem of unequal wages and pensions, gender issues, the impact of education on the problem of unequal wages, the importance of reconciling family and professional life in order to achieve equality in the labor market and pension system and the situation in Belgium as an example of good practice in salaries and pensions.

³⁰ Text for the play was written by Petra Radin, director was Mario Kovač, and actors were Petra Težak, Petra Radin and Mario Kovač.

³¹ The commemorating of the European Day of Equal Pay was realized in cooperation with the Student Center in Zagreb.

³² <https://www.suh.hr/index.php/glasilo-suh-a>

³³ Public debate within the project „Pokreni“ (Set it in motion) was organized by the women's group „Izvor“ from Tenja (10.12.2019).

policy - problems and possible solutions" held in the Croatian Parliament³⁴, as part of a lecture at the Faculty of Law³⁵, at the meeting with the Human Rights Ombudsman of Bosnia and Herzegovina and during the visit of a delegation from Georgia.³⁶

1.3. PROJECT „PARENTS@WORK: changing perceptions!“

The Ombudsperson joined as a supporting institution to the EU project „*Parents@work: changing perceptions!*“, whose holder is L&R Sozialforschung from Austria. Partners on the project are the Austrian Ombudsperson for Equal Treatment and Center for Education, Counselling and Research - CESI from Croatia. The project will be implemented from 1.7.2019 until 30.6.2021.

III. ANALYSIS BY AREA OF WORK

1 EMPLOYMENT AND LABOR

1.1. Unemployment and work (in)activity

According to the Central Bureau of Statistics (CBS), the Republic of Croatia had on average in the first three quarters of 2019 slightly more than 3.52 million of working age population³⁷, out of which 52.5% were women and 47.5% men. The analysis of CBS data for the period 2015-2018³⁸ shows a continuous regression trend, which is manifested by a decline in the number of working age population in each subsequent quarter compared to the previous one. This negative trend affects women more; their number in the working population fell by 2.02%, while the number of men fell by 1.8%. The share of women in the average number of work active population, according to data for 2018, was 46.5% and the share of men 53.5%. The average share of women in the active population slightly increased, and the breakdown by age shows that the largest imbalance in gender structure in the average number of active population has shifted to the age group 15 to 24 (16%).

CBS data on the employment rate³⁹ show, in the long run, a continuous growth. The male employment rate averaged 53% in 2018, while the female employment rate averaged 41.3%, resulting in a long-standing gender gap in the employment rate of over 10 percentage points.

In the Republic of Croatia in 2018, on average, out of the total number of employees, 19.43% of men and 20.58% of women were employed per **fixed-term contracts**. The largest difference by gender is still present in the age group 15 to 24, amounting to 17.6%, which is approximately equal to the data from the report for 2018.

In relation to the fixed-term contracts, the Ombudsperson points to the problem of the so-called precarious (uncertain or insecure) work in the Republic of Croatia. Namely, according to the Eurostat

³⁴ Round table was held in organization of the Club of the parliamentarians from Croatian Peasant Party and Democrats (27.11.2019).

³⁵ The Ombudswoman held a lecture in organization of Jean Monnet Center of Excellence of the Faculty of Law in Zagreb (9.5.2019).

³⁶ The Ombudswoman met in her office with a delegation from Georgia, which included representatives of the Ministry of the Interior, the Prosecutor's Office, the courts, ombuds institutions and non-governmental organizations (4.4.2019).

³⁷ According to the methodological explanation of the Central Bureau of Statistics, the working age population consists of persons older than 15.

³⁸ Central Bureau of Statistics, Results of the Labor Force Survey-Croatia 2018-Europe 2018, Zagreb 2020.

³⁹ Active population in ⁴⁰ Eurostat, Employment and unemployment (LFS) database.

data,⁴⁰ the Republic of Croatia is a member of the European Union with the highest precarious work rate, which was 6.9% in 2018.⁴¹ If precarious work is viewed in a broader aspect that includes a combination of factors related to short contract duration, fewer working hours, and low wages, women are at a disadvantage. According to a survey conducted by the European Institute for Gender Equality⁴², in such a broad aspect, 27% of women in the European Union are employed in precarious jobs, compared to 15% of men.

The average male unemployment rate was 7.6% and the average female unemployment rate was 9.3%. Compared to 2017 data, the average unemployment rate fell by 3% for men and by 2.6% for women.

1.2. Gender based segregation in the labor market

According to the CBS Labor Force Survey in 2018, a serious disbalance in the representation of men and women is present in the agriculture, forestry and fisheries sectors and industry (where men make up, on average, over 73% of employees), then in the transport sector (men make up about 80% on average) and in the sector of other services⁴³ (where women, on average, make up over 75% of employees). A significant disbalance in the representation of both sexes in the category of self-employed persons continues. Approximately 65% of the self-employed are men and 35% are women.

Given that 2020 is the last year of formal validity of the *Strategy for the Development of Women's Entrepreneurship in the Republic of Croatia 2014-2020*, the possibility opens up for a new strategic deliberation about the reasons of low participation of women in the entrepreneurial sector and ways to achieve their greater representation. With very slight oscillations, there is still a negative trend of low representation of women in management positions of joint stock companies. According to HANFA⁴⁴ data, **the share of women in the management boards of joint stock companies**, whose shares on 31 December 2018 were listed on a regulated market managed by the Zagreb Stock Exchange, was **14.39%**, while the share of women **in the supervisory boards** of these companies was **21.41%**.

1.3. Equal pay for equal value work - pay gap and pension gap

According to the latest available CBS data, the average **pay gap was 12.74% in 2018**, which is 0.45% lower than in the previous period. The analysis of the pay gap by the areas in the labor market shows that **women have lower wages in 16 out of 19 areas of activity**. Particularly distinctive pay gaps are present in *health care and social welfare* (27.75%), *finance and insurance* (27.59%) and *wholesale and retail trade* (21.66%). If the above data are brought into the context of the representation of each sex in a particular activity, we can notice that in all three areas women are more represented, with a significant dominance in the first two areas of 78.7%, which indicates a higher representation of men in better paid positions in the organizational hierarchy. The area of *water supply* seems to be a

⁴⁰ Eurostat, Employment and unemployment (LFS) database.

⁴¹ It refers to the share of employees with short-term contracts lasting up to 3 months.

⁴² European Institute for Gender Equality: Gender, skills and precarious work in the EU.

⁴³ Other services include the areas of P-U NKD 2007., which include education (P), health care and social welfare (Q), arts, entertainment and recreation (R), other service activities (S), household activities as employers; activities of households producing different goods and providing different services for own use (T) and activities of extraterritorial organizations and bodies (U).

⁴⁴ Croatian Financial Services Supervision Agency

relatively uniform area in terms of wage distribution, including wastewater disposal and waste management, where the pay gap is 1.17%.

The pension gap, calculated according from the data on the average pension for men and women, is **21.54%** in 2018, which is slightly lower than in 2017, when the gap was 21.6%. The ultimate consequence of worse position of women in the labor market and lower wages and pensions is manifested in the area of the poverty risks. **The risk of poverty rate for women aged 55-64 is 23.3%**, which is about 3% more than for men of the same age, and the difference in the rate is most pronounced compared to women's age group **65 and over**, where the rate is **31.3%**, or **7.8% higher than for men**. Anticipating the seriousness of the problem of the pay and pension gaps, the Ombudsperson launched in 2018 the EU project "*Equal rights - equal pay - equal pensions*".

In conclusion, having in mind the presented data and the level of realization of the principles of gender equality in the field of work and employment, the Ombudsperson gives the following recommendations: (1) Encourage the more intensive use of active employment policy measures, especially measures that open the possibility of more significant entry of women into the labor market and measures that increase their employability and adaptation to the current needs of the labor market through training; (2) Develop a new Strategy for the Development of Women's Entrepreneurship with action plans that will cover shorter periods and activities with a clear link on how to achieve the set goals; (3) Include in the new National Policy for Gender Equality a package of measures aimed at achieving equal opportunities in the labor market, taking into account the experiences of leading countries in gender equality in the area of labor; (4) Plan gender-sensitive budgets at the state level and at the level of local and regional self-government units in relation to the area of labor and employment; (5) Stronger engagement of bodies of local and regional self-government in the implementation of special measures based on GEA and the Anti-Discrimination Act with the aim of greater inclusion of women in the labor market; (6) Develop measures that will lead to an increase in the employment of men in the area of services and an increase in the employment of women in the area of industry in order to eliminate horizontal segregation; (7) Develop measures to promote a gender-balanced hierarchical structure of employees in order to eliminate vertical gender segregation; (8) Consistently transpose and implement new EU directives in the labor area; (9) Introduce wage transparency measures in all areas of work; (10) Consider measures to eliminate the elements of the pension gap resulting from lower incomes at the time of the use of parental leave and other care related leaves of absence; (11) Stop the trend of employment per fixed-term contracts.⁴⁵

1.4. Guidelines for the development and implementation of the active employment policy in Croatia 2018-2020 - IMPLEMENTATION ANALYSIS FOR 2019

In order to analyse the implementation of the *Guidelines for the Development and Implementation of Active Employment Policy in the Republic of Croatia for the period from 2018 to 2020* (AEP Guidelines), for the purpose of monitoring the implementation of labor and employment policy from the aspect of gender equality, the Ombudsperson requested from individual AEP holders data on the

⁴⁵ Compared to the CES indicators, the trend of a significantly higher number of fixed-term employees (88.2% in 2019), which seems to affect men and women equally, perpetuates the more unfavourable position of women in the labor market (2019 - the share of women in the number of permanently employed was 54.2% and per fixed-term contracts 58.4%).

implementation of activities for 2019, classified by counties and based on the gender of the beneficiaries.⁴⁶

The Croatian Employment Service (CES), as a key player in the labor market, monitored changes and needs in the labor market and intervened by implementing 11 AEP measures popularly called "From a measure to a career". Out of the 36,926 newly enrolled beneficiaries, 19,504 or 52.8% were women. The analysis by the implemented measures and segregated by gender shows that women used 7 measures more than men⁴⁷ and men 4 measures more than women⁴⁸. The analysis by counties and gender shows that in all counties both men and women used the measures proportionately and there were no significant differences.

Some AEP measures are still not implemented in all counties⁴⁹, and the further declining trend is particularly worrying in the number of: (1) beneficiaries from particularly socially vulnerable groups of the unemployed - "**victims of domestic violence**" and (2) **a small number of counties in which persons from this group are included**. Namely, in 2019, 10 women - victims of domestic violence - used AEP measures in the City of Zagreb and 5 counties (measures: employment aid and public works), compared to 2018, when 12 women - victims of domestic violence - from the area of the City of Zagreb and 4 counties were beneficiaries of these measures. AEP measures should be aimed at increasing the employment rate, harmonizing supply and demand in the labor market and strengthening mutual share of information between participants in the labor market - employers and job seekers.

Following the recommendations from previous reporting periods, the Ombudsperson recommends: (1) that labor market participants, at the national and local levels, should empower and motivate women to use more actively the measures provided by the AEP Guidelines, especially measures for obtaining various financial incentives, (2) support for the victims of domestic violence in the labor market requires their greater visibility by the employers, especially in relation to the opportunities offered by the AEP Guidelines. The bodies of counties, cities and municipalities should take a more active role in spreading information with the centers for social welfare, shelters and counselling centers for women victims of domestic violence, as well as in mediation between regional offices of Croatian Employment Institute and employers. The aim is a better implementation of measures from the AEP Guidelines in relation to a special group of unemployed - victims of domestic violence.⁵⁰

⁴⁶ The Ombudsperson requested from: the Croatian Employment Service, the Ministry of Economy, Entrepreneurship and Crafts, the Ministry of Labor and Pension System, the Ministry of Science and Education, the Institute for Expertise, Vocational Rehabilitation and Employment of Persons with Disabilities, the Ministry of Agriculture and the Ministry of Demography, Families, Youth and Social Policy.

⁴⁷ Measures involving more female beneficiaries: (2) education of the unemployed and employed, (3) support for job preservation, (4) on-the-job training, (5) training for gaining relevant work experience (30+), (7) employment grants for gaining first work experience/internship, (9) vocational training for work without employment and (10) permanent seasonal work.

⁴⁸ As in 2018, the measures in which there were more male beneficiaries were: (1) public work, (6) employment aid, (8) self-employment aid and (10) specialization training aid.

⁴⁹ Measures that were not implemented classified by counties: "specialization training aid" - 10 counties, "aid for job preservation" - 9 counties, "training for gaining relevant work experience (30+)" - 4 counties and "permanent seasonal work" - 3.

⁵⁰ Measures from the AEP Guidelines intended for a special group of unemployed - victims of domestic violence - were not implemented in 15 counties, and in the counties where the number of persons involved was minimal (10 women victims of domestic violence were employed in the City of Zagreb and 5 counties).

1.5. MATERNITY AND PARENTAL BENEFITS

The Ombudsperson continued to monitor statistical indicators about the maternity and parental benefits users which show that there was a slight increase in the number of male beneficiaries compared to 2018 (from 3,488 or 7.55% of beneficiaries in 2018, to 4,202 or 8.71% in 2019). The Government of the Republic of Croatia adopted (11 December 2019) the *Draft proposal of the Law on Amendments to the Maternity and Parental Benefits Act* proposing an increase in the maximum amount of salary compensation paid during the use of parental leave for the employed and self-employed parents from 120% of the budget base per month (current limit of HRK 3,991.20) to 170% of the budget base (HRK 5,654.20) for the first 6 months, if this right is used by one parent, or the first 8 months, if this right is used by both parents.

The Republic of Croatia is among the EU member states in which men (fathers) use maternity and parental benefits the least. The causes of such a condition should be sought in the fact that the role of women is still primarily child-oriented as well as household and family oriented. One of the main causes of this problem is inadequate policy in the area of work-life balance. The situation could be remedied by implementing *Directive (EU) 2019/1158 of the European Parliament and of the Council on the work-life balance of parents and carers* and repealing Council Directive 2010/18/EU⁵¹, which provides for, inter alia, *father's leave*. It means that Member States must take the necessary measures to ensure that fathers are entitled to paternity leave of at least ten working days on the occasion of the birth of a child. Part of the activities of the Ombudsperson in this area was related to the cases in which mothers were employees of the companies over which bankruptcy proceedings were completed while they were exercising the rights from the system of legal maternity and parental benefits.

1.6. SEXUAL HARASSMENT IN THE AREA OF EMPLOYMENT AND LABOR

Over the last few years, there has been a significant increase in the number of citizens who complain to the Ombudsperson about sexual harassment of a misdemeanour nature, mainly in the area of labor and employment. According to official data of the Ministry of the Interior, **in 2019 there was a 55% increase in sexual harassment cases under Article 156 of the Criminal Code, compared to 2017**. There was also a trend in the increasing number of anonymous complaints, while the trend of women as exclusive victims of sexual harassment in the field of misdemeanour legislation was confirmed.

These trends indicate that citizens are more and more aware of the illegality and harmfulness of this act. However, the growing number of anonymous complaints indicates that the legislative framework, the effectiveness of victim protection and the mechanisms for sanctioning this illegal behaviour do not work as they should in practice, which has a demotivating effect on victims who find it difficult to report, but when they do, they seek protection of their identity, i.e. anonymity in proceedings. The fact that the victims are exclusively women clearly indicates the gender conditionality of this offense. Practice shows that **the legislative framework does not offer a sufficient level of protection**. There are several reasons; firstly, several laws and regulations contain the same or very similar definition of sexual harassment, while the levels of punishment and sanctioning differ; secondly, in some laws, authorized prosecutors are not clearly defined (e.g. in GEA), and therefore there is a general lack of effective and dissuasive sanctioning of perpetrators; thirdly, judicial practice is not gender sensitive, so

⁵¹ <https://eur-lex.europa.eu/legal-content/HR/TXT/PDF/?uri=CELEX:32019L1158&from=EN>

consequently laws are generally interpreted either literally or grammatically, without understanding the spirit of a particular normative solution or without ensuring the necessary protection of the victim. For example, the protection of victims through the Criminal Code (Art. 156) suffers from a deviant interpretation of this norm by case law. The attitude and law interpretation of some courts that the recurrence of sexual harassment does not apply when the perpetrator continues to behave in the same manner immediately after the victim has indicated that this kind of sexual behaviour was undesirable, but only in those cases when the behaviour was terminated at one occasion and repeated under new circumstances in another time and place. Such an interpretation is completely unacceptable and condemnable. The Ombudsperson's position is that when the victim says "no" or expresses resistance during the first attempt at sexual harassment, any further continuation of the harmful act should be considered repeated sexual harassment behaviour and should be prosecuted if there is a relationship of superiority and subordination, i.e. dependence, between the perpetrator and the victim.

The Ombudsperson draws the attention of the Government of the Republic of Croatia to the fact that at the conference in Geneva (June 10-21, 2019), the International Labor Organization (ILO) adopted a number of regulations aimed at improving the position of workers in the world, which significantly refer to improvement of gender equality in the area of employment and labor. The most important regulation is „*Convention concerning the elimination of violence and harassment in the world of work*“ which requires member states to take a number of measures to prevent gender-based violence and harassment in the area of employment and work, pointing out that the victims of these forms of violence are most often girls and women.

1.7. DEMOGRAPHIC POLICY AND THE OMBUDSPERSON'S ACTIVITIES

According to the provisional data of the CBS, the negative natural population growth continued in 2019, amounting to -16,184, i.e. 802 or about 2.2% fewer children were born in 2019 than in 2018. Croatia has been in a serious demographic crisis for a long time in which the birth rate is constantly and rapidly declining, and fertility rates and population are declining with an aging population and increased emigration.

The fact that demographic and pro-birth policy has an important place in the programs of the current Government of the Republic of Croatia is somewhat encouraging. Starting from the negative demographic trend and the fact that such a situation affects the achievement of gender equality, the Ombudsperson continued to emphasize that effective demographic policy should be closely linked to the implementation of the constitutional principle of gender equality and that demographic and pro-birth policy should not harm women. The Ombudsperson proposes to ensure a comprehensive and long-term demographic and population policy that will respect the principles that affirm gender-based policy.

2 GENDER BASED VIOLENCE

2.1. DOMESTIC VIOLENCE

In the area of combating and eliminating gender-based violence and domestic violence, the reporting year is characterized by the efforts of legislators and practices aimed at establishing more effective mechanisms for prevention, prosecution and sanctioning of gender-based violence, but on the other hand also uncertainties in a sense of legal changes and implementation of the legislative framework in the spirit of the ratified *Council of Europe Convention on Preventing and Combating Violence against*

Women and Domestic Violence (Convention)⁵². Namely, although the ratification of the Convention, which entered into force on 1 October 2018, enabled Croatia to start with significant improvement of the legislative framework and practice in combating gender-based violence, domestic violence and violence against women, it, unfortunately, did not happen in a systematic and integrative way under the leadership of expert professionals. Not only did a number of relevant legislative amendments take place immediately before the ratification, but the legislator decided to change the laws on the basis of individual cases that disturbed the public with their brutality and especially their court epilogue. Thus, a significant number of regulations in this area remained inconsistent with the Convention. *Law on Protection from Domestic Violence, Criminal Code, Misdemeanour Law, Family Law* are essential laws in the field of combating gender-based violence, which still do not recognize violence against women as gender-based and do not criminalize it or determine ex officio prosecution. Ultimately they do not provide real, but only declarative protection to the victims. The Ombudsperson warns that for years the judiciary has sentenced unconditional prison sentences to less than 10% of the total number of all perpetrators of violence, all others have been sentenced to relatively mild fines, i.e. suspended prison sentences. The reason for such a **mild penal policy** is precisely the lack of education of judges and state attorneys and the chronic deficit of early professional and preventive work with families and perpetrators of violence, whose work is often taken over by the courts who are aware of the fact that only punishments cannot resolve the problem of domestic and gender-based violence.

2.1.1. Misdemeanour acts of domestic violence

According to the submitted data from the Ministry of the Interior (MI), **9,626 persons were reported for domestic violence as misdemeanour acts** (6.3% less than in the same period last year when 10,272 persons were reported for misdemeanours), out of which 7,503 were **men (77.7%)** and 2,123 women (22.3%).

A total of **2,052 recidivists** (21%) of domestic violence as misdemeanour acts were recorded (1,680 recidivists under Article 22, paragraph 2, 262 recidivists under Article 22, paragraph 4, and 130 recidivists under Article 22, paragraph 6 of the Law on Protection from Domestic Violence), which is 8.4% less than in the same period last year when 2,434 recidivists were registered. The number of reported persons indicates a continuing decline in the number of cases of domestic violence of about 10% per year. Compared to 2009, the number of reported persons i.e. requested police interventions for domestic violence as misdemeanour acts, has almost halved (from 18,951 in 2009 to only 9,626 reported persons in 2019). As in 2018, the Ombudsperson points out again that this declining trend in the number of reported cases of domestic violence, combined with extremely small numbers of unconditionally convicted persons and continuous multi-year growth in the number of criminal offences among relatives and family members, is not a sign of system efficiency but, on the contrary, of its ineffectiveness.

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

The reporting year (2019) is characterized by a significant increase in criminal offence of domestic violence committed between closely related people compared to last year (2018). The analysis of MI data in 2019 shows a significant increase in criminal offenses of domestic violence among closely

⁵² Official Gazette, International Contracts, no.03/18.

related persons (a total of 4,460), which is 28% more than in 2018, when 3,198 criminal offenses were recorded. By these offences a total of 4,641 victims were harmed (which is 27% more victims than in 2018, when a total of harmed victims was 3,347). **Out of the total number of victims, 3,640 were women (78% or 29% more than in 2018), and 1,001 are men (22% or 19% more than in 2018).** There has been a significant and worrying increase in all key parameters - overall by gender, which means that the gender determinant of this type of violence also grows significantly. Although the number of male victims is also increasing, the number of female victims is growing disproportionately more.

2.1.3. Femicide

According to the data of the Ministry of the Interior, which are harmonized with the data of the Ombudsperson, **13 women were killed in the reporting year.** Out of this number, 10 women were killed by a close male person (intimate partners and close family members), while out of the 10 mentioned men, 7 perpetrators were intimate partners of the victims (husbands, extramarital partners and partners). As the last year, the Ombudsperson established that in most of the analysed cases of domestic violence, the trigger for murder, aggravated murder or death threats was the decision of the wife or partner to leave her husband, or a firm decision to oppose him. Unfortunately, the authorities were too often unable to recognize this trigger, i.e. to perceive it as a serious potential threat to a woman's life, so their reaction was slow or inadequate, which significantly contributed to women's exposure to an increased risk of femicide.

2.1.4. Trends

Threat is still the most common criminal offence committed in the family between closely related family members with a total of 2,371 recorded cases. In the second place is *the criminal offence of domestic violence* with as many as 1,134 recorded cases, which is 45% more than in 2018 (when 623 of these crimes were committed). **Out of the total number of committed criminal offences of domestic violence, 992 victims were women (87%)** and 142 or 13% were male victims. *The bodily injury* is in third place with a total of 605 recorded cases.

Among the three-digit criminal offenses of domestic violence between closely related persons is the criminal offense of *Intrusive Behaviour* with 111 recorded cases. Among the perpetrators of *criminal offences against sexual freedom* (Sexual intercourse without consent, Rape, and Sexual harassment), 90% of the victims were women.⁵³ According to the Ombudsperson, there are three basic foundations for an effective fight against gender-based and domestic violence: **1.** Early preventive and professional psychotherapeutic work with families in conflict situations, before the escalation of gender-based domestic violence, and before the breakup of the family and/or the breakdown of partnerships and often consequent violence; **2.** Social reintegration of perpetrators of domestic violence through long-lasting psychosocial treatment; **3.** Comprehensive education on gender-based violence and non-violent methods of conflict resolution at all levels of society. Judicial repression and punishment should be the last option in the fight against this type of violence, an exception, not the rule. Consequently, the penalties would be stricter and the social message of zero tolerance for (domestic) violence clearer. Unfortunately, our system of combating (gender-based) violence relies primarily on repression, so violence mostly 'relocates' from the sphere of misdemeanour legislation to the sphere of criminal law.

⁵³ In 7 cases, men were recorded as victims of these crimes. In 1 case a man was recorded as a victim of the criminal offense of Sexual Intercourse without consent, while in 6 cases men were recorded as victims of the criminal offense of Sexual Harassment.

Misdemeanour sanctions as the only preventive mechanism are not effective without other forms of social prevention and long-term resocialization of perpetrators. Regarding the implemented protective measures of psychosocial treatment according to Article 13 of the Law on Protection from Domestic Violence, the Ministry of Justice submitted information that psychosocial treatment was determined for 385 persons, out of which 285 persons completed it, of which 219 men (76%) and 66 women (24%). The Ministry of Justice submitted data that out of the planned 1,000,000.00 HRK, it paid (2019) a total of only 656,438.82 HRK to the providers of protective and safety measures of psychosocial treatment. Since in 2018, out of 1,000,000.00 HRK, they spent for psychosocial treatment 883,615.68 HRK, it means that 26% less funds were spent in 2019 on this key activity in combating domestic and gender-based violence. According to the Ombudsperson, almost half of the funds spent for this activity, which are less than the total planned for this activity, certainly do not contribute to the effective suppression of domestic violence, but, on the contrary, to the described trends of brutalization of gender-based violence.

2.1.5. Concluding commentary and recommendations

Emphasizing the importance of early prevention of violence and resocialization of perpetrators, which are the most important and largely neglected aspects in the fight against violence against women in the Republic of Croatia, and with the support of members of the Working Group of the Femicide Watch, the Ombudsperson gives the following recommendations for combating gender-based violence and in particular femicide: (1) to develop a unique, simplified and understandable protocol for police action when intervening in cases of domestic violence; (2) to strengthen cooperation between the police and the State Attorney's Office in cases of domestic violence and violence against women; (3) to introduce systematic and regular training of judges and public prosecutors at the Judicial Academy exclusively on the prosecution and punishment in cases of gender-based violence; (4) to establish special departments in courts and state attorney's offices with specialized judges and state attorneys only for domestic violence, and special police departments with specialized police personnel for gender-based and domestic violence; (5) to establish a state body with professional staff, primarily psychological professions, which will deal with early prevention of violence; (6) to amend the legislation in such a way as to enable the establishment of joint teams of professionals who, together with the (basic) police, would go out in the field during each report of domestic violence.

2.1.6. Treatment of victims of domestic violence by the social welfare centers

During this reporting period, the generally good practice of the centers regarding the consistent application of the provisions of the *Protocol on the Procedure in Cases of Domestic Violence*, towards victims of domestic violence, continued. The new Protocol, as the old one, prescribes the obligations of social welfare centers in cases of suspicion or knowledge of domestic violence, and the General Principles for the Work of Competent Authorities emphasize the importance of considerate, impartial and professional treatment of victims. The observed oversights in the treatment of the centers represent (as in previous years) only individual and isolated cases, and not the usual standard in the treatment of victims. One of the current issues during this reporting period (as well as the previous ones) was the importance of **a sensitized and individual approach to the victims of domestic violence**, which is why it is necessary to continue with the ongoing training of professional staff of the centers.

2.1.7. Implementation of the National Strategy for Protection against domestic violence

The Ombudsperson continued to monitor and analyse the implementation of the *National Strategy for Protection against Domestic Violence* for the period 2017- 2022 (National Strategy) and obtained and

analysed the reports of the most important stakeholders in the implementation of the National Strategy. Although there is some continuity in the implementation of the National Strategy measures, the Ombudsperson expresses again her concern that in recent years the financial resources for the implementation of the National Strategy measures have not increased, both at the national and local level. There are still no new shelters for victims of domestic violence and no increase in funding for the infrastructure of existing shelters. Regarding the housing of victims of domestic violence, the results are minimal. Regarding the employment of victims of violence and their inclusion in active employment policy, there is a decrease in the number of registered unemployed victims of violence, a decrease in the number of employees and a reduced involvement in active employment policy measures. The Ombudsperson points out again that in order to better implement certain measures, it is necessary to provide significantly more financial resources.

2.1.8. Implementation of the Protocol on Treatment in Domestic Violence Cases

In accordance with the new Protocol on Treatment in Domestic Violence Cases (Protocol; 19 June 2019), measures to improve the work of competent bodies and civil society organizations are taken by teams for preventing and combating violence against women and domestic violence at the national and county levels under the *Agreement on co-operation between relevant authorized bodies in the area of preventing and combating violence against women and domestic violence* (23.11.2018.). During the reporting period, teams were established in all counties, and some of them were more pro-active in their work⁵⁴, as well as the National Team for Preventing and Combating Violence against Women and Domestic Violence. However, in practice there are certain ambiguities, especially regarding the manner of conducting the consultation supervision provided by the Protocol by the county teams. Therefore, the Ombudsperson's recommendations are aimed precisely at resolving all possible ambiguities, continuation of the established cooperation and further pro-active work of all teams.

2.2. PARTNER VIOLENCE

Intimate partners still do not have adequate legal protection from the violence to which they are exposed, i.e. the protection of victims of partner violence has not yet found an appropriate legislative solution, regardless of the frequency and significant brutality. Given that the Ombudsperson's proposals to expand the circle of protected persons by the Law on Protection from Domestic Violence, i.e. to provide protection to persons who are or have been in intimate partnerships, have not been accepted, Croatia will have to harmonize its legislation as soon as possible with the *Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence*, according to which the term *family* includes partners regardless of whether they have or have had the same residence or live or have lived in a joint household.

2.3. RAPE

During the reporting period there was **a significant increase** in the number of recorded crimes **of rape** (from 56 to 73, an increase of 30%) **and** crimes of **sexual intercourse without consent** (from 69 to 116, an increase of as much as 68%). In relation to the offenses committed between *closely related persons*, there is also an increase in the number of registered criminal offenses of sexual intercourse

⁵⁴ Teams in Požeško-slavonska, Vukovarsko-srijemska, Šibensko-kninska, Međimurska, Virovitičko-podravska, Dubrovačko-neretvanska and Krapinsko-zagorska counties.

without consent (from 27 to 37, which is an increase of 37%) while at the same time there is a decrease in the criminal offense of rape (from 30 to 23, which is a decrease of 23.3%). In almost all cases, **the victims were women**. Every third criminal offense of rape, as well as sexual intercourse without consent, was committed **between closely related persons** (most often spouses and extramarital partners and siblings). During 2019, there were **significant changes in the criminal legislation** in such a way that the criminal act of sexual intercourse without the consent from the Article 152 was deleted, but the continuity of it is preserved in the criminal offense of rape under Article 153, paragraph 1. of the Criminal Code for which the Ombudsperson advocated (changes came into force on 1.1.2020).

3 PARENTAL CARE

Complaints in this area, filed by fathers in 48.10% of cases, related to gender stereotypes concerning parental care. Fathers pointed out, in particular, the stereotypical understanding of the father's role and position in child care and difficulties in realizing the relationship with the child/ren they did not live with. At the same time, mothers' complaints were mainly focused on their disadvantage due to domestic violence, which was also reflected in their parental competencies. Generally good practice of social welfare centers in this area continued with a few exceptions in well-founded complaints in individual cases. The Ombudsperson continuously emphasizes that the principle of gender equality in the field of parental care implies equal participation of both parents in the child care and welfare, as well as equal respect and review of their allegations.

4 SEXUAL AND GENDER MINORITIES

Regarding the implementation of the *Law on Life Partnership of Persons of the Same Sex*⁵⁵, according to the Ministry of Administration, a total of **47 life partnerships were concluded** (2019) (8 less than in 2018), out of which 29 among males and 18 among females.

Although envisaged by the Action Plan for the implementation of the National Plan for Combating Discrimination for the period 2017-2019, measures to educate the bodies responsible for its implementation and to ensure monitoring of the implementation of the Law on Life Partnership of Persons of the Same Sex - have not been implemented.

The focus of the public was on the *Foster Care Act* due to the media-exposed case of rejection of the life partners of the same sex application for a foster care and ignoring the decision of the Administrative Court in Zagreb by the Center for Social Welfare Zagreb. The Ombudsperson believes that the provisions of the Foster Care Act should be interpreted in the spirit of the decision of the Constitutional Court of the Republic of Croatia (January 29, 2020) in a way that will enable all persons under the same conditions to participate in the public social foster care service, regardless of whether a potential foster parent lives in a life partnership or in informal life partnership. Compared to the previous reporting period (2018), in which the police did not record any criminal offenses committed on the bases of sexual orientation, in 2019 the police recorded 6 criminal offenses, of which 4 related to public incitement to violence and hatred, i.e. criminal act colloquially called "hate speech." As part of the implementation of the National Plan for Combating Discrimination for the period 2017-2022,

⁵⁵ Official Gazette, no. 92/14 and 98/19.

seminars were organized for judges, state attorneys, police officers, attorneys and representatives of civil society organizations on the provisions of the Criminal Code on the topic of hate crimes and hate speech, and especially hate crimes against representatives of national minorities and on the basis of sexual orientation.

The Ombudsperson expresses satisfaction that the 18th Pride Parade in Zagreb (June 8, 2019) and the 9th Split Pride in Split (June 15, 2019) were held without major incidents. The right to freedom of assembly and expressions in this area today represents a higher standard of civilization. The survey on discrimination in the European Union (2019) ⁵⁶, based on the perception of respondents, indicates an increase in tolerance in Croatian society and greater social inclusion of sexual and gender minorities in the labor market compared to the same survey conducted in 2015⁵⁷.

The small number of complaints on discrimination at work based on sexual orientation received by the Ombudsperson was mainly related to situations where employees were exposed to harassment due to their same-sex orientation and were not provided with adequate protection by the employer, especially in the form of properly conducted procedure for the protection of dignity.

Taking into consideration identified shortcomings in this area, the Ombudsperson makes the following recommendations: (1) To harmonize by-laws related to forms and excerpts from state registers with the Law on Life Partnership of Persons of the Same Sex; (2) Implement activities related to measure 3.2 *Ensure implementation of the Law on Life Partnership of Persons of the Same Sex through training of bodies responsible for its implementation* and measure 3.3 *Ensure monitoring of implementation of the Law on Life Partnership of Persons of the Same Sex* from the Action Plan for Implementation of the National Anti-Discrimination Plan. period from 2017 to 2019; (3) Continue training of judges, state attorneys and police officers on the topic of hate crimes and hate speech; (4) Adopt an Action Plan for the implementation of the National Plan for Combating Discrimination, for the following period; (5) Adopt a new Protocol on the Procedure for Hate Crimes; (6) Make additional efforts to combat hate speech and to encourage the reporting of hate speech through the mechanism established by the *Code of Conduct to Combat Hate Speech on the Internet*; (7) Encourage employers to take a more proactive approach in procedures for the protection of the dignity of workers in order to shed light on events, prevent further harassment and sanction perpetrators of discrimination based on sexual orientation.

5 EDUCATION

The Ombudsperson continued to work on complaints about gender stereotypes in educational materials. A positive indicator is the fact that last year was the first after a long time in which no complaints were received about school textbooks.

Since the new Curriculum for the cross-curricular topic of civic education for primary and secondary schools includes learning and teaching about all areas of human rights, it is necessary to insist on quality professional development of educators responsible for the implementation of civic education. The results of research in recent years have shown that their preparedness and knowledge on issues in

⁵⁶ European Commission: Special Eurobarometer 493: Discrimination in the EU in 2019.

⁵⁷ European Commission: Special Eurobarometer 493: Discrimination in the EU in 2015.

the field of gender equality are not at a satisfactory level. It is necessary to ensure that the prescribed teaching contents are well implemented in the school system.

The Ombudsperson made an analysis of gender representation in educational institutions, which showed the presence of a positive trend of gradual reduction of the gender gap in terms of vertical segregation in education - the share of women has increased in higher hierarchical levels in educational institutions. Although the gap has narrowed, there is still a significant hierarchical gender imbalance at all levels of education - the higher the hierarchical position, the smaller the proportion of women. There is also a significantly lower share of women in leading positions in educational institutions compared to their share in the work collectives of these institutions. In order for the positive trends to continue and possibly accelerate, further work is needed to empower women to compete for the highest hierarchical positions in the education system.

In other activities, the Ombudsperson pointed out the need to treat female students who are mothers as specially protected groups in the field of higher education, in order to provide them with equal opportunities to meet student obligations.

6 MEDIA

The Ombudsperson monitors the media through daily press-clipping of current events, conducts thematic analyses and research, works on citizens' complaints, issues warnings and recommendations to advertisers or media publishers, reacts with public statements, and participates in public events related to gender equality in media content. The full Annual Report for 2019 describes in detail 13 cases from practice related to sexism in media content, sexism in language and offensive and humiliating portrayal of persons based on sexual orientation, and explains in detail the negative trends in media reporting, which includes presentation and evaluation of women in politics based on their physical appearance and the way they dress, sexist statements of the public figures and gender stereotypes in educational materials in public space.

The Ombudsperson also **analysed the presidential campaign** in detail and explained why the way of commenting and the amount of media content criticizing the presidential candidate and then female president of the Republic of Croatia in 2019 showed that criticism of women in politics is much harsher and that the way of expression includes many inappropriate expressions belittling which are not present, or are present to a negligible extent, when it comes to male politicians. Namely, although we have witnessed in politics many male politicians who behaved inappropriately, made gaffes, gave statements or expressed views that provoked criticism, the way of the media coverage cannot be compared to the way the president was spoken and written about before and during the election campaign.

6.1. MEDIA CODE

The Ombudsperson drafted and promoted the "*Media Code - a guide for professional and sensitized reporting on violence against women and femicide*"⁵⁸ which was created in cooperation with journalists, editors and spokespersons of courts and the police. The Agreement on the Acceptance of

⁵⁸ Published within EU project „*Building more effective protection: transforming the system for combating violence against women*“ available in digital version and Croatian language at <http://vawa.prs.hr/publikacije/>

Guidelines for Sensitized Reporting on Violence against Women and Femicide, which is part of the Media Code, has been signed by 13 media houses so far.⁵⁹

The Media Code and Guidelines, as well as practical examples from the media, were also discussed at **two-day interactive educational workshops for journalists and editors.**⁶⁰

6.2. QUARTERLY ANALYSIS OF THE MEDIA REPORTING ON VIOLENCE AGAINST WOMEN AND FEMICIDE

At the end of 2019, the Ombudsperson conducted a quarterly analysis of media coverage of violence against women and femicide⁶¹ on the same five portals⁶² on which she conducted a five-year analysis (in 2018) in order to determine whether there was a positive shift in media coverage of violence against women according to the Media Code. The conclusion of the analysis is that in general there were significant improvements compared to the period 2012-2016, although there are some noticeable differences between the analysed portals, which are largely related to the reporting style of these portals on other topics as well. There is still media confusion. On one hand, the media report in compliance with many of the recommendations of the Media Code Guidelines, on the other hand, old habits and practices are still present to draw the readers' attention with bombastic headlines. We hope that the new positive trends shown by the 2019 Analysis will not be abandoned.

6.3. A TWO-MONTH ANALYSIS OF THREE Croatian Radio Television BROADCASTS

In a period of 2 months⁶³, the Ombudsperson analysed a total of 122 Croatian Radio Television (CRT) shows: "Otvoreno"⁶⁴ (27), "Tema dana"⁶⁵ (61) and "Dobar dan, Hrvatska"⁶⁶ (34), in order to determine the representation of women and men as editors, directors, presenters, reporters and guests in television broadcasts and the representation of topics related to gender equality or covered from the aspect of equality between women and men and the ratio of their representation in relation to other topics. The results showed that **the representation of issues related to equality of women and men** in any area of economic, social, educational, political, civic and any other area of life is significantly underrepresented (**only 4%**) and in them predominate topics of violence against women, mainly related to committed cases of violence, and very little regarding prevention, education or work on psycho-social treatment.

Men are represented in news programs two or three times more often than women. CRT submitted a statement on the implementation of obligations under Article 49. of the *Agreement between the Croatian Radio and Television and the Government of the Republic of Croatia for the period from 1*

⁵⁹ 24 sata, Glas Slavonije, Građanska inicijativa NG Buntovnici from Nove Gradiške, Jutarnji list, HINA, Index.hr, N1 televizija, Novi list, Tportal, TV Jabuka-Otvorena televizija, Večernji list i Z1 televizija, Voxfeminae.net.

⁶⁰ Donja Stubica, 14.4.2019., <http://www.prs.hr/index.php/podrucja-aktivnosti/progress-projekt/2660-dvodnevna-radionica-za-medijske-donjostubici>; Zagreb, 31.10.2019., <https://www.zeneimediji.hr/maja-mamula-seksualno-nasilje-po-prvi-put-je-postalo-tema-u-fokusu-javnosti/>

⁶¹ 1.9.2019-31.11.2019.

⁶² 24sata.hr, index.hr, jutarnji.hr, vecernji.hr, tportal.hr.

⁶³ In the period 1.9.2019 - 31.10.2019.

⁶⁴ News division program - broadcasts 4 times a week (Monday - Thursday) on CRT 1.

⁶⁵ News division program - broadcasts 7 times a week after the main news Dnevnik 2 on CRT 1.

⁶⁶ Mosaic program - broadcasts 5 times a week in the afternoon (3PM-3:50PM) on CRT 1.

January 2018 to 31 December 2022 (Agreement)⁶⁷, on the basis of which the Ombudsperson had yet again to recommend CRT to develop a methodology for monitoring the implementation of Article 49. of the Agreement.⁶⁸

The Ombudsperson recommended to the media (1) Education of media workers in accordance with national legislation and standards of European documents related to combating sexism and stereotypes in media content, (2) Removing remaining negative practice from reporting on violence against women and femicide in accordance with the Media Code and (3) Increasing the representation and diversity of topics related to gender equality issues, which means not stopping only at reports about the gender-based violence.

6.4. PROMOTION OF GENDER EQUALITY THROUGH THE APPEARANCES OF THE OMBUDSPERSON IN THE MEDIA

The Ombudsperson issued **24 public statements** in response to current events, appeared **98 times on radio and TV shows**, in the studio or with previously recorded statements. Her public statements, interviews, parts of reports and activities were published in the media **738 times**.

7 GENDER EQUALITY IN THE AREA OF POLITICAL PARTICIPATION

The Ombudsperson monitored elections and analysed the implications of their results on the principle of gender equality. During the Croatian elections for the members of the European Parliament, the trend of a relatively gender-balanced share of elected members continued - 7 men (58%) and 5 women (42%). In this respect, the European Parliament elections in the Republic of Croatia are an exception. Compared to the previous elections for the members of the European Parliament, in 2019 elections the total share of women among the candidates was the highest (41%), as well as their share among the list holders (21%). Although a positive progress has been made in terms of respecting the gender quota on candidate lists, some list proponents again did not take into account the balanced representation of women and men (the quota was not respected on 24% of the lists). The share of the elected women for the European Parliament from the Republic of Croatia is in line with the total share of elected women at the EU level - women were elected in a share of 41%, which is the highest percentage so far. In the elections for the President of the Republic of Croatia, the share of female candidates was the largest so far (27%), however, this still represents a significant underrepresentation of female candidates. Following the early elections for the members of representative bodies in some of the units of local and regional self-government, the Ombudsperson requested from the State Attorney's Office a notification on the implementation of misdemeanour sanctions against proponents of candidate lists who did not respect the principle of gender equality on the lists.

However, same as on the 2017 local elections, the Ombudsperson **did not receive a response**. Although some positive developments have been recorded in terms of women's political participation,

⁶⁷ Agreement between the Croatian Radio and Television and the Government of the Republic of Croatia for the period from 1 January 2018 to 31 December 2022 <https://www.hrt.hr/408136/organizacija/ugovor-izmeu-vlade-republike-hrvatske-i-hrt-a-za-razdoblje-od-1-sijecnja-do-31-prosinca-2022>

⁶⁸ The article obliges CRT to produce, co-produce and broadcast programs aimed at achieving equality between men and women, taking into account the representation of both sexes as guests and combating stereotypes and eliminating discrimination and sexism.

women remain at a disadvantage, both in Croatia and in Europe. Overall, in this sense, Croatia is still far from the norms prescribed by the Gender Equality Act. According to a survey by the Council of European Municipalities and Regions (CEMR), women in Europe hold 34% of all political governance positions, while Croatia is below that average (26%).

8 RISKS OF MULTIPLE DISCRIMINATION OF VULNERABLE SOCIAL GROUPS

8.1. WOMEN IN RURAL AREAS

Given that women (in 2019) were the holders of 30.43% of family farms in Croatia (which corresponds to the data at the EU level), more attention should be given to the position and visibility of women in rural areas (at the local and national level), in particular with regard to the possibility of regulating their professional status and protection from all forms of violence. Data about the educational and age structure of women, heads of family farms in Croatia, indicate that almost 60% of them are over 60 years of age, with every third (for whom education data are known) has only (completed or incomplete) primary school level, while the largest share of men who own family farms (for which data are known) have completed high school level (39.8%). The Ombudsperson continuously points to the need to develop a national strategy that would address the position of women in rural areas.

8.2. WOMEN WITH DISABILITIES

Relevant data indicate that women with disabilities are at risk of multiple discrimination; compared to the men with disabilities they are still less educated, with 7 out of 10 (over the age of 18) having completed or not only primary school level, which is worrying. Poorer educational structure and less favourable position on the labor market contribute to the economic dependence of women with disabilities as well as putting them to the risk of domestic violence in general. Despite these negative trends, the number of women with disabilities who have given birth is continuously growing, and this increase during 2019 (of 8.1%) was still smaller than in previous periods. Every fifth woman with a disability who gives birth in Croatia has a residence in the City of Zagreb. Therefore, the Ombudsperson points to the need to improve the position of *women with disabilities in rural areas*, especially given the insufficient availability of services (e.g. related to women's health care), but also greater prejudice than in urban areas.

8.3. WOMEN FROM NATIONAL MINORITIES

Activities aimed at improving the position of women, members of national minorities, continued. The Ombudsperson pays special attention to the problem of early marriages and underage pregnancies characteristic of the Roma national minority, and in this regard she gave proposals and participated in public consultations on new regulations. She prepared an analysis of statistical data from the newly published research report of the European Union Agency for Fundamental Rights (FRA) on Roma women in the EU, which shows the position of Roma women in the Republic of Croatia in relation to other EU countries.

8.4. VICTIMS OF SEXUAL VIOLENCE IN HOMELAND WAR

According to the data provided to the Ombudsperson by the Ministry of Croatian Veterans, since the entry into force of the *Law on the Rights of Victims of Sexual Violence during the Armed Aggression on the Republic of Croatia in the Homeland War*, the Commission has received a total of 264 applications for establishing the status of the victim of the sexual violence in the Homeland war and relevant applicable legal rights. Out of these, 195 claims were filed by women and 69 claims by men. By the end of 2019, the Commission for Victims of Sexual Violence had issued a total of 259 decisions, of which 171 were positive and 79 were negative. In 5 cases the proceedings were suspended while in 1 case the request was rejected. According to the records of the Ministry until December 31, 2019, there were a total of 8 pending requests.

8.5. PROSTITUTION

Considering that during 2019, as well as during previous reporting periods, all the persons harmed by the criminal offense of prostitution under Article 157. CC (31 of them, which is an increase of 15% compared to 2018, when there were 27 of them) were women, who in 80% of cases were aged 18-40 years, it is evident that prostitution is a form of sexual exploitation of women. Therefore, the Ombudsperson continuously advocates the Swedish model of criminalization of users of sex services and decriminalization of the sexual service providers. However, according to the valid Croatian legislation, persons who provide sexual services, but not clients of such services, are punishable by a misdemeanour, although the users may be held criminally liable in certain cases referred to in Article 157, paragraph 2. CC.

8.6. VICTIMS OF TRAFFICKING, especially with women and children

During 2019, a total of 27 victims of human trafficking were identified in the Republic of Croatia (76 victims during 2018), of which 8 were male (30%) and 19 female (70%). According to the Ministry of the Interior, this decrease (of 65%) is based on the fact that (2018) 59 victims (citizens of Taiwan, People's Republic of China) were identified in only one extensive criminal investigation. In 2019, **the most common form of exploitation was sexual exploitation** (43%, as compared to 2018, when it accounted for only 13%), with 62% of all male victims and 35% of all female victims exposed to this form of exploitation, followed by exploitation for the purpose of committing illegal acts (a total of 28%, unlike in 2018, when it accounted for as much as 78%).

9 REPRODUCTIVE HEALTH

Work on improving health services for mothers in health care institutions continued. The problem of poor treatment of mothers in maternity hospitals has been recognized at the international level and activities are being taken to improve health services. The Ombudsperson gave appropriate recommendations to the competent authorities and pointed out the steps that need to be taken in the field of women's reproductive health. She acted upon complaints and followed several court proceedings against doctors and health care facilities for ill-treatment of mothers who gave birth. Regarding the identified problem of the lack of gynaecological teams in the health care system, the Ombudsperson issued a public statement and sent appropriate recommendations to the competent authorities. She paid special attention to the recommended modern obstetric practice to enable mothers to choose an escort during childbirth, which unfortunately is not the practice in all maternity hospitals.

She continued to monitor the level of exercise of the right to legally induced abortion. There is still a problem of high and uneven prices of this reproductive health service in public health care institutions, and a high percentage of health care professionals who refer to their conscientious objection, which is why not all authorized institutions are able to provide this service. A new law regulating this area has not yet been drafted. As in previous years, the Ombudsperson acted upon complaints about "anti-abortion campaigns" in public health institutions, and for the first time on complaints about such a campaign in an educational institution. Following the adoption of the European Parliament Resolution, which called on EU member states to abolish the tax on women's hygiene items, the Ombudsperson recommended to the competent authorities to implement the provisions of the Resolution into the national legislation. The Tax Administration reported back that the reduction of the VAT rate will be taken into consideration, noting that a complete exemption from VAT is not possible.

10 WOMEN AND SPORTS

The Ombudsperson participated in a number of events dedicated to the position of women in sports, part of which concerned to the problem of abuse and sexual harassment. She conducted a survey on gender equality in youth handball, which included examining the incidence of all forms of violence faced by female and male athletes. A research report is being prepared. The *National Sports Program 2019-2026* was adopted, and the Ombudsperson's proposals regarding the prevention of all forms of violence, which she presented during the public consultation, were accepted and included in the program. Numerous documents dedicated to gender equality in sport have been adopted nationally and internationally: the Croatian Electronic Media Agency has developed *Recommendations for better monitoring of women's sports in electronic media*, and new expert reports and strategic documents have been published by the European Parliament, the European Olympic Committee, the Council of Europe and others. The Ombudsperson continued to work on cases of different rewards for women and men in sports. *The List of significant events*, whose discriminatory provisions have been pointed out by the Ombudsperson in the past few years, has not yet been changed, but, according to the announcements of the Agency for Electronic Media, it should be revised soon.

11 GENDER EQUALITY AND INTERNATIONAL PROTECTION SEEKERS

The Ombudsperson continued to monitor the overall policy of granting international protection, and in particular the situation of refugee women and applicants for international protection in the Republic of Croatia. In 2019, the share of women among persons seeking international protection increased (34.4%) and women were again granted relatively significantly more asylum approvals (42.6%) compared to males. The Ministry of the Interior statistics show an increase in irregular (illegal) migration. With the tendency to strengthen the control of the state borders and effectively combat irregular migration, which is the obligation of the Republic of Croatia as an EU member, it is necessary to take care of unhindered and safe access to the asylum system, especially to the most vulnerable groups of women. The Ombudsperson is of the opinion that migration should be viewed from a gender perspective and the real question is how to incorporate gender into the understanding of migration. The fact is that women are increasingly migrating on their own, not just as family members, which can be an added risk. Although the legal integration of persons under international protection in the Republic of Croatia is relatively well organized, in practice a system of integration is still being built and, therefore, it is necessary to systematically introduce with it all stakeholders in local communities.

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

The Government of the Republic of Croatia adopted (August 22, 2019) the second *National Action Plan for the Implementation of United Nations Security Council Resolution 1325 (2000) on Women, Peace and Security, and related resolutions, for the period from 2019 to 2023* (NAP). The Ombudsperson continued her monitoring and analysing the implementation of measures from the NAP. All measures are being implemented relatively successfully, and great efforts are being made to increase the number of women in the armed forces, police, security services, and peacekeeping missions. In this regard, certain results have been achieved, but certain oscillations continue to be present, especially in the share of women and their participation in international peace support missions and operations. Apart from the fact that it is extremely difficult for them to succeed in jobs in which men are traditionally dominant, it is difficult for women to reconcile work with family obligations. In this regard, there is a lack of indicators on programs and policies that support the reconciliation of business and private life, i.e. programs and measures to support those women who are employees of the armed forces, as well as parents who are both employees of the armed forces. The Ombudsperson also believes that it is necessary, taking into account the dramatic changes in the world, to set new priorities, i.e. to strengthen efforts to increase women's participation in preventing and resolving crises arising from armed conflicts.

13 DISCRIMINATION IN ACCESS TO GOODS AND SERVICES

During the reporting period, the Ombudsperson received complaints about discrimination in the area of access to goods and services, which mainly related to different prices or different duration of sports services for men and women, with service providers generally trying to bring the reasons under legitimate goals like trying to meet the needs of women or to encourage more intensive use of services. However, the service providers failed to assess the proportionality of the measures applied, i.e. failed to determine that the means used were appropriate and necessary to the goal they wanted to achieve. On the basis of observed omissions, the Ombudsperson recommends: (1) To carry out campaigns in order to raise public awareness of the problem of discrimination in the field of obtaining and procuring goods, i.e. providing and accessing services; (2) To provide substantially the same services to men and women at the same prices and for the same duration, and to justify any differences with a legitimate goal with a prior assessment of the adequacy and necessity of the means used in relation to the goal.

14 NATIONAL MECHANISMS FOR THE IMPLEMENTATION OF GEA

During this reporting period, there are *inequalities in the work and activities of individual commissions*, which is partly a consequence of the uneven funds that the commissions for gender equality received for their work (ranging from HRK 492.00 to HRK 250,000.00). Although most commissions have established some cooperation with county teams for preventing and combating violence against women and domestic violence, this cooperation should certainly be further developed and improved. Most county commissions carried out certain activities during the reporting period (especially related to the celebration of significant dates and anniversaries in the field of human rights), and examples of good practice and pro-active approach are certainly the commissions for gender equality in Koprivničko-križevačka, Virovitičko-podravska, Krapinsko-zagorska and

Primorsko-goranska county. The only Commission for Gender Equality of Ličko-senjska County was not active during the reporting period, given that the Assembly was dissolved at the end of 2018, and a new commission was appointed only on November 28, 2019. Unlike in previous reporting periods, in 2019 the commissions for gender equality of the Šibensko-kninska and Splitsko-dalmatinska counties were also active. Since the last National Policy for Gender Equality referred to the period 2011-2015, the Office for Gender Equality of the Government of the Republic of Croatia plans to continue working on the development and adoption of a new national policy. Given that the development and adoption of a national policy is a precondition for the multiannual financial framework of EU, it is recommended that the new national plan for gender equality covers the period from 2021 to 2027.

15 LAWS AND REGULATIONS - OMBUDSPERSON'S INITIATIVES

During the reporting period, the Ombudsperson analysed a number of laws and regulations, i.e. amendments to existing laws, in order to determine whether their provisions are in line with the Gender Equality Act. Based on the analysis, the Ombudsperson sent her opinions, proposals and comments to the competent bodies, i.e. the legislator, in order to harmonize the laws with the guarantees and principles of gender equality from the Constitution of the Republic of Croatia and GEA. Of particular importance we worked on were the Criminal Code, the Law on Police, the Law on Police Affairs and Authorities, the Law on Maternity and Parental Benefits, the Law on Social Welfare, the Law on Promoting Transparency in Wage Policy, the Law on Citizens of European Economic Area Member States and Members families, the Law on Obligations and Rights of State Officials, the Protocol on the Procedure in Cases of Domestic Violence. Among other initiatives related to laws and regulations, the Ombudsperson was a member or actively participated in various working groups and bodies as an expert body for advising on issues related to gender equality, anti-discrimination, protection from domestic violence and the like. The Ombudsperson also performed numerous comparative analyses and on its own initiative and / or at the request of proposers, assessed the compliance of numerous other legislative proposals and regulations with the provisions of the Gender Equality Act.

During the public discussions on legal drafts, the Ombudsperson sent an opinion to the Ministry of Justice on the *Draft Proposal of the Law on Amendments to the Criminal Code*. The Ombudsperson suggested the extension of the definition of close persons from Article 87 of the Criminal Code in the sense that it includes persons in current or former intimate relationships regardless of joint children and household, which is necessary in order to consistently implement the definition of domestic violence from Article 3. of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence. This suggestion was not accepted by the Ministry of Justice. Having in mind the newly proposed solution in the *Law on Protection from Domestic Violence*, according to which the use of physical force as a result of which no bodily injury occurred is considered a misdemeanour, the Ombudsperson expressed the opinion that the envisaged changes in the description of domestic violence as criminal offence from the Article 179 do not offer clear criteria to the police, the public prosecutor's office and the courts to distinguish between misdemeanours and criminal offenses in the context of domestic violence. The Ombudsperson's opinion in this sense was noted by the Ministry of Justice.

IV. OMBUDSPERSON'S CONCLUDING COMMENTS

The Annual Report of the Ombudsperson for Gender Equality of the Republic of Croatia (Ombudsperson) gives an overview of the Ombudsperson's practice and analysis of trends related to discrimination on the bases of sex, marital and family status, maternity, sexual orientation and gender identity in the areas of employment and labor, social security, family (including domestic violence) education, political participation, the media, sports and access to goods and services. In 2019, the Ombudsperson worked on a total of 1,719 cases which fall within her competencies, and pursuant to the Gender Equality Act (GEA). The specificity of this reporting period is the implementation of 2 EU projects, one related to more effective protection and change of the system for combating violence against women, and the other to raising awareness of the pay and pension gap between men and women in order to reduce the risk of poverty for women.

In regards to the basis of discrimination, the highest number of complaints received concerns discrimination based on sex (85.8%) and in the majority of cases it concerns violations of women's rights (73.4%). By areas of discrimination, the most common complaints relate to the area of social security and pension and health insurance as well as the exercise of labor rights, which makes a significant share of 46.1% (2018, 43.9%) which indicates the same trend as in previous years. The Ombudsperson sent a total of **293 written recommendations, 160 warnings and 131 proposals** to state bodies, bodies of local and regional self-government units, other bodies with public authority, the media, and other legal and natural persons; she reported the suspicion of committing a criminal offense to the competent State Attorney's Office in 5 cases, and to a misdemeanour offense in 1 case. The trend of fully respecting the Ombudsperson's decisions has been maintained, in a high 89.3% of cases.

Statistics indicate that for many years the largest number of complaints from women about discriminatory treatment in all segments of society makes a constant of about 2/3 of all complaints. Because of that, we are most often guided by solving the problems and obstacles faced by women in society today. The women actually represent a social group that faces discrimination based on sex, maternity and family status in the social, public and private spheres.

We receive the most complaints **in the field of labor, employment and social security** - a share of 46.1%. Women most often complained because they make: the majority of the unemployed 55% (still employed to a lesser extent than men of all ages and of all levels of education), the majority in the underpaid sectors, the majority as victims of sexual harassment in the workplace, the underrepresented at high business decision-making positions and those that encounter a "glass ceiling" (14.4% in the management and 21.4% in the supervisory boards of joint stock companies⁶⁹). Women do not have equal opportunities for advancement (there are still no appropriate measures to effectively encourage participation of women in economic decision-making positions) and have lower salaries and pensions - a pay gap is about 12.7% and pension gap 21.5%. According to citizens' complaints, age and motherhood continue to be the main challenges of gender discrimination against women in the labor market.

⁶⁹ Data provided by HANFA - CROATIAN FINANCIAL SERVICES SUPERVISION AGENCY

Part of the Ombudsperson's activities were also in relation to the cases of mothers / employees of companies over which bankruptcy proceedings were concluded while they exercised their rights of maternity and parental benefits, and she proposed amendments to the Bankruptcy Law, which was partially accepted by the Ministry of Justice.

All statistical indicators on male **beneficiaries of maternity and parental leave and benefits** indicate a slight increase in the number of male beneficiaries compared to women in 2019, which is still insufficient because statistical indicators continue to confirm that in the Republic of Croatia men / fathers use maternity and parental benefits the least at EU level. Therefore, the Ombudsperson continued to point out the fact that fathers do not sufficiently use the right to maternity / parental leave, i.e. that they transfer a significant part of their right to mothers, and that the balance between business and private life is still a big problem for many parents who care for children, which has a negative effect on women's employment, in some cases their complete exclusion from the labor market, which makes it necessary to develop the availability and capacity of social services.

In recent years, there has been a strong expression of political will in Croatia to approach **demographic policy** systematically and comprehensively. The Ombudsperson supports all the demographic measures of the relevant Ministry, especially measures related to increasing the amount of financial benefits during parental leave, as well as the full delimitation of benefits, for which the Ombudsperson continuously advocates. The Ombudsperson also supports measures aimed at improving the demographic picture in rural areas and stopping the departure of young families, as well as the need to improve the quality of life in these areas, of which kindergartens are one of the preconditions.

In this regard, **the Ombudsperson continued to warn about:** (1) the low employment rate of women in Croatia; (2) extremely high risk of women's economic dependence on other family members, i.e. their exposure to economic poverty; (3) the present imbalance between business and private life which ultimately affects women more and has a negative effect on women's employment; (4) the unequal distribution of gender roles in society, according to which women are expected to take care of the family, even when it is to the detriment of their professional careers; (5) the need to introduce stronger measures to encourage the inclusion of women in the labor market; (6) the issue of fixed-term employment contracts that affect women more; (7) the disparity between the shares of men and women employed on a part-time basis; (8) the issue of the pay gap between women and men; (9) the unsustainably low level of use of maternity and parental leave by fathers; (10) the necessary improvement of the structure of public services and services for parents who are employed.

As in previous reporting periods, and according to the Ombudsperson's assessment based on the experience of working on citizens' complaints, the concern about one's own existence, i.e. job loss in case of filing a complaint, the fear of social and business stigma, distrust in the institutions, length of court proceedings (which is not initiated ex officio, but at the suggestion of the victim) and the victim's discomfort to testify about the manner and occasions of sexual harassment, are reasons for not reporting **harassment and sexual harassment** or withdrawal from the procedure after filing a complaint. The trend in 2019 is the increase of the number of complaints and at the same time the increase of the numbers of anonymous complaints or complaints by proxy.

In the area of family relations and **parental care**, fathers most often express dissatisfaction with the decision on parental care of the competent bodies - social welfare centers and courts - and passivity and failure to take adequate and urgent measures of the competent centers, while mothers point to the

insensitivity of professionals regarding domestic violence to which they were previously exposed in the family/partner community.

Regarding the cases of **domestic violence**, women are still, in the vast majority, victims of domestic violence. The reporting period was again marked by legislative changes. In order to truly achieve profound change and reverse negative trends, all stakeholders, especially bodies dealing with violence prevention and re-socialization of perpetrators, the State Attorney's Office, the judiciary, but also the media, politicians and the education system, should take action and adapt to best international practices to combat violence against women and domestic violence. This primarily means ensuring effective preventive mechanisms, zero tolerance for violence, especially through penal policy and justice, ensuring continuous and systematic training of professionals, as well as the introduction of regular training and education and long-term and mandatory re-socialization of perpetrators.

In addition to domestic violence, victims of **partner violence** still do not have adequate legal protection, and better legislative solutions should be urgently sought.

Regarding **the rights of sexual and gender minorities**, a small number of complaints of discrimination at work based on sexual orientation was mainly related to situations in which employees were exposed to harassment due to their same-sex orientation and were not provided with adequate protection by the employer, in particular in the form of a properly conducted procedure for the protection of dignity. Compared to previous years, the Ombudsperson received better structured data on hate crimes from the competent authorities, and it is especially important that the new Protocol on the Procedure in Hate Crimes, in addition to criminal offenses, will cover misdemeanours linked with the hate motive, which the Ombudsperson supports.

During the reporting year, the Ombudsperson continued to receive complaints from transgender persons related to discrimination based on **gender identity** in the field of health rights, i.e. the provision and availability of health services, in the field of work and employment, prison system, culture, etc.

In the Ombudsperson's public activities, as well as in dealing with citizens' complaints, special attention was paid to solving the problems of particularly vulnerable social groups that are at **risk of multiple discrimination** - women in rural areas, women with disabilities, women members of national minorities, victims of sexual violence in the Homeland war, victims of prostitution and victims of trafficking.

The Ombudsperson continued to work on complaints about **educational materials** in which examples of gender stereotypes appear.

Complaints about media content indicate that citizens are increasingly critical of the way women and men are portrayed in public, and that they are increasingly critical of the objectification of the female body in advertisements, sexism in public statements and the way women are portrayed in politics. On the other hand, we can conclude that in general there were significant improvements in **media coverage of violence against women and femicide** cases compared to the same in the period 2012-2016, in accordance with the Guidelines of the Media Code.

The Ombudsperson recalls that women are significantly under-represented at all levels of **political participation**, so promoting the principle of gender equality remains a challenge for women's participation in bodies of political power. As a positive indicator in terms of the principle of gender equality, it should be noted that the trend of relatively gender-balanced share of elected members

continued in the European Parliament elections. Thus, the Republic of Croatia will continue to be represented in the European Parliament by both sexes in a share of not less than 40%.

Regarding **reproductive rights**, this reporting year the focus of the public and the profession was the lack of gynaecological teams and the overload of the existing health care system, as well as the high percentage of health professionals who are referring to conscientious objection, which is why not all authorized health institutions are able to provide the health service of legally induced abortions. A new law regulating a woman's right to freely decide on childbirth and abortion has not yet been adopted.

This reporting year was marked by the activities aimed at combating gender-based violence **in sports**, with an emphasis on sexual violence. This is a topic that has not received adequate attention so far, so it is important to bring it into the focus of the public and the profession. Indications of the occurrence of various forms of violence exist, however information on incident situations is generally retained at the micro-level within sports clubs, with infrequent prosecution of punishable forms of behaviour. It is necessary to consistently point out this problem, encourage athletes to react to violence, if they are exposed to it, and to get rid of the fear of jeopardizing their sports career if they report the perpetrator.

Based on the work on citizens' complaints, as well as the conducted research and analysis, in the full Annual Report for 2019 we provide a total of **99 case descriptions and 144 recommendations** classified by areas of work, convinced that the Government and the Croatian Parliament will take them into consideration and apply in the current year, all with the common goal of achieving the constitutional principle of equality between men and women in full.

In Zagreb, March 31st, 2020

The Ombudsperson for Gender Equality

Višnja Ljubičić, dipl.iur.