



OMBUDSPERSON
FOR GENDER EQUALITY

Preobraženska 4/I, 10000 Zagreb, Croatia

Phone: + 385 (01) 48 48 100

Fax: + 385 (01) 48 44 600

E-mail: ravnopravnost@prs.hr

Web: www.prs.hr

ANNUAL REPORT 2014

Zagreb, March 2015



REPUBLIC
OF CROATIA

CONTENTS

I. CASE STATISTICS	9
II. ANALYSIS BY AREAS OF WORK	13
1 EMPLOYMENT AND LABOR	14
1.1. General overview and ombudswoman's views in the area of employment, work and social benefits regarding participation in the labor market	14
1.2. Labor market – trends which deserve special attention	14
1.2.1. Low work activity rate for women	14
1.2.2. Trends related to unequal status of women and men in regard to the employment possibilities	14
1.2.3. Gender-based segregation in the labor market	15
1.2.4. Principle of an equal pay for the work of equal value - pay gap	15
1.2.5. Trends which additionally contribute to gender inequality in the labor market	16
1.3. Discrimination in employment and labor	16
1.4. Harassment and sex-based harassment	16
1.5. Researches within Progress-project "Glass Labyrinth"	17
1.6. Maternity and parental benefits	17
1.7. Measures of active employment policy - Implementation in 2014.	18
1.7.1. Guidelines for the implementation of active employment policy in 2014.	18
1.7.1.1. Guidelines related to the activity of various bodies in 2014	18
1.7.1.2. Guidelines related to the activities of the counties and the City of Zagreb in 2014	19
2 FAMILY	20
2.1. New legislature of family relations	20
2.2. Domestic violence	20
2.2.1. Overview of the numerical indicators of misdemeanor acts of domestic violence provided by the Ministry of the Interior	21
2.2.2. Statistics of the ministry of the interior on domestic violence as criminal act	21
2.2.3. Persisting problems and 'New trends'	22
2.2.4. Centers for social care conduct in regard to the provisions of the Protocol in domestic violence cases	23
2.2.5. Housing for domestic violence victims	23

2.3. (In)sensitivity of misdemeanor courts towards victims of domestic violence	23
2.4. Other forms of violence	24
2.4.1. Violence between intimate partners	24
2.4.2. Rape	25
2.5. Parental care	25
2.6. Implementation of the National strategy for protection against domestic violence 2011-2016	26
2.7. Implementation of the Protocol in cases of domestic violence	26
2.7.1. Coordinators for gender equality	26
2.7.2. County committees for gender equality	27
2.7.3. Financing committees for gender equality	27
2.7.4. Final conclusion	27
3 SEXUAL AND GENDER MINORITIES	28
3.1. Legal grounds and situation assessment	28
3.1.1. Physical integrity and criminal acts motivated by hatred	28
3.1.2. Freedom of assembly and expression	28
3.1.3. Freedom of movement, family reunification, asylum and subsidiary protection	28
3.1.4. Labor market and the access to services and goods	29
3.2. Ombudswoman's activities regarding promotion of the rights of the persons of the same sex orientation	29
3.3. Problems of gender dysphoric persons	29
4 RISKS OF MULTIPLE DISCRIMINATION OF VULNERABLE SOCIAL GROUPS	30
4.1. Women in rural areas	30
4.2. Women with disabilities	30
4.3. Women from national minorities	31
4.4. Victims of sexual violence in Homeland War	31
4.5. Women in prostitution	31
4.6. Victims of trafficking, especially with women and children	32
5 EDUCATION	33
5.1. Regulations concerning gender equality	33
5.2. Ombudswoman's activities related to health education in primary and secondary schools	33
5.3. Ombudswoman's activities related to civic education in primary and secondary schools	34

5.4. Research "Student ombudspersons in Croatia"	35
5.5. Gender sensitive language in high education	35
6 MEDIA	36
6.1. Research of the newspapers and internet portals from gender perspective	36
6.2. Analysis of sexism and gender stereotypes in presidential campaign 2014/2015	36
6.3. Complaints about media contents	37
6.4. Analysis of trends in media reporting	37
6.6. Implementation of the measures of the national policy for gender equality 2011-2015 (NPGE)	38
6.7. Ombudswoman's promotion of gender equality in the media	38
7 GENDER EQUALITY IN THE AREA OF POLITICAL PARTICIPATION	40
7.1. Election of croatian members for the European Parliament in 2014 from the gender equality aspect	40
7.2. Presidential elections in 2014 from gender equality aspect	41
8 NATIONAL POLICY FOR GENDER EQUALITY	42
9 REPRODUCTIVE HEALTH	43
9.1. Treatment of mothers during child deliveries	43
9.2. Conscientious objection related to women's right to make decisions about their reproductive health	43
9.3. Research „Croatian health care institutions' practice related to ensuring the accessibility of legally induced abortions"	44
10 WOMEN MIGRANTS AND ASYLUM SEEKERS	45
10.1. Research: Treatment of asylum seekers before and after their arrival to Croatia	45
11 NATIONAL ACTION PLAN (NAP) FOR IMPLEMENTATION OF UN SECURITY COUNCIL RESOLUTION 1325 (2000) ON WOMEN, PEACE AND SECURITY AND RELATED RESOLUTIONS 2011-2014	47
12 LAWS AND REGULATIONS - OMBUDSWOMAN'S INITIATIVES	48
12.1. Labor law	48
12.2. Law on civil servants	48

12.3. Law on income tax	49
12.4. Law on pension insurance	49
12.5. The law on amendments to the law on travel documents of Croatian citizens	50
12.6. Criminal code	50
12.7. Rule book on family mediation	51
12.8. Initiative for the change of the legal framework of the compulsory maternity leave of the diplomatic staff during their stay abroad	52
12.9. Law on the protection of persons with mental disorders	52
12.10. Family law	53
12.11. Law on the rights of victims of sexual violence in Homeland War	53
12.12. Rules on collecting medical records and determining the terms and conditions for sex change or life in a different gender identity (rules)	53
III DISCRIMINATION IN ACCESS TO GOODS AND SERVICES	55
IV COOPERATION ON NATIONAL AND INTERNATIONAL LEVEL AND OTHER ACTIVITIES	59
V IN CONCLUSION	63

SUMMARY OF THE ANNUAL REPORT FOR 2014





CASE STATISTICS IN 2014

In 2014 the Ombudswoman for Gender Equality (further: Ombudswoman) worked on the total of 2.588 cases, which is an increase of 21.3% in comparison to 2013.¹ The increase in the number of complaints continued (10.6%)²; the complaints were mostly related to discrimination on the ground of sex; the majority of complainants were women (72.6%). The biggest number of complaints was related to the social security (39.3%) and the labor rights (30.3%). These two areas make 69.6% of all the complaints submitted to the Ombudswoman and in percentages are followed by the complaints from the areas related to the media - 6,1%, health care - 2,8%, etc.

In relation to forms of discrimination there were: 87.6% cases of direct discrimination, 3 cases of indirect discrimination (0.7%), while in 11.7% cases no form of discrimination was confirmed. **In relation to the grounds of discrimination** 79.7% of the cases were on the grounds of sex, 4.6% on the grounds of sexual orientation (a trend of slight increase continues), 3.3% on the grounds of marital and family status, 0.5% on the grounds of gender identity and expression.

On the basis of the received complaints and her own initiative, the Ombudswoman issued 570 recommendations, 115 warnings and 37 proposals³, initiated 1 misdemeanor charge⁴, 2 criminal charges⁵ and gave the initiative for changing 1 internal regulation. The Ombudswoman stated that **in 94.83% of the cases the public bodies on all levels, legal persons with public authority and other legal and natural persons respected her recommendations/warnings/proposals** resulting from the procedures in cases where the Ombudswoman confirmed discrimination on the grounds from her jurisdiction.

-
- 1 In 2013 the Ombudswoman worked on 2.133 cases.
 - 2 Number of complaints: 394 new individual cases in 2014, 375 in 2013, 368 in 2012 and 308 in 2011.
 - 3 In 2013 the Ombudswoman issued - 503 recommendations, 227 warnings and 168 proposals; in 2012 - 132 recommendations and 133 warnings, in 2011 - 207 recommendations and 120 warnings.
 - 4 PRS-05-01/14-3 – reporting misdemeanor offence of sexual harassment through social network on facebook.
 - 5 PRS-03-06/14-10 – reporting a criminal offence of hate speech against persons of same-sex sexual orientation and PRS-03-06/14-16 – reporting criminal offence of public incitement to violence and hatred on facebook page of the civil initiative organization “Do not touch the children”.

The Ombudswoman continued to monitor 2 court cases in the Supreme Court in which she intervened in the previous periods.

In 2014 the Ombudswoman actively participated in 17 sessions of the Croatian Parliament committees, submitted commentaries on proposals of laws and other regulations, visited 13 counties in which she had meetings with the representatives of 13 counties and 16 cities, participated on 23 local events, co-organized 8 public events (workshops, seminars, round tables and public fora), gave presentations on 164 other public events in Croatia⁶ and 25 international and regional conferences; held 22 meetings on international and regional level; conducted 7 independent researches⁷, regularly cooperated with other ombudspersons in Croatia, cooperated with and supported 56 different civil society organizations and 4 trade unions, gave 22 public statements; 117 times was interviewed for TV and radio (13.6% more than in 2013.), her statements were published in 731 newspaper or Internet article (101% more than in 2013). Promotional video which was shot within EU Progress-project „Dismantling the Glass Labyrinth“ was broadcasted 181 time on public Croatian Radio Television, 32 times on a commercial television (RTL).

The Ombudswoman for Gender Equality official web site had 2.468.376 hits (97% increase in comparison with 2013).

Beside the official web page www.prs.hr which is regularly updated with the latest activities of the Ombudswoman for Gender Equality as well as with other relevant information concerning gender equality, in 2014 the Ombudswoman opened official facebook, twitter, g+ and YouTube profiles, as well as a separate web page dedicated to EU Progress-project „Dismantling the Glass Labyrinth - Equal Opportunity Access to Economic Decision-making in Croatia“ – www.staklenilabirint.prs.hr.

-
- 6 Round tables, conferences and public events in organization of state bodies, institutions, international organizations and organizations of civil society.
 - 7 Two of the researches were a part of PROGRESS-project JUST/2012/PROG/AG/GE/4157: „Dismantling the Glass Labyrinth – Equal Opportunity Access to Economic Decision-making in Croatia“ which has been implemented by the Ombudswoman for Gender Equality: (1) „Representation of women and men on managerial positions in business entities in Croatia“ - conducted on 500 businesses, (2) „Representation of women and men on managerial positions in business enterprises in Croatia“ - conducted on 100 businesses; other researches: (3) „Difficulties in maintaining contacts of the child with the parent with whom the child does not live“, (4) „Distrain procedures for the purpose of giving a child to the parent with whom s/he will live and on distrain procedures for making contacts between the parent and child“.
- (5) „Conditions and working methods of student ombudspersons in Croatia“.
 (6) Research: „Newspaper and Internet articles from gender perspective“.
 (7) „Practice of health institutions in Croatia in ensuring accessibility to legal abortions“.



ANALYSIS BY AREAS OF WORK



1

EMPLOYMENT AND LABOR

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

In 2014 the status of women in Croatian labor market was significantly unfavorable. The analysis of the available statistics showed positive trends like the increase of the women's labor activity and the increase of the employed men and women in comparison to the previous year, and a very mild decrease of unemployment of men and women alike.

1.2. — LABOR MARKET – TRENDS WHICH DESERVE SPECIAL ATTENTION

1.2.1. LOW WORK ACTIVITY RATE FOR WOMEN

Women represent 51.7% of the population in the Republic of Croatia, make 45.4% of the labor active population and 58% of them are not participating in the labor market. Extremely low labor activity rate of women - 39.1% - points towards an unfavorable status of women in Croatian labor market. At the same time, labor activity rate among men is 52.2%, although, the labor activity rate among young and middle-age women is considerably lower (10%) than the labor activity rate of their male peers.

1.2.2. TRENDS RELATED TO UNEQUAL STATUS OF WOMEN AND MEN IN REGARD TO THE EMPLOYMENT POSSIBILITIES

Regarding labor active population, the rate of employment of men is higher than the rate of employment of women, i.e. the unemployment rate of women is higher than the unemployment rate of men. The employment rate of men in 2014 was 58% in comparison with 56.6% for the same period in 2013. The employment rate of women in 2014 was 50.1% in comparison with 48.4% for the same period in 2013. The unemployment rate among

men in Croatia was 16%, and among women 18.1%. During 2014 the number of the unemployed women with the highest degree of education (faculty, masters or doctorate degree) increased by 4.4%, while the number of the unemployed men of the same educational degrees increased only 0.9%. Parallel to the decrease of the unemployment rate among men there was an increase of the unemployment rate among women, despite their increased employment in that period. It is a warning about a deep structural inequality of women and men in the labor market.

1.2.3. GENDER-BASED SEGREGATION IN THE LABOR MARKET

The participation of women and men was mostly balanced (the share of one sex does not fall below 40% of the total number) in 8 out of 19 areas of the labor market branches⁸. *Women are under-represented* in areas such as: construction, mining, water supply, sewerage, environmental recovery, electricity & gas supplies, steam and air-conditioning, transport and storage, agriculture, forestry and fishing and processing industry. *Women are over-represented in only 3 areas: health and social care, education, finance and insurance.*

Beside horizontal segregation, a trend of vertical segregation in the labor market continues. Women make only 17% of all the members of stock company directorates in Croatia. Balanced participation of women in managerial bodies could be found only in the insurance sector (41.7%). Women are under-represented (between 30% and 40%) in the sector of banking services (32.5%) and wood and lumber industry (30%). In all other marketing areas women are in managerial positions significantly under-represented (lower than 30% of participation). The situation is slightly better in regard to participation of women in supervisory boards. Out of 816 analyzed supervisory boards of Croatian stock companies, 166 members are women (20.24%).

1.2.4. PRINCIPLE OF AN EQUAL PAY FOR THE WORK OF EQUAL VALUE - PAY GAP

In 2014 an average gross wage in Croatia was 7.863 Croatian kunas, while the share of an average wage of women (7.424 Croatian kunas) in an average wage of men was 90.2%. In other words, on average, a man in Croatia earns 9.708 Croatian kunas more than a woman, i.e. for every 10 average gross wages earned by a woman, a man earns 12. Although women are the majority of Croatian population and are more educated, they receive higher average wages in only 4 labor market areas, mostly in the areas with jobs based on male physical labor. In the market areas in which employees receive the highest personal incomes, we can notice the increased number of men and the decreased number of women.

8 According to data which were published in 2014 by the Croatian Bureau of Statistics (gathered in 2012).

1.2.5. TRENDS WHICH ADDITIONALLY CONTRIBUTE TO GENDER INEQUALITY IN THE LABOR MARKET

According to data related to the end of 2013 and the beginning of 2014, the number of the *employed persons per fixed-term contracts* had considerably risen. In the total number of the employed persons, 13.4% of men were employed per fixed-term contracts and 14.9% women. *Indefinite time contracts* have become increasingly inaccessible, particularly for women.

1.3. — DISCRIMINATION IN EMPLOYMENT AND LABOR

Complaints about unfavorable treatment based on sexual orientation in the area of employment, work and social benefits continue to have the biggest share in the total number of the individual complaints. Together, these two areas made 69.6% (274 out of 394) of all the cases based on the article 19 paragraph 2, clause 1 of the Gender Equality Act.

Out of 131 initiated proceedings, 75 (57.2%) were related to the labor rights including equal pay, out of which 30 complaints (30%) were related to employment conditions. 20.6% of complaints were related to unfavorable treatment regarding job promotion, and only 1 complaint was related to the access to all forms of education and vocational training, while 2 complaints were related to unfavorable treatment concerning membership, action and benefits in associations of workers and employers. In the majority of cases individual complaints concerning discrimination were submitted by women in 70.2% of cases and by men in 9.1% of cases.

1.4. — HARASSMENT AND SEX-BASED HARASSMENT⁹

Out of the total number of 131 complaints related to discrimination on the grounds of sex in the field of work and employment, in 51 cases (39.6%) the citizens complained about harassment, i.e. sex-based harassment in the field of work and employment. As it was the case in the previous reporting period, all the complaints related to harassment and sex-based harassment were filed by women. Working on complaints, the Ombudswoman noticed that harassment and sex-based harassment in the majority of cases concerned (working) environments in which interpersonal relationships were disturbed, i.e. in environments in which female workers were dissatisfied with the way their male colleagues performed their job tasks, or because of the previously consumed partnership and/or love relationship between workers, i.e. in some cases because of the unsolved property relations. In all cases of „heavier forms“ of sex-based harassment, the complainants withdrew themselves from the further investigation steps of the Ombudswoman related to their cases. Therefore

⁹ **Sexual harassment** is any unwanted verbal, non-verbal or physical conduct of sexual nature with the aim of violating the dignity of a person or creating an intimidating, hostile, degrading or offensive environment while **harassment** is any unwanted unpleasant, degrading and insulting conduct on the ground of sex.

the Ombudswoman concludes that **the biggest number of sex-based harassment is still not reported upon**. Factors that contribute to that are deepening economy crisis fear from losing a job and predominantly patriarchal environment. Out of 51 complaints related to the harassment and sex-based harassment, the Ombudswoman concluded that 1/5 of the complaints were related to harassment, i.e. sex-based harassment in regard to the stipulation of Article 8, paragraphs 1.-3. of the Gender Equality Act.

The Ombudswoman noticed that sexual harassment and sex-based harassment are mostly present in the labor market and are mainly tolerated by the victims. A very small number of cases are reported on; a significant number of women withdraw from further proceedings in very serious cases of harassment and sex-based harassment. The victims, mostly women, who have a considerably worse status in the labor market, are additionally traumatized suffering from such a conduct because of which they lose their working capacity, motivation and enthusiasm and are often exposed to illness caused with stress and frustration such a discrimination brings upon them. It all further complicates the status of women in the labor market.

1.5. — RESEARCHES WITHIN PROGRESS-PROJECT "GLASS LABYRINTH"¹⁰

In 2014, the Ombudswoman conducted two researches on the representation of women and men in management positions - one on a sample of 500 and the other on a sample of 100 most successful companies in Croatia. Both Progress researches clearly indicate the inequality of opportunities: (1) on average in governing bodies of Croatian companies there is less than one female member, (2) on every female member in governing or supervisory board in Croatian companies, there are three male members, (3) in governing and supervisory boards there are male members with only primary school education, while there is not one female member with only this educational level, (4) the probability of participation of women older than 55 in governing bodies is more than 100% less than the probability of participation of men of the same age, (5) the probability that a woman will not be a member of a supervisory board when she is between 60-65 years of age is two times bigger than for the men of the same age group.

1.6. — MATERNITY AND PARENTAL BENEFITS

The system of maternity and parental benefits is defined in the Law on Maternal and Parental Benefits. The basic purpose of this Law is the protection of motherhood, facilitation of the balancing family and professional commitments and enabling higher participation of fathers in early child care. Since the new provisions of the Law came into force on July 1st, 2013, it is still not possible to see the true, direct and complete effect of the legislator's aim in enticing fathers to participate more in child rearing. The Ombudswoman received data

¹⁰ Both researches to be found in the full Annual Report for 2014.

from the Croatian Health Insurance Fund about the users of maternity and parental leave and benefits, segregated by sex. *The maternity leave¹¹ was used only by 0.4% of men¹² and parental leave¹³ by 4.88% of men.*

The measures which enable compliance of private and professional commitments are still not sufficiently implemented in Croatia. In any case, fathers should be effectively enticed to a more active role in early care about children. Experiences of European countries showed that fathers use their right to parental leave in cases of defined quotas or when only father's leave is well compensated.

1.7. — MEASURES OF ACTIVE EMPLOYMENT POLICY - IMPLEMENTATION IN 2014.

1.7.1. GUIDELINES FOR THE IMPLEMENTATION OF ACTIVE EMPLOYMENT POLICY IN 2014.

On November 28th 2013 the Croatian Government adopted the Guidelines for the implementation of active employment policy in 2014 (further: Guidelines) with measures directly intended for labor market, divided to: measures of active employment policy and other measures in context of fiscal policy.

1.7.1.1. GUIDELINES RELATED TO THE ACTIVITY OF VARIOUS BODIES IN 2014

Croatian Employment Service included the total of 56.632 persons with various measures of active employment policy, out of which 59.5% of women. However, there are still measures of active employment policy in which not one woman was included. **The measures of active employment policy included 29 victims of family violence**, out of which 27 women (93.1%) in 9 counties and the City of Zagreb. Measures are not implemented enough in relation to this specific group of the unemployed and it is worrying that they are not implemented in all of the counties.

-
- 11 According to the Law on Maternal and Parental Benefits (article 12) compulsory maternal leave starts on 28 (respectively 45) days before the expected child birth and lasts until day 70 after the child is born (the total of 98 days).
 - 12 After this compulsory period used by a mother expires, a mother has the right to an additional maternal leave until a child is 6 months old, which she can completely or partially transfer to a father, with his consent.
 - 13 According to the Law on Maternal and Parental Benefits (article 13) after a child is 6 months old, a parent (a mother or a father) has the right to use parental leave, which, as a rule, starts on 181st day after a child was born and can be used until a child is 8 years old. According to the Article 14 an employed and a self-employed parent has the right to parental leave for the duration from 8 to 30 months, depending on the number of born children and the way of exercising this right.

1.7.1.2. GUIDELINES RELATED TO THE ACTIVITIES OF THE COUNTIES AND THE CITY OF ZAGREB IN 2014

According to the results of the research conducted by the Ombudswoman, the majority of the counties (16) and the City of Zagreb claim that they contributed to the employment of women, i.e. to the diminishing discrimination of women in the area of employment and work with the systematic implementation of the measures of active employment policy and economy development. However, gathered statistic data deny this conclusion:

In cases analyzed by the Ombudswoman for 3 counties and the City of Zagreb the total of 1.087 supports and incentives was approved in a total amount of 77,855.804 Croatian kunas, for 568 (52.3%) of men in the amount of 57,561.327 Croatian kunas (73.9%), in comparison to 519 women (47.7%) realized in the amount of 16.357.077 Croatian kunas (26.1%).

Although the collected data show approximately the same share of men and women, the benefits from the achieved result were considerably in favor of men in comparison to women (74% : 26%).

2

FAMILY

2.1. — NEW LEGISLATURE OF FAMILY RELATIONS¹⁴

2.2. — DOMESTIC VIOLENCE

The Council of Europe Convention on preventing and combating violence against women and domestic violence was adopted in May 2011 in Istanbul (further: Istanbul Convention) which confirmed that the violence against women is a serious violation of human rights and a form of discrimination of women. Istanbul Convention came into force on August 1st, 2014.¹⁵ On January 22nd 2013, the Republic of Croatia became the 27th member of the Council of Europe which signed the Istanbul Convention. However, Croatia is still one of a few countries in the region which has not ratified it¹⁶. Therefore, the Ombudswoman actively lobbies that Croatia ratifies Istanbul Convention as soon as possible.

During the reporting period, the Ombudswoman had several initiatives for the amendments of the Criminal Code in relation to procedures regarding domestic violence. Some of them were adopted, while others are still under consideration, or adopted to a certain degree in the final Proposal of the Law on Amendments to the Criminal Code. The proposer introduced specific circumstances for the criminal acts from the article 136 of the Criminal Code (Unlawful deprivation of freedom) and article 137 of the Criminal Code (Kidnapping) in cases when they were committed toward a closely related person. The Ombudswoman advocated for these introductions and therefore she repeated her proposal to include these specific circumstances of criminal acts into the criminal acts of Coercion (Article 138 of the Criminal Code) and Threat (Article 139 of the Criminal Code), in cases when they were committed toward a closely related person. The Ombudsperson greeted the initiative of the proposer

14 More in chapter 12 of the full Annual Report for 2014 - Laws and Regulations.

15 The condition of 10 ratifications was fulfilled.

16 From the countries in the region, Istanbul Convention has been ratified by Albania, Serbia, Bosnia and Herzegovina, Montenegro, Turkey, Italy and Austria.

to introduce a new criminal act „Domestic violence“ into the Criminal Code.¹⁷ According to the current systematization of domestic violence, Criminal Code still does not include psychological and economical forms of domestic violence.

2.2.1. OVERVIEW OF THE NUMERICAL INDICATORS OF MISDEMEANOR ACTS OF DOMESTIC VIOLENCE PROVIDED BY THE MINISTRY OF THE INTERIOR

The Ministry of the Interior (further: MI) data confirm the trend that the perpetrator of domestic violence in the majority of cases is a man (a spouse, common-law spouse, ex-partner, father towards daughter, son towards mother). 11.655 men (78%) and 3.219 women (22%) were reported with domestic violence. Registration, filing cases, managing and segregating data by the MI considerably improved in comparison with previous reporting periods. Data showed a total decrease of 10% of the number of misdemeanor acts of domestic violence. Although there are no data which would point towards the causes of this decrease, on one side there are grounds for the claim that the number of domestic violence misdemeanor acts results from the improved legislative, criminal and misdemeanor framework, faster and more efficient police treatment following strictly the Protocol. But, the Ombudswoman's experience shows that domestic violence misdemeanor and criminal acts are still tolerated by the victims and not reported upon.

2.2.2. STATISTICS OF THE MINISTRY OF THE INTERIOR ON DOMESTIC VIOLENCE AS CRIMINAL ACT

Criminal acts towards closely related persons - segregated by sex of the victims and the perpetrators¹⁸ and in relation to their kinship¹⁹

In 2014 there was the total of **1.107 criminal acts with elements of domestic violence** with 1.155 victims out of which 328 were men (28%), and 827 women (72%).

There is a trend of an increasing number of criminal acts with the elements of domestic violence as well as the number of victims. The total number of victims of these criminal acts increased in 2014 by 276 persons (23.9% in comparison to 2013), out of which 135 were women, (an increase of 17.7% in comparison to 2013) and 91 were men (an increase of 27.7% in comparison to 2013).

According to submitted data, criminal acts Bodily Harm, Threat and Sexual intercourse without consent make the majority of the total number of committed criminal acts (879

¹⁷ More in chapter 12 of the full Annual Report for 2014 - Laws and Regulations.

¹⁸ Methodology of police monitoring and reporting perpetrators is such that the perpetrator who committed more criminal offences in the same calendar year is shown only once.

¹⁹ Tables which show data can be found in Supplement 2 of the full Annual Report for 2014.

or 79.4% out of the total number of 1.107); men were the perpetrators in 94% of cases. In all criminal acts out of the total number of 928 perpetrators, men were perpetrators in 824 cases (88.8%), women in 104 (11.2%). It is symptomatic that there is not one woman among the perpetrators of the criminal act against sexual freedom (sexual intercourse without consent, rape and sexual harassment).

This trend proves significant and serious physical and sexual vulnerability of women by closely related men. The noticed trend, as well as the trend of decreased misdemeanor acts of domestic violence and considerable increase of criminal acts with elements of domestic violence, represent pretty alarming data which call for an urgent further improvement of punishment system, awareness raising campaign about this problem (especially of men), education of the police and the judiciary and work on prevention of domestic violence on all social levels.

2.2.3. PERSISTING PROBLEMS AND 'NEW TRENDS'

According to data concerning the relation between the perpetrator and the victim, we can conclude that men - close family members - make the absolute majority of the perpetrators of domestic violence as misdemeanor act and of the perpetrators of the criminal act with elements of domestic violence against women. Also, domestic violence, although decreasing in misdemeanor area, still becomes more brutal and as such slowly moves over to the sphere of criminal legislative. In the reporting period there was a total of 879 criminal acts of bodily harm, threats and sexual intercourses without consent and in over 90% of cases victims were women and perpetrators the victims were closely related to.

Such a **trend of brutalization of domestic violence** can often lead to the most tragic consequence - murder of a closely related person - the majority of victims of violence are women - most often spouses or common-law spouses.

The Ombudswoman gave initiative for conducting examination procedure for 3 murders committed during the reporting period, which were resulting from domestic violence, and she found out that the system of prevention and sanctions failed in all three cases. The authorized centers for social care, the police and the judiciary did not recognized the danger in a specific decisive moment and did not employ efficient protective measures of the victims. As in the previous reporting periods, in domestic violence cases the police still charge or take into custody both partners. This practice is not in compliance with the Protocol and it shows the lack of gender sensitive approach of the police. It is also not in accordance to the practice of the European Union in domestic violence cases, or the international conventions which Croatia adopted²⁰.

20 Directive EU no. 2012/29/EU about victims of criminal acts and The Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention) and Recommendation Rec (2002) 5 of the committee of ministers EU to member states on protection of women from violence.

2.2.4. CENTERS FOR SOCIAL CARE CONDUCT IN REGARD TO THE PROVISIONS OF THE PROTOCOL IN DOMESTIC VIOLENCE CASES

The Protocol in domestic violence cases (further: Protocol), among other things prescribes obligations of the centers for social care (further: CSC) in domestic violence cases.²¹ The Ombudswoman emphasizes once again **the failure of the CSCs to recognize certain forms of domestic violence** (primarily psychological and economical), and consequentially, the failure of reporting it to the police. Certain number of CSC experts still think that some forms of domestic violence are just „disturbed marital relations“ and therefore do not follow obligations prescribed to the CSC by the Protocol.

There are cases in which CSC experts do not report violence to the police, but instead advise the victims to report it to the police if the violence occurs again. There are also cases in which CSC treated victims and perpetrators of the violence equally. The Ombudswoman receives complaints referring to these cases for years. Because of that, the Ombudswoman considers continuous education of CSC experts as necessary.

2.2.5. HOUSING FOR DOMESTIC VIOLENCE VICTIMS

The National strategy for protection against domestic violence for the period 2011-2016 (further: National strategy) in chapter VI (Housing and support for domestic violence victims) includes the measure no.7: „Ensure permanent and temporary housing for domestic violence victims in accordance to the available housing facilities“. Based on the monitoring of the implementation of the mentioned measure, the Ombudswoman concluded that it had been insufficiently implemented. According to the Ministry of Regional Development and EU Funds²², the victims of violence were provided with housing for the last time in 2011, and there were only four of them. The Ombudswoman continuously receives complaints of women victims of domestic violence concerning the provision of housing.

2.3. — (IN)SENSITIVITY OF MISDEMEANOR COURTS TOWARDS VICTIMS OF DOMESTIC VIOLENCE

Women - victims of domestic violence are additionally traumatized in courtrooms because they lack institutional support and are left to cope on their own. Conducted analysis of the court verdicts (appealable and final ones) of the misdemeanor courts showed that some of the misdemeanor court judges: (1) ignore the fact that the misdemeanor act of domestic

-
- 21 Aim of the procedure protocol of the centers for social care is improvement of the protection of the victims of domestic violence, prevention of new violence in a family and development of measures for protection of rights and well-beings of persons exposed to domestic violence.
 - 22 The Ministry of Regional Development and EU Funds was designated as the measure carrier. Since, according to the information of the Ministry itself, the measure had not been implemented, a new carrier was designated - State office for reconstruction and housing.

violence is an act persecuted ex officio and they rely exclusively on the testimony of the victim of violence, who, under persuasion and/or coercion, decides to accept the offered benefit of non-testifying and refuses to testify, (2) do not recognize all forms of domestic violence which have different levels of intensity, (3) are unaware of the gender caused dynamics of domestic violence which is based on still wide-spread presumption that behind the closed door a man is a „head of the family“, (4) do not show sensitivity in pronouncing punishments and in implementing protective measures, (5) insufficiently use the measure of detention of the perpetrator of domestic violence, (6) some misdemeanor proceedings are inappropriately long.

2.4. — OTHER FORMS OF VIOLENCE

2.4.1. VIOLENCE BETWEEN INTIMATE PARTNERS

The Republic of Croatia has still not ratified the *Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention)*. Croatian legislative is not adjusted with the Istanbul Convention because it does not provide equal protection from violence to all women; women who are, or were married, or lived in a common-law marriage are in a better position than women who are or were in an intimate relationship, a relationship which is not considered a common-law marriage because it does not have crucial elements of a common-law marriage. According to the police data for 2014, the total of 28 misdemeanor proceedings towards perpetrators of the misdemeanor acts were initiated in relation to the Article 31 of the Gender Equality Act, out of which 24 were towards men and 4 towards women. There was a total of: 11 final court verdicts, out of which 10 towards men and 1 towards a woman; 8 fines, out of which 7 towards men and 1 towards a woman. Comparing these data with the previous years, the number of such proceedings decreased, which can be explained with the fact that a few years ago some misdemeanor courts started with the practice of dismissing indictment proposals filed by the police with an explanation that the police is not an authorized plaintiff according to the article 31 of the Gender Equality Act.

The Ombudswoman proposed to the Croatian Parliament to initiate the ratification of the Istanbul Convention as soon as possible, as well as the implementation of the amendments to the Criminal Code and the Law on Protection against Domestic Violence, in such a way that for the criminal and misdemeanor justice a family includes persons (whether as victims or perpetrators of violence) who have never lived together, but have been in an intimate relationship. Alternatively, the Article 31 of the Gender Equality Act should be changed and supplemented in a way to prescribe: (1) the imprisonment for the purpose of sanctioning and preventing heavier forms of the mentioned misdemeanor act, (2) adequate

protective measures and (3) to define Ministry of the Interior as an authorized plaintiff for this misdemeanor act.²³

2.4.2. RAPE

According to the Ministry of the Interior data in regard to the total number of criminal acts against the sexual freedom of adults, 44 criminal acts of sexual intercourse without consent had been registered (according to the Article 152 of the Criminal Code) and 26 criminal acts of sexual intercourse without consent (according to articles 152/154 of the Criminal Code). In regard to the criminal act of rape, 57 criminal acts had been registered according to the Article 153 of the Criminal Code, and 15 criminal acts of attempted rape. Criminal acts of sexual intercourse without consent (per Article 152 of the Criminal Code) harmed the total of 70 persons, out of which 61 were women (87.1%). Criminal act of rape (per Article 153) harmed 99 persons, out of which 87 were women (87.8%).

2.5. — PARENTAL CARE

In 2014, the Ombudswoman continued with her efforts to improve the work of the centers for social care and the police in the area of parental care. Some centers for social care treated both spouses equally, without differentiating between the perpetrator and the victim of domestic violence. Favoritism towards mothers without solid grounds has also been noted, as well as the omission of timely and adequate treatment in cases of unjustified ban of meetings between a father and a child. Sex-based stereotypes in the area of parental care still represent the most frequent cause of complaints filed by fathers, while mothers point out insensitivity of professional workers in regard to domestic violence they are victims of. Good cooperation with the police and the centers for social care which regularly acknowledge recommendations of the Ombudswoman and improve their work are certainly encouraging. However, it has been noticed that in a certain number of cases the problem was not the sex-based discrimination but an unsolved partnership relation between parents or doubts concerning parental manipulation with the child/children.

In 2014, the Ombudswoman conducted two researches concerning parental care:

- (1) RESEARCH about difficulties in maintaining contacts with the parent with whom the child does not live
- (2) RESEARCH about distraint procedures with the purpose of handing over a child to a parent and maintaining contacts between a parent and a child

²³ See paragraph 2.4.2. Proposals and views in the full Annual Report for 2014.

2.6. — IMPLEMENTATION OF THE NATIONAL STRATEGY FOR PROTECTION AGAINST DOMESTIC VIOLENCE 2011.-2016.

One of the **most important measures of the Strategy** - *ensuring permanent and temporary housing for the victims of domestic violence in accordance with available housing spaces*, on a national level **has not been implemented at all**, because the main carrier of the implementation is still not known. Another extremely important measure - enticement of employment and employment of the victims of violence - has also been poorly implemented. There is **a continuous education and professional specialization** of the police and judiciary staff, judges, public attorneys. The results would have been better had there been more financial means (especially in judiciary). The Ministry of the Interior trains professionally its staff, the activity in which the Ombudswoman also participates. The most frequently implemented measure is sensibilising the public for the problem of domestic violence and marking commemorative dates. Finally, no significant progress has been noticed in this reporting period in regard to the implementation of the National Strategy.

2.7. — IMPLEMENTATION OF THE PROTOCOL IN CASES OF DOMESTIC VIOLENCE

The Ombudswoman required and received the reports from the coordinators for gender equality in state administration bodies (20 counties) and committees for gender equality (in 20 counties and the City of Zagreb) about the implementation of the obligations on local and regional level in implementation of the Protocol in cases of domestic violence (further: Protocol).

2.7.1. COORDINATORS FOR GENDER EQUALITY

Analyzed data clearly show that almost all of the coordinators collected data from the police, centers for social care and judiciary, and in a lesser degree from health and education institutions. In some counties²⁴ the cooperation is better with all authorized offices for the implementation of the Protocol, while in other counties there is a lack of cooperation between the coordinators and authorized bodies²⁵, which means that it is necessary to establish cooperation on a higher level. Unlike the good examples of the work of coordinators and regular/periodical meetings, there are counties where not a single meeting was held on the implementation of the Protocol.²⁶ Also, the meetings regarding individual cases of domestic violence had not been held in any of the counties.

24 Varaždinska county, Virovitičko-podravska county.

25 Krapinsko-zagorska, Ličko-senjska and Sisačko-moslavačka county.

26 Zagrebačka, Sisačko-moslavačka, Primorsko-goranska, Ličko-senjska, Šibensko-kninska and Splitsko-dalmatinska county

2.7.2. COUNTY COMMITTEES FOR GENDER EQUALITY

The Protocol prescribes the obligations of the county committees for gender equality. Required reports were submitted this year by all county committees except those which were not established in 2014.²⁷ The majority of committees mentioned the problem of domestic violence, the necessity to establish and provide support to the shelters for victims of domestic violence and counseling centers for women victims of violence.²⁸

2.7.3. FINANCING COMMITTEES FOR GENDER EQUALITY

Collected reports show that there is a disproportion in regard to the activities of the committees and their financing (financial means vary from 1.000-162.000 Croatian kunas). The Ombudswoman points out in all of her annual reports that the financing of the committees should be based on the principles of gender budgeting.

2.7.4. FINAL CONCLUSION

Collected reports and data show that work activity and financing differs from one county to another, one committee to another, although certain committees significantly improved their activities and became very active.

27 Until the end of the reporting period, Splitsko-dalmatinska county did not establish its committee for gender equality, while the committee of the Šibensko-kninska county was established in December 2014.

28 Committees for the counties: Koprivničko-križevačka, Krapinsko-zagorska, Međimurska, Osječko-baranjska, Vukovarsko-srijemska, Istarska, Zadarska.



3

SEXUAL AND GENDER MINORITIES

3.1. — LEGAL GROUNDS AND SITUATION ASSESSMENT

In 2014 the *Law on Lifetime Partnership of the Same-sex Persons*²⁹, which governs the status and the rights of the same sex persons in Croatia, was adopted.

3.1.1. PHYSICAL INTEGRITY AND CRIMINAL ACTS MOTIVATED BY HATRED

During 2014 the total of 22 cases of hate crimes was recorded, 3 criminal proceedings were initiated due to a criminal act motivated by hatred towards homosexual persons, and the defendants were found guilty. Ten proceedings were held in misdemeanor courts for the misdemeanor acts with the motive of hate crime, but it is not known how many cases were held for the misdemeanor act motivated by hatred towards homosexual persons.

3.1.2. FREEDOM OF ASSEMBLY AND EXPRESSION

There is a further progress regarding the protection of the constitutional freedom of public assembly and expression of sexual and gender minorities, because beside the two regular gay prides (in Zagreb and in Split) another one was organized in Osijek and all three were held without visible expression of intolerance.

3.1.3. FREEDOM OF MOVEMENT, FAMILY REUNIFICATION, ASYLUM AND SUBSIDIARY PROTECTION

In regard to the freedom of movement and family reunification of the persons of homosexual orientation, by the adoption of the *Law on Lifetime Partnership of the Same- sex Persons* all

29 Official Gazette, no. 92/14

formal legal obstacles, which would disable or complicate the residency of foreign citizens, who were in a life community with Croatian citizens in Croatia, were removed.

3.1.4. LABOR MARKET AND THE ACCESS TO SERVICES AND GOODS

The majority of persons who think that they were exposed to discrimination on the grounds of sexual orientation at work or in access to services or goods, do not wish to initiate any kind of anti-discrimination procedures out of fear that their identity might become public, which, in the end, might result with a higher level of discrimination.

3.2. — OMBUDSWOMAN'S ACTIVITIES REGARDING PROMOTION OF THE RIGHTS OF THE PERSONS OF THE SAME SEX ORIENTATION

The Ombudswoman participated in the workshop on family mediation of the same-sex couples organized by Equinet in Stockholm which dealt with the issues of sexual and gender minorities. She also made public statements and views about the rights of the persons of the same sex sexual orientation.

3.3. — PROBLEMS OF GENDER DYSPHORIC PERSONS

In 2014, as in the previous reporting periods, the Ombudswoman monitored the status rights and the rights to medical treatment of the gender dysphoric persons, as well as the suppression of the potential discrimination towards them. At the same time she actively participated in creating normative framework through which the gender dysphoric persons could solve their legal and medical status.³⁰ The status of gender dysphoric persons has considerably improved over the last two reporting periods, but the transition procedure from one sex to another has still not been „covered“ with adequate procedures of the authorized bodies. Namely, until the conclusion of this report the List of experts had still not been published. The Ministry of Health has still not made the Expert guidelines prescribed by the Rules on collecting medical records and determining the terms and conditions for sex change or life in a different gender identity which would define diagnostic and therapeutic procedures necessary for surgical sex change.

30 Through a continuous work in cooperation with TransAid Croatia organization, authorized ministry and other authorized bodies, the Ombudswoman gave a considerable contribution to the creation of the normative framework regarding the change of the legal and physical identity of transgender persons. Direct result of this work was the Rules on collecting medical records and determining the terms and conditions for sex change or life in a different gender identity which came into force end of 2014.

4

RISKS OF MULTIPLE DISCRIMINATION OF VULNERABLE SOCIAL GROUPS

4.1. — WOMEN IN RURAL AREAS

The Ombudswoman monitored closely the status of women in rural areas as an especially vulnerable social group exposed to the risk of multiple discrimination.³¹ Independently or in cooperation with other interested parties³², the Ombudswoman initiated a series of activities for the empowerment of women in the rural areas and supported organizations of the civil society/programs/festivities/events with the same purpose. Women in rural areas are exposed to the risk of multiple discrimination because of the stereotypes, patriarchal views, domestic violence, unemployment and difficulties in employment.

4.2. — WOMEN WITH DISABILITIES

Women with disabilities are especially vulnerable group exposed to the risk of multiple discrimination in all areas of life, and especially in the area of employment and work, domestic violence, education, medical care, participation in political and public life and in the area of protection of sexual and reproductive rights. Their unfavorable status is linked with the poorer level of education in comparison to the men with disabilities, as well as the exposure to all forms of domestic violence, especially social isolation, i.e. neglect as specific form of domestic violence.

31 According to the Article 14 parag. 1 of the CEDAW „States Parties shall take into account the particular problems faced by rural women and the significant roles which rural women play in the economic survival of their families, including their work in the non-monetized sectors of the economy, and shall take all appropriate measures to ensure the application of the provisions of the present Convention to women in rural areas.“

32 One of the initiatives was in cooperation with the embassies of Austria and France in Croatia, UNDP, Gender Task Force - GTF in Zagreb and in partnership with cities and counties. The name of the initiative is Forums for empowering women from rural (and urban) areas: „Towards effectuation through communication and meetings“. The purpose of this initiative is to organize meetings of women employed in authorized bodies, representatives of local governmental bodies, successful entrepreneurs as well as unemployed women in order to exchange experiences directly, identify structural and personal faults which prevent them in accomplishing goals and to find concrete solutions in cooperation with local governmental bodies and institutions. The first out of many planned forums was held on November 14th in Zadar, in the premises of Zadar county.

4.3. — WOMEN FROM NATIONAL MINORITIES

Based on the known data we can conclude that Roma women are the most vulnerable social group in Croatia that in relation to the exposure to the risk of multiple discrimination. Beside poor living conditions Roma women live in, there is a sense of frustration and hopelessness. They are unemployed, without an income, poorly educated, becoming mothers while teenagers, performing the majority of house chores and care about children and older members of households. They are victims of domestic violence and poorly aware of their rights. Beside that, certain indicators of increased risk from rape and trafficking have been noticed. Suppression of gender inequality in Roma communities is one of the prerequisites for the change of the unenviable status of this national minority in Croatia.

The Ombudswoman conducted a pilot-study „Status of Roma women in Croatia with emphasis on forms of violence“ in cooperation with an organization for Roma women „Bolja budućnost“. The results showed poor living conditions in which Roma women live, as well as the lack of hope for improvement in which new generations of young Roma men and women grow up. Elimination of gender inequality in Roma communities is one of the preconditions for the change of the unenviable status of this national minority in Croatia.

4.4. — VICTIMS OF SEXUAL VIOLENCE IN HOMELAND WAR

Victims of sexual violence, regardless of the circumstances, make an especially vulnerable social group. So far in Croatia compensations to the victims of war crimes have been linked with the implementation of criminal procedures against perpetrators, which were extremely rare and thus the majority of victims of sexual violence were left without any satisfaction. The Ombudswoman participated in the working group formed by the Ministry of War Veterans, which was drafting the *Law on the Rights of Victims of Sexual Violence in Homeland War*. The Ombudswoman thinks that this law will contribute to the personal and social rehabilitation of victims, especially women. The Ombudswoman insists on the amendments to the law which would simplify the realization of rights, which would cover the rights of a bigger number of victims and which would increase compensations for the persons who were exposed to sexual violence for a longer period of time. The Ombudswoman's proposal that the victims should be enabled to fulfill the rights foreseen by the law even if they suffered only one form of sexual violence was adopted while her proposal to increase the indemnity to the victims who were exposed to the violence for a longer period of time was not.

4.5. — WOMEN IN PROSTITUTION

The victims of criminal acts in relation to the prostitution are exclusively women. Classic promotion of prostitution through the Internet or newspapers is the most common form of organizing prostitution. The results of the recent researches in Croatia show that women

in prostitution are exposed to a higher risk of violence. More than a half was raped at least once in a lifetime, 40% were victims of violence committed by their clients, 20% were forced to sex, 45% experienced threats by physical violence, 30% were physically assaulted by a client, 8% asked for a medical help because of the assault. Mentioned data confirm initiatives, which the Ombudswoman supports, that the punishment of the clients/users of sexual services be transferred from the misdemeanor sphere into the criminal.

4.6. — VICTIMS OF TRAFFICKING, ESPECIALLY WITH WOMEN AND CHILDREN

In 2014, the total of 37 victims of trafficking was identified in Croatia, out of which 29 were of female sex (78%). Segregated by age, the majority of victims were children, i.e. persons younger than 18 years of age (22 cases) and among them mostly persons of female gender (18 cases). According to the form of exploitation, 31 victims were identified as the victims of sexual exploitation, 27 of which were females.

5

EDUCATION

5.1. — REGULATIONS CONCERNING GENDER EQUALITY

In the Decision on the elements and criteria for the selection of candidates for admission to secondary schools (further: Decision for admission), school year 2012/2013, following the Ombudswoman's proposal, the Ministry of Science, Education and Sports prescribed that the male or female candidate of the under-represented sex gains 2 additional points, if there is 80% of one sex applying for the admission to a certain vocational qualification. Mentioned criterion was left out from the Decision for admission in school year 2013/2014. Therefore, for the purpose of suppressing the distinction of traditionally „male“ and „female“ areas of education and work, the Ombudswoman proposed to the Ministry that the text titled „Admission of candidates according to the National policy for gender equality“ be included into the Decision for admission for the school year 2014/2015 and thus return the stimulating measure for admission of the candidates of the under-represented sex. The Ministry did not adopt the Ombudswoman's proposal with an explanation that the mentioned criterion did not sufficiently motivate candidates to enroll certain vocational qualification in which the majority were candidates of the opposite, male or female sex. They also mentioned that the Decision of the Constitutional Court of Croatia (no. U-II-2168/2013) determines that the Constitution does not acknowledge the possibility of benefits in admission to secondary schools on any grounds which are not related to the basic capabilities of the candidates.

5.2. — OMBUDSWOMAN'S ACTIVITIES RELATED TO HEALTH EDUCATION IN PRIMARY AND SECONDARY SCHOOLS

The Ombudswoman monitored the introduction of Health education and analyzed all the related materials and documents on the basis of which she pointed out to the Ministry of Science, Education and Sports the oversight in the Manual for teachers and expert associates in secondary schools in which sexual orientation is defined as a matter of choice in the teaching unit Stigmatization and discrimination of sexual minorities II. The Ombudswoman warned that the mentioned assertion has discriminatory effect which contributes to the incorrect views related to the cause of a different sexual orientation and recommended

that the part of the text „the right to choose one’s own sexual orientation“ be replaced with „the right to one’s own sexual orientation“.

The Ministry and the Agency for Education accepted the recommendation and made the required change before the new school year 2014/2015 started.

The citizens’ initiative „Do not touch the children!“ distributed the flier which included untrue information that the sex education in Croatia is founded on criminal act of pedophilia and announced lectures on this subject on faculties of medical sciences in Zagreb and Split. The Ombudswoman warned the faculties and the Ministry of Science, Education and Sports that the faculties in Croatia should not support such activities. The Faculty of Medical Sciences in Split answered that they did not receive an official request for the lecture hall and that they will not host it. However the same lecture was held at the Faculty of Medical Sciences in Zagreb.

5.3. — OMBUDSWOMAN’S ACTIVITIES RELATED TO CIVIC EDUCATION IN PRIMARY AND SECONDARY SCHOOLS

During the public debate about the Draft of the curriculum for civic education for primary and secondary school, the Ombudswoman proposed inclusion of the teaching units dedicated to sexual and gender minorities, because the issue of discrimination on the basis of sexual orientation was left out from the curriculum. She also suggested the usage of the term „other characteristics“ in texts which define discriminatory grounds in order to avoid restriction of discriminatory grounds which would be a part of the teaching process.

During the second public debate about the curricular document concerning the implementation of the Civic education as interdisciplinary content in primary and secondary schools, the Ombudswoman proposed revision of the texts which mention discriminatory grounds so that they will be standardized according to the Article 14 of the Croatian Constitution and Article 1 of the Anti-discrimination act. She repeated that topics concerning sexual orientation had been left out. In August 2014, the Ministry of Science, Education and Sports adopted the Program of curricular and interdisciplinary contents of civic education for primary and secondary schools in which discriminatory grounds were in entirety adjusted with the Article 14 of the Croatian Constitution. However, the proposal related to the inclusion of sexual orientation as a separate discriminatory ground, according to the Article 1 of the Anti-discrimination act which includes 18 discriminatory grounds, was not adopted. Finally, the Ombudswoman recommended obligatory integration of Civic education as a separate curriculum subject into the primary and secondary schools because the status of a separate curriculum subject in a sense of quality and quantity is much more significant than curricular and interdisciplinary approach.

5.4. — RESEARCH “STUDENT OMBUDSPERSONS IN CROATIA”

The Act on student council and other student organizations introduced to the universities in Croatia the position of the student ombudsperson. The aim of this research was to establish the conditions in which the student ombudspersons perform their duties and how they do it. Out of 106 universities included in this research, 82 introduced the position of student ombudsperson (77%), while 24 did not appoint one (23%). The student ombudspersons mostly work with complainants about problems linked with passing exams (57%). In school year 2013/2014 three complaints were registered on the grounds of sex and none on the grounds of marital and family status or sexual orientation.

All three registered complaints were related to pregnancy and maternity status.

5.5. — GENDER SENSITIVE LANGUAGE IN HIGH EDUCATION

The Ombudswoman conducted a research on conditions and work of student ombudspersons and required reports from universities on the matter of issuing new official documents with gender sensitive titles. The results showed that only 56% of the institutions of higher education in all cases acted according to the Article 14, clause 5 of the Gender Equality Act which expressly orders the usage of the appropriate gender in relation to vocational qualifications, professions or titles depending on the sex of the document receiver. Despite the fact that the mentioned stipulation unequivocally introduces the usage of male gender in case the document receiver is a male and the usage of female gender in case the document receiver is a female, the high percent of the institutions of higher education (32%) uses exclusively neutral gender, and some of them even have slightly inconsistent practice. The Ombudswoman emphasizes that the educational institutions, like any others, are obliged to use language standards in accordance to the Gender Equality Act and recommends them to use versions in appropriate gender prescribed by the National vocational classification, the List of professional titles and abbreviations and the List of academic and professional titles and academic degrees and their abbreviations.

6

MEDIA

6.1. — RESEARCH OF THE NEWSPAPERS AND INTERNET PORTALS FROM GENDER PERSPECTIVE

The Ombudsperson conducted a media research on a sample of 2.873 articles. In comparison to 2011, when the same research was conducted, there was an increase in the number of articles related to the areas within the Ombudswoman's jurisdiction (62%).

In the total number of the analyzed articles, the most represented was the issue concerning the rights and discrimination of the LGBT population, followed by the violence against women including domestic violence and labor market.

6.2. — ANALYSIS OF SEXISM AND GENDER STEREOTYPES IN PRESIDENTIAL CAMPAIGN 2014/2015

In regard to the presidential campaign 2014/2015, the Ombudswoman publicly invited all the participants in the campaign to refrain from sexism or insults on the ground of sex. With this statement she sent a clear message about the intolerability of such rhetoric. The Ombudswoman acts in accordance to the responsibilities of an independent, non-partisan and apolitical body, as it is the case with all ombudsman bodies in Croatia and other countries where ombudsperson's bodies are established. During the presidential campaign 2014/2015 gender stereotypes and sexism were present in statements of individuals and in media coverage. Therefore the Ombudsperson conducted a detailed analysis the results of which, with concrete examples, are published in full Annual Report for 2014.³³

33 Subtitles of the analysis are: Name without surname (6.2.2.3.), „Skirt at the head of state" (6.2.2.4.), Marital and family status (6.2.2.5.), Physical beauty (6.2.2.6.), "Sweet toy" (6.2.2.7.), (Sexist) invitation to women to vote for a woman (6.2.2.8.), Candidates about gender equality issues (6.2.2.9.); After election rhetoric (6.2.2.10.).

6.3. — COMPLAINTS ABOUT MEDIA CONTENTS

In 2014 as in previous years the Ombudswoman worked on citizens' complaints³⁴ concerning the way in which women and men were presented in media contents. It is obvious that the citizens became more sensitive towards the presence of gender stereotypes which is largely the consequence of years-long systematic activities of the institution of the Ombudsperson for Gender Equality and civil society organizations for the purpose of eliminating sexism and stereotypes from the media and educational materials. It is important to say that the Ombudswoman receives this kind of complaints by men as well as women which proves that sexism and stereotyping on the grounds of sex is not insulting only to women, but, as the Ombudswoman often emphasizes, is harmfully to men and women alike.³⁵

6.4. — ANALYSIS OF TRENDS IN MEDIA REPORTING

Media reporting trends are³⁶:

- downgrading the harmfulness of sexism in media contents³⁷ (6.4.1.),
- perpetuating gender stereotypes (6.4.2.),
- insulting and underestimating women through social networks³⁸ (6.4.3.),
- degrading 'feminine'³⁹ (6.4.4.),
- biased reporting⁴⁰ (6.4.5.),
- imperative of unattainable ideal of physical beauty - only for women⁴¹ (6.4.6),
- reporting on violence against women⁴² and domestic violence⁴³ (6.4.7.),

34 According to the provision of the Article 16. paragraph.2 of the Gender Equality Act and other laws and documents related to public presentation of women and men in media contents, sexism and gender stereotypes etc.

35 Detailed description of Ombudswoman's work on complaints can be found in full Annual Report for 2014 under the subtitles: Marital/family status as obstacles to perform one's job, but only for women (6.3.1.); Spreading discriminatory statements through the Internet social networks (6.3.2.); Sex stereotypes and sexism in contents for children (6.3.3.); Advertising campaigns for adults (6.3.4.); Complaints falling out of jurisdiction (6.3.5.); Complaints addressed to other authorized supervisory bodies (6.3.6).

36 Numbers in brackets mark the paragraph numbers in the full Annual Report for 2014.

37 On one of her warnings about sexism on their pages the Ombudswoman received a reply from the editor-in-chief that „the colleagues were warned to take a little care“.

38 Examples of the titles from newspapers: Girls from Varaždin's area targeted by the Internet bullies, Večernji list, 18.03.2014.; Horror in school in Zadar - Naked eight-grader girl's photos spread all over the Internet, parents and the victim shocked, Jutarnji list, 24.10.2014.; Insulting Facebook group with provocative photos, Večernji list, 20.04.2014.; My photo was posted by my ex-boyfriend, I had to take tranquilizers...“, Glas Slavonije, 28.02.2014.

39 „Little girls, pack your little bags“, 24sata, 24.06.2014.

40 „D.K. is a 22-years old woman from Zagreb, employed as a non-qualified animator“ ...“; „... by vocation she is a hairdresser who worked shortly as such after the school but was soon fed up with it“ (from the article „It is better to be an exotic dancer, than to study for ten years!, Slobodna Dalmacija 04.07.2014.).

41 „Fashion which loves curves“, Cosmopolitan, November 2014.

42 „Drunk girl raped“, Novi list, 11.02.2014.; „Totally drunk girl sexually exploited“, RTL, 30.04.2014.

43 'Turmoil in front of the dump - Man has insulted and beaten up his wife, Podravski list, 08.09.2014.

- reporting on the rights of LGBT people⁴⁴ (6.4.8) and
- continuous trends like sexual stereotypes in non-stereotypical articles (6.4.9).

Taking into the consideration complaints, proceedings related to the media contents and conducted analysis and researches in the area of monitoring the media, the Ombudswoman cannot claim that there has been a progress in the way in which the media present, mostly women, in media contents. Also, there is still a worryingly large number of the media which continue to present women as objects and emphasize their looks and eroticize their physical characteristics.

6.6. — IMPLEMENTATION OF THE MEASURES OF THE NATIONAL POLICY FOR GENDER EQUALITY 2011-2015 (NPGE)⁴⁵

National policy for gender equality 2011-2015 includes several measures which oblige their carriers on implementation of the activities related to the elimination of gender stereotypes and introduction of gender sensitive policy into the media. The problem of the lack of the uniform methodology of monitoring media contents from the aspect of gender equality and promotion of the principles of gender equality on Croatian Radio Television still persists.

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

Table: comparative table for the past 5 years

YEAR	PUBLIC STATEMENTS	TV & RADIO STATEMENTS	PRESS-CLIPPING
2010.	6	38	98
2011.	4	33	91
2012.	18	37	189
2013.	19	103	363
2014.	22	117	731

The promotional video spot which was shot as a part of the EU Progress-project „Dismantling the Glass Labyrinth – Equal opportunity Access to Economic Decision-making in Croatia“, which the Ombudswoman conducts in cooperation with project partners and which shows the issue of under-representation of women on managerial positions in companies in Croatia, was broadcast 181 times on public television (Croatian Radio Television) and 32 times on RTL (commercial)

44 For example: „ You still think that homosexuality is „natural“? These data will shock you“, sloboda.hr, 16.09.2014.; „Dangers of the Law on lifetime partnership of the same-sex couples“, zdravstveniodgoj.com, 25.02.2015.; „Deceptions of the Law on Lifetime Partnership of the Same-sex Couples“, zdravstveniodgoj.com, 10.03.2014.; „ALARMING! Homosexuals are the leaders of the sexual deviations: The purpose is transformation of society into perverts dependable on their slave-owners!“, dnevno.hr, 24.02.2015. i sl.

45 See full Annual Report for 2014.

television. Public and media statements, interviews and activities of the Ombudswoman were published in newspapers and on the Internet portals 721 times which is an increase of 101% in comparison to 2013. In 2014, all the contents published on the Ombudswoman's official web page had 2,468.376 hits which is an increase of 97% in comparison to 2013.

Table: comparative table of visits of the official web page in the past 5 years⁴⁶

GODINA	POSJEĆENOST STRANICA (BROJ PREGLEDAVANJA STRANICA – HITS)
2010.	805.025
2011.	781.270
2012.	1.468.489
2013.	1.254.770 ⁵¹
2014.	2.468.376

⁴⁶ The reason of the decreases number of hits in comparison to 2012 is the change of the service provider and the hit counter was disabled for the period of 2 months.

7

GENDER EQUALITY IN THE AREA OF POLITICAL PARTICIPATION

7.1. — ELECTION OF CROATIAN MEMBERS FOR THE EUROPEAN PARLIAMENT IN 2014 FROM THE GENDER EQUALITY ASPECT

The total of 48 political parties participated in the election for the European Parliament, out of which 18 participated independently and the remaining 30 formed the total of 7 coalitions. The gender balanced representation in accordance to the Article 12, section 3 of the Gender Equality Act means that either sex must be represented with at least 40%. In this election 11 representatives were elected to represent Croatia in the European Parliament, which means that either male or female candidates had to be represented with at least 5 representatives. The most important results of the election from the perspective of gender equality are:

- Out of the total of 275 candidates on electoral lists, 34.5% were women, 65.5% men;
- Out of the total of 25 candidate lists, 10 respected recommended quota of at least 40% representation of either sex;
- Out of the total of 25 candidate list carriers, 8% were women (2), 92% were men;
- Male candidates on candidate lists were elected with more votes: one female candidate on average received 2.930 votes, and male candidate received 3.575 votes;
- Finally, Croatia elected the total of 6 female candidates and 5 male candidates (55%-45%).

Although some of the political parties did not take into account the gender equality principle on their candidate lists, it had no effect on the final result in regard to the gender structure of female and male elected representatives for the European Parliament (6 female candidates and 5 male candidates). Therefore, the Republic of Croatia is one of the countries of the European Union which respected the principle of gender equality in the area of political participation for the second year in a row (in 2013 Croatia had 6 female and 6 male representatives in EP). From the gender equality perspective the Ombudswoman

considers the final results of the election for the representatives for the European Parliament in 2014 satisfying.

7.2. — PRESIDENTIAL ELECTIONS IN 2014 FROM GENDER EQUALITY ASPECT

Three male and one female candidate participated in the presidential elections. According to the official results⁴⁷, **the first female president** of the Republic of Croatia was elected with 50.74% of votes, while her opponent received 49.26% of votes. From the proclamation of independence of Croatia there have been 6 presidential elections with 49 candidates, out of which 42 men (85.7%) and 7 women (14.3%). Five times won a male candidate (83.3%) and one time a female (16.7%). Presidential elections confirmed the slight increase of the share of women in presidential elections over the past 10 years, but the share of women in the area of political participation stagnates. Women became active in the race for the most important positions in decision-making, but they are still under-represented and there is no further progress in relation to the stipulation of the Article 5 of the Gender Equality Act according to which women and men should be equally present in all areas of public life. The fact that a woman has been elected for the president should contribute to the breaking of the traditional notion about the power positions as strictly „male“ domain and motivate more women to enter politics.

47 Official Gazette, no. 11/15

8

NATIONAL POLICY FOR GENDER EQUALITY⁴⁸

The majority of measures from the National policy for gender equality have been implemented by the majority of carriers in a satisfying manner. It is important to point out drafting of the Strategy of women entrepreneurship development in Croatia, for the period 2014-2020 (further: Strategy), the Action plan for the implementation of the Strategy and the adoption of the Protocol in cases of sexual violence.

However, like in the previous years, some measures had not been implemented or had been implemented partially, mainly because of the lack of financial means of certain carriers, and in some cases because of their own inactivity in measure implementation.

48 See full Annual report for 2014, Supplement 8.

9

REPRODUCTIVE HEALTH

9.1. — TREATMENT OF MOTHERS DURING CHILD DELIVERIES

Treatment of mothers during child deliveries is certainly within a domain of sexual and reproductive rights of women and the violation of those rights undermines the gender equality principle. Therefore, the gynecologists must treat women giving birth in a way which will not endanger their dignity and will ensure their right to full and timely information, taking into consideration their individuality and working in accordance with the professional rules and relevant regulations.

9.2. — CONSCIENTIOUS OBJECTION RELATED TO WOMEN'S RIGHT TO MAKE DECISIONS ABOUT THEIR REPRODUCTIVE HEALTH

The right to an abortion and the right to conscientious objection must take into consideration the positions of the patient and of the gynecologist. Public health care institutions should not be put in a position in which gynecologists take over the power of influencing decisions about abortions. Any kind of limitation of the access to medical service of termination of pregnancy, which is a legal medical procedure accessible only to women out of biological reasons, represents direct discrimination of women in regard to the access to services based on their sex and as such is prohibited by the Directive 2004/113/EZ and Gender Equality Act. Also, the practice of the Court of Justice of the European Union determines that any unfavorable treatment of women in relation to pregnancy presents discrimination of women on the basis of their sex because it can happen only to women. Every medical institution which participates in state system of health care and is capable and legally obliged to provide medical procedure of pregnancy termination, is legally obligated to ensure effective access to this kind of medical service to all women who, using their constitutional right to freedom of choice, have made this difficult personal decision.

9.3. — RESEARCH „CROATIAN HEALTH CARE INSTITUTIONS' PRACTICE RELATED TO ENSURING THE ACCESSIBILITY OF LEGALLY INDUCED ABORTIONS“⁴⁹

The aim of the research was to establish the accessibility of legally induced abortions in relation to the right on conscientious objection of gynecologists and to examine the practice of health care institutions in cases in which, due to conscientious objection, the abortion was not accessible. On the overall, the accessibility of the abortion in Croatia at the end of 2014 was satisfactory in comparison to the period 10 years ago and the period closely before the activation of the Ministry of Health in the second half of 2014. The problems in accessibility which existed in the majority of health care institutions had been removed and the solutions had been found in coordination with the Ministry in a way that, when it was necessary, the external associates were engaged. The main obstacle in accessibility of legally induced abortion remains its price which is very high in some of the health care institutions.

49 See full Annual Report for 2014.

10

WOMEN MIGRANTS AND ASYLUM SEEKERS

In comparison to 2012 and 2013, the number of asylum seekers in 2014 decreased more than 50%. One of the reasons is that the Republic of Croatia approved only a hundred asylums and subsidiary protection out of 4000 claims in the past 9 years, which is 10 times less than the average number of approved asylums in other EU countries.

According to the Ministry of the Interior data, in 2014 there were 453 asylum seekers. Out of that number 424 or 93.59% were men, and 29 or 6.41% were women. In 2014 there were a total of 578 decisions about asylum status, out of which 545 or 94.29% decisions related to men and 33 or 5.71% related to women. The status of the asylum seeker was granted to 16 persons, out of which 12 (75%) were men and 4 (25%) were women. The status of a foreigner under subsidiary protection was granted to 10 persons and they were all men. Women were granted more asylum seeker status in comparison to men if we take into consideration the number of claims.

10.1. — RESEARCH: TREATMENT OF ASYLUM SEEKERS BEFORE AND AFTER THEIR ARRIVAL TO CROATIA

The Ombudswoman conducted a pilot study whose main purpose was to gain an insight into the treatment of asylum seekers in relation to discrimination and discrimination on the grounds of sex, their perceptions and experience of sexual and gender discrimination.



The questionnaires were distributed among 30 asylum seekers, out of which 10 refused to participate. The results showed that some of the asylum seekers had conflicts with the police in the country of origin, that they were victims of their sexual orientation, or had family problems, or were attacked verbally after the incident of armed attack on Charlie Hebdo weekly etc.

In the past 9 years the Republic of Croatia approved only around hundred asylums and subsidiary protection out of approximately 4.000 claims. Although the asylum system has been improving, the integration of asylum seekers and strangers into Croatian society is still one of the main problems.

11

NATIONAL ACTION PLAN (NAP) FOR IMPLEMENTATION OF UN SECURITY COUNCIL RESOLUTION 1325 (2000) ON WOMEN, PEACE AND SECURITY AND RELATED RESOLUTIONS 2011-2014⁵⁰

The Ombudswoman confirms that the last year of the implementation of NAP saw further progress especially in introduction of gender balance into the armed forces, police force and state security forces, the areas which have been so far considered as exclusively male. Especially positive is the fact that the number of women on managerial functions in these three institutions increased on all levels. Good results have been achieved in the area of education and training. It seems that women are more involved in the activities for prevention of armed conflicts and peace building. The obstacles to a successful implementation of NAP are the lack of financial means and insufficient interest/sensibility of some of the measure carriers.⁵¹

50 See full Annual Report for 2014.

51 We ought to encourage better cooperation between state bodies (holders) with local and regional (regional) governments and civil society organizations.

12

LAWS AND REGULATIONS - OMBUDSWOMAN'S INITIATIVES

12.1. __ LABOR LAW

The Ombudswoman sent her opinion to the Ministry of Labor and Pension System related to certain segments of the Draft of the Labor Law, such as: fixed-term contracts and temporary work, working hours and holidays and termination of labor contracts. The Ombudswoman emphasized that these three segments contain the biggest risk from discrimination for certain category of persons - women, mothers, pregnant women and single parents. The Ombudswoman estimated future functioning of stipulations in practice, related to women in the labor market, on the basis of existing situation defined by collected data and research conducted in the previous reporting periods. The Ombudswoman thinks that the status of women, pregnant women, mothers with small children and single parents will remain, at its best, the same with the new Labor Law, but with a real danger of further deterioration of the status of women in the labor market. Unfortunately, Ombudswoman's commentaries and proposals were not accepted.

12.2. __ LAW ON CIVIL SERVANTS

The Ombudswoman sent her proposal to the proposer of the draft of the Proposal of the Law on Amendments to the Law on Civil Servants to take into consideration the possibility of introducing stipulations which would point toward the existing obligation of the balanced representation of women and men on all levels within the bodies of state administration

and local and regional self-government, as well as in legal entities with public authorities. This obligation is already prescribed by the Article 12 of the Gender Equality Act.⁵²

12.3. — LAW ON INCOME TAX

The Law on Income Tax has been changed on the basis of the Ombudswoman's initiative and adjusted with the legislative in a way that it does not discriminate against common-law spouses in relation to taxation benefits and that it gives guarantees of equal treatment on the basis of family status. The Ombudswoman commends the fact that the Government adopted amendments which introduced a stipulation which, in accordance to the Article 11 of the Family Law, expressly prescribes that married and common-law partners are equal in relation to the access to this kind of tax benefit for immediate family members. The Ombudswoman also commends the fact that the proposed changes were adopted by the Croatian Parliament with the majority of votes on the plenary session on November 28th 2014.

Unfortunately, the Law on Real Estate Transfer Taxes does not include such a stipulation. Therefore, the Ombudswoman proposed to the authorized parliamentary committee to exercise their power and submit relevant amendments to the Article 11d of this Law, which would explicitly and clearly prescribe the principle of equality of the common-law and married couples in regard to all tax benefits and obligations of this Law and in accordance with the guarantees of equal treatment from the Family Law and Gender Equality Act.

12.4. — LAW ON PENSION INSURANCE

Analyzing articles 34-36 of the Law on Pension Insurance⁵³ (further: LPI), the Ombudswoman concluded that related stipulations discriminate against women. Namely, LPI from 2010 has been changed on the basis of the Constitutional Court ruling U-I-1152/2000 from April 18th 2007 in which it decided that the stipulations of then valid Law on Pension Insurance, i.e. the conditions for retirement (full and early), must be equal for women and men. The same court ruling prescribed that the age for the retirement must be raised in relation to women in a way that the LPI in force prescribes that the age necessary for early and for full pension

-
- 52 Article 12 - The implementation of specific measures shall serve to promote equal participation of women and men in legislative, executive and judicial bodies, including public services, and to gradually increase the participation of the underrepresented sex in order for its representation to reach the level of its percentage in the total population of the Republic of Croatia.
- (2) With a view to achieving the goal referred to in paragraph 1 of this Article, specific measures shall be introduced where one sex is substantially underrepresented.
- (3) One sex is substantially underrepresented within the meaning of paragraph 2 of this Article if it accounts for less than 40% of representatives in political and public decision making bodies.
- (4) When making appointments to public bodies and bodies of units of local or regional self-government and other legal persons with public authorities, the balance between both sexes shall be sought in terms of their representation.
- (5) When making appointments to diplomatic offices, members of boards, commissions and delegations representing the Republic of Croatia at the international level, public bodies shall seek to ensure the balance in terms of representation of women and men.

53 Official Gazette, no. 157/13

for women is raised every year for additional three months. However, the LPI which is now in force says that the right to early retirement, due to years-long pension insurance, has the insured person when s/he turns 60 years of age and 41 year of pension insurance. Since in this way the age limit for retirement, on the basis of years-long insurance, has been fixed, while the age for the retirement of women has been increased by three months every year, the Ombudswoman thinks that the mentioned stipulations are contradictory and that the stipulation of the article 35 is contrary to the mentioned ruling of the Constitutional Court. Namely, if the current Law's stipulations intention is to gradually move the age limit for early retirement for women, then by the same analogy it is necessary to determine the right to early retirement on the basis of years-long pension insurance. In the existing system, women are in an unfavorable situation in comparison to men. Since it seems that only women are in an unfavorable position, due to a seemingly neutral regulation, the Ombudswoman concluded that it is a case of indirect discrimination in relation to the Article 7, paragraph 2 of the Gender Equality Act and she required the changes of the Law on Pension Insurance.

12.5. __ THE LAW ON AMENDMENTS TO THE LAW ON TRAVEL DOCUMENTS OF CROATIAN CITIZENS

The Ombudswoman gave her opinion and proposed the changes in relation to the text of the draft of the Proposal of the Law on Amendments to the Law on Travel Documents of Croatian Citizens concerning the stipulations which are discriminatory and contrary to the Gender Equality Act and Family Law. The Ombudswoman established that the proposed changes added paragraph 3 to the article 34 of the current Law which would read: „When parents do not permanently live together, the claim for travel documents for a minor is submitted by a parent with whom the minor dwells and who has a parental care granted by the court order.“ Since this stipulation puts one parent to an unfavorable position, the Ombudswoman recommended the addition which would read: „with the consent of another parent“, in order to avoid possible abuse.

12.6. __ CRIMINAL CODE

In this reporting period the Ombudswoman required the introduction of the new criminal offence to be included into the Criminal Code - psychological domestic violence (art.179a)⁵⁴. The Ombudswoman warned in her public statements and her Annual Report for 2013 about the necessity of heavier incrimination of this act and proposed the expansion of the circle of persons - potential victims of criminal acts like: Unlawful deprivation of liberty, Kidnapping, Coercion and Threat to the closely related person of the perpetrator because the practice showed that precisely closely related persons are exposed to a greater risk of limited freedom of movement by the violent family members. In the final Proposal of the Criminal Code for the Article 136 (unlawful deprivation of liberty) and Article 137 (Kidnapping) the proposer introduced specific aggravating circumstance of criminal acts (meaning that in

54 The proposer initially accepted it, but in the final Proposal of the Amendments of the Criminal Code this article was renamed into the criminal act called: „Domestic violence“. Since the text of the article has been considerably changed, practically it means that completely new criminal act is introduced into the Criminal Code.

case they are committed towards closely related family members), but not for the criminal acts of Coercion (Article 138) and Threat (article 139).

The Ombudswoman commended the initiative of the proposer to add new criminal act of domestic violence into the Criminal Code and proposed that the article reads: „Who more than once violates the regulations on protection from the domestic violence in a way to repeat physical, sexual, psychological and economical violence towards a family member or a closely related person, and does not commit any other criminal act for which a more severe punishment is prescribed, will be punished by imprisonment up to five years“. By this stipulation the unclear terminology would be avoided about the type of violence, while all parts of the norm that could confuse judges and state attorneys and give opportunities of manipulation to the defense of the accused would be left out. The Ombudswoman emphasized that it was fully redundant to introduce fear and humiliation into the description of that criminal act as categories which must be proved in court. What has to be proved is the repetition of the violence, because if the violence has been proven, then fear and humiliation of a victim are implied. Beside that, the Ombudswoman proposed that the stipulation „if by that a serious criminal act has not been committed“ be replaced by „if by that another criminal act has been committed for which a more serious punishment is prescribed“. And finally, the Ombudswoman proposed a more severe punishment in a sense that the perpetrator is punished with an imprisonment up to five years instead of current imprisonment up to three years.

The proposer did not accept the proposal of the parliamentary Justice Committee, Committee for Gender Equality and parliamentarians to include in the final Proposal of the amendments to the Criminal Code the stipulation which foresees the punishment of the clients of sexual services of prostitutes. The Ombudswoman supports the punishment of clients in prostitution because she thinks that it is not enough that the client of the prostitute is punishable only if he knew or had to know that it was the matter of forced prostitution, as it is now the case.

12.7. __ RULE BOOK ON FAMILY MEDIATION

The Ombudswoman recommended that the regulations of the Rule book prescribe that the words and the concepts of the Rule book, which have gender connotations, regardless of the fact whether they are used in male or female gender, should apply equally to men and women, which is in accordance to the Article 43 of the Gender Equality Act⁵⁵. The Ombudswoman proposed that the Rule book introduces the obligation of the mediator to report urgently everything s/he finds out about the domestic violence to the appropriate state attorney's office, i.e. to precisely prescribe that the confidentiality of the mediation does not apply to the knowledge about domestic violence.

12.8. — INITIATIVE FOR THE CHANGE OF THE LEGAL FRAMEWORK OF THE COMPULSORY MATERNITY LEAVE OF THE DIPLOMATIC STAFF DURING THEIR STAY ABROAD

In the reporting period the Ombudswoman received a series of complaints from women employed in the Ministry of Foreign and European Affairs who complained about unfavorable treatment of the Ministry of the female employees who during their diplomatic mandate in diplomatic branches of the Republic of Croatia abroad became pregnant. The Ombudswoman concluded that the effects of the implemented measure were unfavorable for pregnant women because their freedom of will was limited and they were brought into the more unfavorable position in comparison to persons who were not pregnant in relation to the possibilities to fully realize their career goals. The amendments of the Rule book, which came into force on March 1st 2014, the possibility of shortening the mandate because of the maternity or parental leave was removed and no longer violates gender equality principles.

12.9. — LAW ON THE PROTECTION OF PERSONS WITH MENTAL DISORDERS

Since the Ombudswoman's previously given commentaries on Article 36, paragraph 2 and Article 37, paragraph 2⁵⁶ of the draft of the final Proposal of the Law on the Protection of Persons with Mental Disorders had not been adopted, the Ombudswoman warned the proposer again that these stipulations may be abused in relation to the victims of domestic violence who are in a specifically stressed and vulnerable position. Women victims of violence, who were during divorce proceedings forcibly placed into psychiatric institutions, complained that the true reason for their placement was to disable them from using personal and common property. Therefore, the Ombudswoman proposed the introduction of the additional protective mechanism into the proceedings of forced placement; in cases of court decisions on placements in psychiatric institution „expert psychiatrist must be present“and that in every case „for court hearing the court must obtain written expert opinion of an expert psychiatrist who is not employed in the psychiatric institution where forcibly detained person is placed“. The Ombudswoman emphasized that the European court for human rights mentioned that in estimating the vulnerability of persons it must be taken into consideration the violence which the complainant suffered in the past, threats and his/her fear of future violence.

56 Article 36, paragraph 2 of the proposed draft of the Law proposal reads: „to the hearing of the mentioned persons can be present the psychiatrist from the list of permanent court experts (further expert psychiatrist) who is not employed in the psychiatric institution in which forcibly detained person is placed if the judge considers it necessary“.

Article 37, paragraph.2 of the proposed draft of the Law proposal reads: „For court hearings the court can, and on claim by the forcibly detained person or her lawyer must, obtain written expertise of the expert psychiatrist who is not employed in the psychiatric institution in which forcibly detained person is placed about whether there are severe mental disorders present in that person because of which she is dangerous for her own or somebody else's life, health and security“.

12.10. — FAMILY LAW

During the reporting period, the Ombudswoman participated in the public debate about the proposal of the Family Law. She had the same objections she made on the draft of the proposal of the Family Law, particularly in relation to the legislative regulation of the common-law institute. She furthermore emphasized that she considered the stipulation of the Article 184-185 illogical, from which it is obvious that the adoptive parent can be one person, while the same right is denied to common-law partners. It is not clear why did the legislator adopt such a legal solution of the final law proposal, especially in a situation of complete equalization of marriage and common-law. The Ombudswoman did not have objections to the Article 332 of the final proposal of the Family Law because in the legal text it is explicitly mentioned that the mediation will not be conducted if there is a claim about domestic violence.

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

During the reporting period the Ombudswoman actively participated in the activities of the working group for drafting the Law on the Rights of the Victims of Sexual Violence in Homeland War. She thought that this law will considerably contribute to personal and social rehabilitation of the victims, particularly women. The Ombudswoman insisted on the amendments to the law which would simplify the realization of rights, which would cover the rights of a bigger number of victims and which would increase compensations for the persons who were exposed to sexual violence for a longer period of time. The Ombudswoman's proposal that victims should be able to exercise their rights foreseen by the law even if they suffered only one form of sexual violence was accepted, unlike her proposal related to the increase of compensation to victims who were exposed to the violence through a longer period of time. The Ombudswoman will continue to follow the procedure of adopting this legal text, as well as its implementation, solely for the purpose of protecting the rights of victims of sexual violence in Homeland War.

12.12. — RULES ON COLLECTING MEDICAL RECORDS AND DETERMINING THE TERMS AND CONDITIONS FOR SEX CHANGE OR LIFE IN A DIFFERENT GENDER IDENTITY (RULES)

As a member of the working group for drafting the Rules⁵⁷, the Ombudswoman actively participated by giving her expert opinions and proposals by which she contributed to the creation of the normative framework for changes of legal and physical identity of transgender persons.

57 It came into force in November 2014.



DISCRIMINATION IN ACCESS TO GOODS AND SERVICES





The majority of complaints of this kind referred to the (in) ability to realize the right to abortion. The Ombudswoman reminded on her research conducted last year in relation to the way the banks treated pregnant women and mothers who used maternity leave in relation to loan approvals. In conclusion of this research the Ombudswoman mentioned that in granting loans to these women the banks committed direct and indirect discrimination in a way that they excluded them completely from crediting procedures or unduly treated them as credit risk.



IV

COOPERATION ON NATIONAL AND INTERNATIONAL LEVEL AND OTHER ACTIVITIES





The Ombudswoman continued successful cooperation with various bodies, institutions and civil society organizations from Croatia, and on regional and international level. She participated and gave presentations on 164 public events, 17 sessions of Croatian parliaments committees, 25 international/regional conferences, 22 meetings on international/regional level. She co-organized 8 public events.⁵⁸

58 Full Annual Report includes comparative table and precise number of participation. Details can be also found on official web page www.prs.hr and facebook profile.

V

IN CONCLUSION



On the basis of the Gender Equality Act in 2014 the Ombudswoman for Gender Equality worked on the total of 2.588 cases which is a 21.3% increase in comparison to 2013. The number of complaints continued to increase (10.6% increase in comparison with 2013), and the majority of them is still concerning discrimination based on sex. Complainants are mostly women (72.6%). The majority of complaints concerns social security rights (39.3%), labor rights (30.3%) which together make a considerable percentage of 69.6%, public information and the media (6.1%), health care (2.8%) and other.

In relation to forms of discrimination there were: 87.6% cases of direct discrimination, 3 cases of indirect discrimination (0.7%), while in 11.7% of cases discrimination was not established. In relation to grounds of discrimination there were: on the grounds of sex 79.7% cases, sexual orientation 4.6% (continue to increase slightly), marital and family status 3.3%, gender identity and expression 0.5%.

Based on received complaints and her personal initiative, the Ombudswoman issued 570 written recommendations, 115 warnings and 37 proposals, initiated 1 misdemeanor charge and 2 criminal charges, gave an initiative for amendments of 1 internal regulation.

The Ombudswoman established that the bodies of public government on all levels, with public authorities and other legal and physical persons in **94.83% of cases acknowledged her recommendations/proposals/warnings** issued on the grounds of complaints in which she established the existence of discrimination in relation to gender equality.

The Ombudswoman independently conducted **7 researches** in relation to: work and working conditions - 2, social security including social care - 2, education and science - 1, public information and the media - 1 and reproductive health - 1. **Two memorandums on cooperation** were implemented: Memorandum on cooperation between the Ministry of the Interior and the Ombudsperson for Gender Equality (from 2012); Memorandum on cooperation between the Legal Clinic of the Faculty of Law in Zagreb and the Ombudsperson for Gender Equality (from 2013), on the basis of which 7 students were professionally trained in the Ombudswoman's office.

The biggest number of complaints - 69.6% - was related to work and employment. The complainants were mostly women - 70.2% who complained mostly about sexual harassment at work, fixed time labor contracts, discrimination on the grounds of motherhood, family status, wage gap etc. It is not surprising if we take into consideration: years-long trends concerning unemployment rate (women make 45.4% of work active population and 58% of work inactive population), gender conditioned segregation on labor market, increase of the number of employed persons per fixed term contracts (share of men - 13.4%, share of women - 14.9%), more difficult accessibility to contracts with indefinite time, especially to women, wage gap (10%) etc.

The Ombudswoman started with the **implementation of the Progress-project „Glass labyrinth“** whose research results coincide with dominant indicators about the status of women and men in Croatian labor market: (1) under-representation of women on managerial level coincides with their under-representation in the labor market, (2) women occupy managerial positions later and leave them earlier which coincides with later entry of women in the labor market and their earlier leaving, (3) despite the fact that the share of highly educated women in the labor market is higher than the share of men and that the share of highly educated women in companies which were included in the research was higher than the share of men, on managerial positions the situation is reverse, (4) division of positions on managerial level according to traditionally divided gender roles coincides with the horizontal segregation of areas on the grounds of sex in the labor market.

In Croatia there is still an insufficient implementation of the measures which enable balancing of private and professional tasks. Therefore the fathers should be more efficiently motivated to take over an active role in care about the children. **Maternal leave** was used by 0.4% of men and **parental** by 4.88% of men.

In **domestic violence** cases women are still the majority of victims - more than 70%. Certain number of complaints points towards still present unawareness of the authorized institutions about some forms of domestic violence (primarily psychological and economical). As in the previous reporting period, there was a 10% decrease of the number of misdemeanor acts of domestic violence.⁵⁹ At the same time, in comparison to the last year, the increase of the total number of criminal acts with the elements of domestic violence, and the number of victims, was obvious.

Sexual stereotypes in the area of **parental care** are still the reason of complaints of fathers, while mothers point out insensitivity of professionals in relation to domestic violence of which they are victims. The encouraging element is good cooperation with the police and

59 Although there are no data which would point to the reasons of this decline, the Ombudswoman's experience in monitoring legislative framework, as well as active participation in its advancement, concludes that on one side there is a basis for a claim that the decrease of the misdemeanor acts of domestic violence results from the improved criminal and misdemeanor legislative framework, quicker and more efficient police work and passing of the Protocol on protection against domestic violence. However, the Ombudswoman's experience in domestic violence cases, especially harassment and sexual harassment, it turns out that these misdemeanor and criminal acts are to a certain extent still tolerated by the victims and not reported on.

outstanding cooperation with centers for social care which regularly acknowledge Ombudswoman's recommendations and improve their work.

The Ombudswoman encouraged judicial authorities to sanction homophobic **hate speech on the grounds of sexual orientation** and incitement to violence. Her opinion is that the discrimination on the ground of sexual orientation in the labor market and in access to goods and services is still widespread, although its visibility is relatively weak. Her views are based on complaints she received directly from the victims of discrimination and through LGBT organizations.

The Ombudswoman actively participated in creation of normative framework through which **gender dysphoric persons** might solve their legal and medical status.

The Ombudswoman independently, i.e. in cooperation with other interested parties, initiated the **empowerment of women from rural areas** and supported organizations, programs and public events with the same purpose.

Women with disability are an especially vulnerable group exposed to the risk of multiple discrimination and because of that the Ombudswoman continuously monitors their status in all areas of life, especially in the area of work and employment, domestic violence, education, medical care, political participation and participation in public life. She also monitors their problems related to the protection of their sexual and reproductive rights.

Due to the complaints of citizens about the violation of their **rights in relation to abortion and conscientious objection**, the Ombudswoman conducted a research about the accessibility of abortion. She concluded that the accessibility is on a satisfactory level in relation to the period 10 years ago. The problems in accessibility, which existed in a bigger number of health institutions, have been removed and these institutions, in coordination with the Ministry of Health, successfully found the solutions and, if necessary, engaged external associates.

Women also complained about the treatment during child delivery. The Ombudswoman's supports the treatment which will not be harmful to their dignity, which would provide women with full and timely information and take into account their personality while, at the same time, take steps in accordance to the rules of profession and relevant regulations.

Participating in drafting a legislative framework about the **rights of the victims of sexual violence in Homeland War**, the Ombudswoman thinks that it is necessary to pass the law which will contribute to the personal and social rehabilitation of victims, especially women.

In the field of education, the Ombudswoman supports the integration of Civic education as a compulsory curriculum in primary and secondary schools because in that way topics related to human rights would be introduced into the educational system in a more thorough way and with better quality in comparison to the current interdisciplinary approach.

On the basis of complaints, independent initiatives regarding media contents and conducted analysis and researches in the **field of monitoring media**, the Ombudswoman does not see an improvement in the way the media present mostly women because a high number of the media still present women as objects and emphasize their looks and physical attributes as the most important.

Presidential campaign showed downgrading of the harmfulness of sexism in the media contents and public speech and we witnessed a series of **sexual stereotypes and sexism in statements of individuals and in the media coverage**.

Promotion of gender equality principles in the **field of political participation**, after 6 presidential elections (with 42 male and 7 female candidates) resulted in election of the first Croatian female president. Presidential elections confirmed a slight increase of the share of women in the race for the highest positions in decision-making, but in principle there are still no improvement in the sense of balanced representation of women and men in political participation (40% of under-represented sex). The fact that a woman has been elected for the president of Croatia should contribute to the breaking of the traditional notion about the power positions as „male“ dominion and encourage a greater involvement of women in politics. A further improvement in introduction of gender balance in defense and police force as well as in state security system has been noticed - areas which have been treated so far as exclusively male. Women, as it seems, are becoming more and more involved in the activities of **prevention of armed conflicts and in peace building**.

More complaints come from the areas of giving and accessing services, for example complaints related to granting the bank loans to pregnant women and mothers who are on maternal leave, groups which the banks totally exclude from crediting procedures or unjustly treat as credit risk groups.

On the basis of the complaints, as well as on the basis of independently conducted researches and analysis, **the Ombudswoman gave a total of 64 recommendations in full Annual Report for 2014**.

In Zagreb, March 2015

THE OMBUDSWOMAN FOR GENDER EQUALITY

Višnja Ljubičić, dipl.iur.

