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FOR GENDER EQUALITY

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SUMMARY OF THE ANNUAL REPORT FOR 2015





CASE STATISTICS IN 2015

The Ombudswoman for Gender Equality (further: Ombudswoman) is an independent body in charge of combating discrimination based on sex, marital and family status, pregnancy and maternity, sexual orientation and gender identity. Besides receiving and acting upon citizens' complaints about discrimination on grounds from her jurisdiction, the Ombudswoman monitors the enforcement of the Gender Equality Act ¹ (further: GEA) and other laws and regulations regarding implementation of gender equality principles.

In 2015 the Ombudswoman worked on **the total of 2.467 cases**, out of which **486 were individual citizens' complaints concerning protection from discrimination**, which is an **increase of 7.7%** in comparison to 2014 (404 new individual cases² and 82 from previous reporting periods) and **1.981 cases opened upon the Ombudswoman's initiative** as the result of monitoring the implementation of GEA.

The increase of citizens' complaints, in comparison to the previous reporting periods, continued.³ The complaints were **mostly related to discrimination on the grounds of sex (90.1%)⁴** and were mostly submitted by women (67.6%)⁵. The biggest number of complaints was related to the area of labor and social security (51.5%) and they were mostly the cases of direct discrimination (92.2%). The Ombudswoman continued to monitor 2 court cases at the Supreme Court in which she had intervened in 2014.

The recommendations, warnings and proposals which the Ombudswoman issued to the public bodies on all levels, the legal persons with public authority and other legal and natural persons (based on procedures in cases in which the Ombudswoman confirmed discrimination on the grounds from her jurisdiction), were **fully respected in 81% of cases**.

1 Official Gazette 82/08.

2 Out of 404 cases, **31 were initiated upon the Ombudswoman's request (63,2% more initiatives in comparison to 19 from 2014)**.

3 There were 404 new cases opened in 2015 in comparison to 394 cases in 2014, 375 in 2013, 368 in 2012 and 308 in 2011.

4 In relation to **the grounds of discrimination**, the citizens' complaints were: 90.1% of cases on the ground of sex, sexual orientation 4.5%, marital status 2.2%, family status 1.8%, gender identity and expression 1.2% and other grounds 0.2%.

5 Classified by the sex of the complainants: women 67.6%, men 27% and women and men together 5.4%.

The Ombudswoman was active at all levels of the state administration and local and regional self-government bodies. In the total number of individual citizens' complaints there was a noticeable increase of the share of complaints from other counties of Croatia (58.2%) in comparison to the share of complaints from the City of Zagreb - 41.8%.

In 2015 the Ombudswoman issued the total of **335 recommendations, 238 warnings and 182 proposals**, initiated 5 criminal⁶ and 1 misdemeanor charge⁷, in 4 cases required supervision by the Labor Inspectorate⁸ and initiated the change of 1 internal regulation⁹. The Ombudswoman also advised citizens about their rights and obligations in 347 cases (86%).

Among other activities, the Ombudswoman raise public awareness through promotion of gender equality as one of the basic constitutional values and conditions for quicker development and social prosperity. Working on this promotion, in 2015 the Ombudswoman:

Conducted 7 independent researches and studies: from the field of labor and working conditions - 3¹⁰, social security including social care - 2¹¹, education and science - 1¹², media - 1¹³;
Conducted 9 independent analyses¹⁴;

6 As an independent body for combating discrimination, the Ombudswoman files charges to the authorized State Attorney's Office if in the course of performing her duties, she becomes aware of any infringements of the provisions of GEA constituting a criminal offence (Article 23, paragraph 4 of GEA). In 2015 the Ombudswoman reported criminal charges in 5 cases: PRS-01-01/15-02 and PRS-01-01/15-08 - 2 in the area of labor, PRS-03-02/15-18 - 1 in relation to domestic violence, PRS-03-05/15-36 and PRS-03-05/15-46 - 2 in relation to partner violence.

7 1 case: PRS-01-01/15-02 - the area of labor.

8 4 cases: PRS-01-01/15-08, PRS-01-01/15-10, PRS-01-03/15-08 and PRS-01-03/15-27 - in the field of labor.

9 1 case: PRS-01-03/15-49 - in the field of labor, the Ministry of Internal Affairs accepted the Ombudswoman's warning and recommendation, and notified the Ombudswoman that they will change Regulation on the evaluation of police officers.

10 Within the EU PROGRESS-project JUST/2012/PROG/AG/GE/4157 „Dismantling the Glass Labyrinth – Equal Opportunity Access to Economic Decision-making in Croatia“, the Ombudswoman conducted 2 studies: *Study of employers' perception of benefits entailed by gender balance in business decision-making* and *Study of businesswomen's perception of barriers to career advancement to top-level positions in Croatia*. In the field of maternal and parental benefits, the Ombudswoman conducted the study: *The use of the right to take a breastfeeding break at work*.

11 Researches: *The method of financing the shelters for victims of domestic violence and Personal relations between child/ren and a separated parent in cases of domestic violence*.

12 Research: *Implementation of the fourth module of Health education in primary and secondary schools in the school year 2014/15*.

13 Research: *Representation of women, men and gender equality issues in the central news programs on Croatian Radio Television and commercial televisions Nova TV and RTL*.

14 Analysis of the implementation of GEA in various areas of life and work: in the labor market in relation to trends related to the (lack of) gender equality, the implementation of active employment policy, the representation of women and men in state administration, the use of maternal and parental benefits segregated by gender, the annual implementation of the measures of the *National Strategy for Protection against Domestic Violence* for the period 2011- 2016, *Rules of Procedure in Cases of Domestic Violence* and the *National Policy for Gender Equality*, 2011- 2015, the election of representatives into Croatian Parliament, the risks of multiple discrimination in relation to particularly vulnerable social groups, and other trends.

Conducted 2 cooperation memoranda: *The Memorandum on cooperation between the Ministry of the Interior and the Ombudsperson for Gender Equality (2012) and the Memorandum on cooperation between the Legal Clinic of the Faculty of Law in Zagreb and the Ombudsperson for Gender Equality (2015);*

Conducted activities supported by the European Commission funds¹⁵: (1) From 2013 the Ombudsperson has been the main holder of the project JUST/2012/PROG/AG/GE/4157 „Dismantling the Glass Labyrinth - Equal Opportunity Access to Economic Decision-making in Croatia“, project value is 257.502,08 EUR. (2) End of 2015, the Ombudsperson, as the main holder, was approved the new EU-project JUST/2014/RGEN/AG/GEND/7796 „In Pursuit of Full Equality between Men and Women: Reconciliation of Professional and Family Life“, the project value is 437.172,29 EUR; **Publicly raised awareness about discrimination through numerous activities:** visited 9 counties, independently organized 6 seminars, 2 workshops and 1 campaign and co-organized 5 other public events; actively participated in 193 public fora, 20 international conferences; held 22 meetings on international and/or regional level, cooperated with other ombudspersons' offices in Croatia, 49 different organizations of civil society and 4 trade unions, gave 17 public statements, 69 times was interviewed for TV and radio stations and her statements were published in 658 articles in newspapers or on Internet. The official web site had 3.469.366 hits (a 40% increase in comparison to 2014).¹⁶

15 Total value of both projects is 694.674,37 EUR.

16 The official web page of the Ombudsperson for Gender Equality www.prs.hr





ANALYSIS BY AREAS OF WORK



1

EMPLOYMENT AND LABOR

1.1. & 1.2. — LABOR MARKET – TRENDS WHICH DESERVE SPECIAL ATTENTION

1.2.1. LOW WORK ACTIVITY RATE AMONG WOMEN

Eurostat data show that women represent 51.73% of the total population in the Republic of Croatia, but continue to be predominantly represented in the working non-active population. According to the data of the Croatian Bureau of Statistics released in 2015, as much as 58.9% of women did not participate in the labor market and made 45.9% of the labor active population. The Ombudswoman has been warning for years that such a low labor activity rate of women in Croatia points towards an extremely high risk of their economical dependency on men, i.e. their exposure to the risk of poverty.

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

Eurostat data, gathered during 2014 and 2015, showed that the employment rate of men and women increased during 2014. The employment rate for men in the age group 15-65 was 59.1% in 2014, in comparison to 56.5% in 2013. The employment rate among women of the same age group increased, but not as much. At the end of the third quarter the average employment rate for men was 60%, and for women 51.6%, which means that the goal of 62.9% of the total employment of the population until 2020, from the „Europe 2020: Europe’s growth strategy“, will not be reached without a bigger increase of the employment rate of women. Statistic data clearly showed that women were employed at a slower pace and were easier to lose their jobs.

Eurostat data showed that *the unemployment rate* for men in the age group 15-64 was 16.2% and 17.3% for women of the same age group. The unemployment rate for women was higher in all age groups until 50 years age group, after which the unemployment rate

for women was lower than the unemployment rate for men, which confirmed the trend of withdrawal of women from the labor market, usually due to the early retirement.

1.2.3. SEX-BASED SEGREGATION IN THE LABOR MARKET

Croatian labor market remained to be segregated by sex. Out of 19 industry branches, **women were extremely or significantly under-represented in 8 areas** and slightly under-represented in other 8. At the same time, the data of the Croatian Employment Service showed that in the areas in which women were significantly under-represented among the employed, their share among the unemployed was significantly higher, which means that women chose certain occupation and got professional training, but the employers did not value their professional quality in a way they evaluated the quality of men.

1.2.4. EQUAL PAY FOR EQUAL VALUE WORK - PAY GAP

According to the data gathered in 2013 and published in 2015 by the Croatian Bureau for Statistics, the average gross salary in Croatia was 7.926 HRK. The share of an average salary of women was 89.8% in an average salary of men (7.470 HRK average salary for women in 8.319 HRK average salary for men), which means that the pay gap slightly increased in comparison with the previous year when the share of an average salary of women in an average salary of men was 90.2%. Regarding the pay gap shown by the newest available data, on average men annually earn gross of 10.382 HRK (in 2014 - 9.708 HRK) more than women, i.e. 1.3 average Croatian gross salary more. The **pay gap in 2015** between men and women was **10.2%**.

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

An increase of the number of the fixed-term contracts - Eurostat data for the period 2014-2015 showed that the number of the employed persons per fixed-term contracts continued to rise. The increase of the number of the employed per fixed-term contracts was an important initiator of the increase of the employment rate on Croatian market during 2015, but men benefited from this trend more than women.

An increase of the number of the contracts with partial (incomplete) working hours - During the first three quarters of 2015 an average share of the employed men per contracts with partial working hours in the total number of the employed was 6.1%. In the same period there was an increase in the number of women and men employed on the basis of this type of employment contract: the share of men was 4.8% and of women 7.5%.

1.3. — DISCRIMINATION IN EMPLOYMENT AND LABOR

1.3.1. CITIZENS' COMPLAINTS RELATED TO DISCRIMINATION BASED ON SEX - SEXUAL HARASSMENT - STATISTICAL TRENDS

Out of 404 initiated proceedings in 2015, 118 cases (29.2%) were related to employment and working conditions, the possibilities of performing working activities as an employer or an employee, including selection criteria and conditions for employment, promotions and the access to all forms of education and vocational training, while 90 cases (22.3%) were related to social security, including social care, retirement and health insurance system and unemployment insurance. Together, these areas amounted to 51.5% (208 out of 404) of all cases. Out of 118 newly opened cases in this area, 106 (89.8%) were completed in 2015.

The biggest number of citizens' complaints was related to sex-based discrimination and they amounted to 94% of complaints in the area of employment and labor, followed by the complaints on the basis of sexual orientation - 2.7% and complaints on the basis of marital and family status - 3.3 %. Out of 118 initiated proceedings, 74 (62.8%) were related to the labor rights, including pay equality, out of which 29 complaints (40%) were related to employment conditions and 17 (23%) to unfavorable treatment concerning promotion at work. The complaints related to the violation of the right to the protection of motherhood had a significant share of 31%. The majority of complaints about discrimination were filed by women 79.7% in comparison to 14.4% of complaints filed by men. The complaints were made mostly in relation to legal entities. The Ombudswoman is again greatly concerned because the complaints concerning sexual harassment, as a form of discrimination based on sex, continued to have the largest share of 40% in the area of employment and labor.

1.4. — SEX-BASED HARASSMENT¹⁷ AT WORK

Out of 118 complaints related to the area of employment and work on the basis of sex, 40% were related to the sexual harassment. All of them concerned the protection of women. What makes this form of discrimination especially difficult is violation of personal and human dignity of the victim. The Ombudswoman paid special attention to these kinds of complaints and reported them to the State Attorney's office for initiating criminal procedures.

In these cases discrimination was being established in relation to the violations of the Article 8 of GEA. In one of the cases, the violation of the Article 2 of GEA was established; the Article prescribes that no one shall suffer adverse effects because of the statement given in the capacity of a witness or a victim of discrimination on the grounds of sex to a

17 Gender Equality Act, Article 8: **Sexual harassment** is any form of unwanted verbal, non-verbal or physical conduct of a sexual nature that occurs with the purpose of violating the dignity of a person, in particular when creating an unpleasant, hostile, degrading or offensive environment, while **harassment** is any unwanted, unpleasant, degrading or offensive conduct conditioned by person's sex.

competent authority (prohibition of victimization), while in one case the complainant initiated a court proceedings for the protection from discrimination after the completion of the Ombudswoman's procedure.

During the proceedings it was noticed that the provisions of GEA related to sexual harassment were not clear to the employers and that the procedures for the protection of the dignity of workers were not conducted in their favor, as they should have been according to legal provisions, but that they more often protected employers. It was noticed that a certain number of sexual harassment victims continued to be exposed to the unwanted behavior of sexual content because they did not report on the perpetrator, hoping that such a behavior would stop on its own.

1.5. — ANALYSIS: WOMEN AND MEN IN MANAGEMENT POSITIONS IN THE STATE ADMINISTRATION

The Ombudswoman conducted an analysis of the State Administration's web pages in order to establish the representation of men and women in management positions. Generally speaking, the share of women state officials in state administration bodies is 40% and women managers share is 47%, which is satisfactory. Such relatively favorable ratio of the representation of women and men in management structures in state sector has even greater significance if we take into consideration the current extremely unbalanced representation of women and men on managerial positions in business entities in Croatia. Namely, the Ombudswoman's study from 2014 showed that women's share in managerial positions and boards was 24%. It means that in State Administration women advance more easily in the hierarchy than in other businesses in the area of labor and employment.

1.6. — EUROPEAN PROJECTS

1.6.1. EU PROGRESS-PROJECT „DISMANTLING THE GLASS LABYRINTH – EQUAL OPPORTUNITY ACCESS TO ECONOMIC DECISION-MAKING IN CROATIA“

The Ombudswoman was a holder of this project¹⁸ for the past two years, within which analytical, educational and regulatory activities¹⁹ were conducted.

18 Project partners: Ministry of Labor and Pension System, Croatian Employers Association, Institute for Labor Market Development.

19 Detailed description of project activities can be found in full Annual Report for 2015.

1.6.2. STUDY OF EMPLOYERS' PERCEPTION OF BENEFITS ENTAILED BY GENDER BALANCE IN BUSINESS DECISION-MAKING

The study was related to the perception of and the awareness about gender balance, necessary qualifications for the managerial bodies and the existence and the implementation of education for the purpose of improvement and training of the employees for governing bodies. Among the company representatives who participated in the study, 31 people (54.39%) were occupying positions of directors or managers, 28.07% were at the position of the board chairman, 12.28% at the position of the board member and 5.26% at other lower positions.

The study showed that the majority of participants thought they understood what *gender balance* implied; 57 company representatives (91.23%) claimed they were fully informed about the gender balance and 8.77% replied that they were not informed or were only partially informed. 94.60% of women claimed they were fully informed, compared to 85% of men who claimed the same.

Study results showed that 78.95% of participants perceived gender equality as an equal number of women and men - 50:50 - on equivalent jobs and 98.25% thought that gender disbalance existed in Croatia on managerial positions (boards, managing boards, supervisory boards). Out of the total number of those who thought that the gender disbalance existed, the majority were women. For the sake of comparison, the Ombudswoman recalls the results of the study²⁰ related to gender structure of the most influential Croatian companies' boards, which showed that women were represented in governing/managing bodies of companies with only 17.12%.

1.6.3. STUDY OF BUSINESSWOMEN'S PERCEPTION OF THE BARRIERS TO CAREER ADVANCEMENT TO TOP-LEVEL POSITIONS IN CROATIA

The total of 60 women from 27 companies listed in *Top 100 Croatian companies*, specified by income in 2012, participated in this study. The study was focused on the experience which the participants had as the employees and which they considered problematic from the aspect of respecting the gender equality principles.

The Ombudswoman points out that the participants replied affirmatively to the question *have you faced any form of discrimination at any job you have had*. The study results show that the participants most often (51.67%) faced name calling like „strict“, „harsh“, „tomboys“ and alike when they clearly and with arguments defended their opinions; 46.67% faced evaluation of their looks instead of their competencies, while 35% had to answer the questions about marital status and motherhood plans during job interviews. The similar percentage of women (33.33%) found themselves in situations in which they were asked who was tak-

20 The Ombudswoman presented the study to the Croatian Parliament in the Annual Report for 2014.

ing care of their children and families if they had to work, or worked longer hours or were promoted. Also, 26.67% of the participants met with the situation in which the position was reserved for men, while 8.33% faced the disapproval of the superiors when they told them they were pregnant, or were degraded when they came back from maternity leave.

1.6.4. NEW EU PROJECT „IN PURSUIT OF FULL EQUALITY BETWEEN MEN AND WOMEN: RECONCILIATION OF PROFESSIONAL AND FAMILY LIFE“

The Ombudswoman is the main holder of the new EU project: „*In Pursuit of Full Equality between Men and Women: Reconciliation of Professional and Family Life*“ financed by the European Commission's REC (*Rights, Equality and Citizenship*) program which deals with economic empowerment of women. The project partners are Croatian National Theatre in Split, Organization Words/Make/Plays and MAMFORCE (Link of Communication), and the project is supported by the Ministry of Science, Education and Sport and the Ministry of Entrepreneurship and Crafts. The project value is 437.172,29 EUR.

1.7. — MATERNITY AND PARENTAL BENEFITS

1.7.1. GENDER ANALYSIS OF THE USE OF MATERNAL AND PARENTAL BENEFITS

The Ombudswoman obtained from the Croatian Health Insurance Fund data about the number of users of maternal and parental benefits segregated by the user's sex. The analysis of the data showed that there was a slight increase of the use of maternal and parental leave by the fathers - 2.200 or **2.04% of fathers used maternal and parental leave** in 2015. If all the categories of the users of maternal and parental benefits are put together, only 3.460 fathers (1.71%) used them. It means that the measures enabling balancing of family and professional tasks had been insufficiently implemented. Since the existing legal solutions and measures were not efficient, the new ones need to be looked for in the future. The experiences of other countries showed that fathers used their right to parental leave when it was well paid and when quotas existed.

1.7.2. STUDY ON HOW THE RIGHT TO BREASTFEEDING BREAK AT WORK IS USED

The study was conducted jointly by the Ombudswoman and the organization RODA (parents in action) through social networks and web pages on the sample of 1.227 participants.²¹ Study results confirmed that women face obstacles in using their rights resulting from their

21 The questionnaire consisted of the total of 25 on-line questions.

pregnancy or maternity status including the use of the right to the breastfeeding break. The employees use their breastfeeding breaks at home in a way which is more similar to some kind of a reduced working hours because the employers did not provide the optimal conditions for this right to be used. The reasons why this right was not used were: insufficient knowledge about their right to breastfeeding break; financial profitability or loss, i.e. pay reduction; the employer does not have a separate room, neither a refrigerator for breast milk and other necessary conditions for breastfeeding; employers do not support the idea of breastfeeding at work or the working environment is not suitable; employers' problems to organize work and to enable a woman who breastfeeds to be absent from work for a period of two hours; the workplace and the place of breastfeeding woman's residence are too far; problems related to bringing the baby to the work for breastfeeding.

1.8. GUIDELINES FOR THE DEVELOPMENT AND IMPLEMENTATION OF THE ACTIVE EMPLOYMENT POLICY 2015-2017 - IMPLEMENTATION ANALYSIS FOR 2015

Guidelines for the development and implementation of the Active Employment Policy in Croatia for the period 2015-2017 (further: AEP Guidelines) is a national strategic document which defines priorities and aims of the policy of work and employment for a period of three years and includes 3 kinds of activities (services, measures and subsidies) for the intervention in the labor market. The analysis confirms that social awareness about gender equality in the implementation of labor and employment policy is slowly changing. Namely, although women were more included in the majority of interventions in the labor market (60.1% by Croatian Employment Service), in interventions which included financial support, the share of the men was higher.²²

The AEP activities included **49 victims of family violence**, out of which 46 (93.9%) were women in 9 counties and the City of Zagreb. The measures were not sufficiently implemented and were not implemented in all of the counties. For the purpose of synergy in promotion of gender equality in the labor market, the Ombudswoman supports more active cooperation of the local and regional government bodies and other co-carriers of the activities, especially in interventions "Women entrepreneurship support" and „Public works“, as well as in a bigger activation of a specific group of the unemployed - the victims of family violence.

22 Implemenatation institution/local and regional government body and the share of men in interventions with financial supports: Croatian Employment Service - 55.9% and 56.4%; Ministry of Entrepreneurship and Crafts - 79.1%; City of Zagreb -70.8%; Brodsko-posavska county - 83.6%.

FAMILY

2.1. — DOMESTIC VIOLENCE

Although the Ombudswoman invited the Croatian Parliament in her Annual Report for 2014 to ratify as soon as possible *The Council of Europe Convention on preventing and combating violence against women and domestic violence (further: Istanbul Convention)*, which confirmed that violence against women was a serious form of violation of human rights and gender discrimination, it did not happen until the conclusion of this report.

The Ombudswoman supported the initiative of the law proposer to return domestic violence as the criminal act into the Criminal Code. At the same time she warned the law proposer that the proposed legal definition of domestic violence as the criminal act will open many questions and create confusion during implementation by the police, state attorneys and judges.

2.1.1. DOMESTIC VIOLENCE AS MISDEMEANOR ACT²³

The police charged 13.775 persons with domestic violence as misdemeanor act, which is 1.099 or **7.4% less** in comparison with 2014 when the total number of charged persons was 14.874.²⁴ There has been a continuous decrease of charged perpetrators since 2010.

Perpetrators of *domestic violence as a misdemeanor act* segregated by sex: 10.575 (77%) men²⁵ and 3.200 (23%) women²⁶. The total number of victims of domestic violence as misdemeanor act was 15.338²⁷, out of which **9.775 (64%) women and 5.563 (36%) men**.

23 Data provided by the Ministry of the Interior.

24 10.2% less than in 2013 when 16.564 persons were charged with domestic violence as misdemeanor act.

25 9.2% less than in 2014.

26 0.6% less than in 2014.

27 6.3% less than in 2014.

In 2015 the police proposed to the authorized misdemeanor courts the total of 2.997 **protective measures** prescribed by the Law on Protection against Domestic Violence (**26.6% less than in 2014**). In accordance with the decisions of the court, the police conducted the total of 1.241 protective measures (18.6% less than in 2014). The total number of all protective measures, prescribed by the Law on Protection against Domestic Violence and other laws, which the police proposed to the authorized misdemeanor courts, was 9.136, which was **18.9% less than in 2014**.

In 2014 there was a total of 3.809 persons who repeatedly violated the Law on Protection against Domestic Violence (25% of the total number of people charged for domestic violence as misdemeanor act), while in 2015 the number decreased to 3.562 persons while the percentage remained the same - 25%.

2.1.2. DOMESTIC VIOLENCE AS CRIMINAL ACT BETWEEN CLOSELY RELATED PERSONS²⁸

Since the new criminal act *Domestic violence* (Article 179a), was introduced into the Criminal Code mid-2015, the Ministry of the Interior reported the total of 145 registered criminal acts of domestic violence for the period until the end of 2015, in which there were 150 victims: 121 women (81%) and 29 men (19%). Analysis of the Ministry of the Interior's data showed that the total of 2.220 criminal acts with elements of violence between closely related persons was recorded (100.5% more than in 2014), in which there was a total of 2.359 victims (**104.2% more than in 2014**), out of which 1.752 were women (112% more than in 2014), and 607 were men (85% more than in 2014).

Out of the total number of 1.676 perpetrators of violence between closely related persons there were 1.543 men (92%) and 133 women (7,9%). In all criminal acts of violence between closely related persons men were mostly perpetrators and women were mostly victims.

2.1.3. PERSISTING PROBLEMS AND 'NEW TRENDS'

While we note a slowdown of the continuous decline of the domestic violence cases as misdemeanor acts, in comparison to the previous years we also note a trend of the increase (over 100%) of the total number of criminal acts with elements of violence between closely related persons with a 100% increase of women victims of such violence. The trend of domestic violence, i.e. violence between closely related persons, becoming more brutal, which we reported on in the Annual Report for 2014, was not only confirmed, but the statistical data from 2015 warned that we entered the zone in which it would be necessary to conduct serious expert analysis of the causes of such an increase of violence among closely related persons.

28 Data provided by the Ministry of the Interior.

Working on citizens' complaints the Ombudswoman noticed that in domestic violence cases the police focused exclusively on the immediate intervention instead of putting into the context, historically and chronologically, the act of domestic violence which was physical, and especially verbal, psychological and economic, as defined in the Law on Protection against Domestic Violence. As a result, the victim and the perpetrator were being both arrested for the dispute with swearing, while the cases of serious and long lasting psychological, economic or physical violence between spouses or common law spouses, i.e. partners, remained unsanctioned (for example death threats). The Ombudswoman emphasizes that in domestic violence cases the victims are rarely exposed to just one form of violence and it is usually a combination of various forms of violence. Besides, family violence perpetrators are prone to violent behavior outside their families as well, which should be taken into consideration during sanctioning process.

According to the Ministry of Justice data, the total of 776.956 HRK was spent on the activities of psychosocial treatment of perpetrators of domestic violence as misdemeanor and criminal acts (17% more than in 2014). In 2014 lower amount was spent on this activity than the amount which was provided for this activity in the budget, while in 2015, the amount spent was 13% higher.²⁹

2.1.4. THE OMISSIONS OF THE POLICE AND THE JUDICIARY IN DEALING WITH VICTIMS OF DOMESTIC VIOLENCE

On the basis of long practical work, the Ombudswoman defined the omissions of the authorized bodies: double arrests and non-differentiation of the primary perpetrator from the victim, court releases of the perpetrators of violence to defend themselves undetained, where detention is replaced by some protective measure, little or no supervision of persons under some of the protective measures by the police, insufficient protection measures pronouncements, etc.³⁰

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

2.2.1. TREATMENT OF VICTIMS OF DOMESTIC VIOLENCE BY CENTERS FOR SOCIAL CARE

In some cases there is still an uneven practice of centers for social care regarding urgently reporting their knowledge or suspicion of domestic violence to the police, which is an obligation stipulated by the Law on Protection against Domestic Violence. In some cases the

29 In 2015 the State Budget included 1.000.000 HRK for „Psychosocial treatment in criminal and misdemeanor proceeding“, which was decreased by 320.000 HRK in a budget revision.

30 Details can be found in full version of the Annual Report for 2015, available in Croatian.

problem was non-recognition of certain forms of domestic violence, especially psychological and economic violence, because of which there were no reports of such forms of violence to the police. In making decisions about the rights and interests of child/children, especially in proceedings related to parental care, a center for social care is obliged to establish the existence of domestic violence (clause 8 of the Protocol³¹). Namely, equal treatment of the victim and the perpetrator of violence additionally increase an unfavorable status of the victim, which can be reflected on the issue of proper parental care. Since the Ombudswoman continuously receives complaints related to this problem, the education of the center for social care staff is recommended.

2.2.2. HOUSING FOR DOMESTIC VIOLENCE VICTIMS

National Strategy for Protection against Domestic Violence. (further: National strategy) in chapter VI. „Housing and support for domestic violence victims“ includes the measure no. 7: „To ensure permanent and temporary housing for domestic violence victims in accordance to the available housing facilities“. The Ombudswoman monitored and continuously emphasized the need for the implementation of this measure. However, the implementation failed, that is, the existing models were inefficient. Since the overall implementation of the measure of the housing for domestic violence victims is at stake, the Ombudswoman thinks that it is necessary to re-examine the policy of housing for victims of violence and to find an efficient model for permanent or temporary housing.

2.2.3. RESEARCH „FUNDING OF SHELTERS FOR DOMESTIC VIOLENCE VICTIMS“

Research results showed that in 6 counties³² there was not one shelter for domestic violence victims, and that 2 counties³³ and 1 town³⁴, where shelters existed, did not provide financial means for their work in 2015. Although almost all local and regional self-government units ensured certain financial support for shelters in their areas, the amounts were still a very small share of the total budget (somewhere between 0,01% - 0,18%).

It was noted that the local and regional self-government units which have higher budgets do not necessarily provide higher amounts for shelters in their areas.

31 Rules of Procedure in Cases of Family Violence.

32 Krapinsko-zagorska, Koprivničko-križevačka, Ličko-senjska, Virovitičko-podravska, Požeško-slavonska i Dubrovačko-neretvanska county.

33 Bjelovarsko-bilogorska and Šibensko-kninska county.

34 Town Čakovec.

2.3. — OTHER FORMS OF VIOLENCE

2.3.1. PARTNER VIOLENCE

Persons who are or were in intimate relationships or are/were intimate partners and who most often do not live (or did not live) in a common household, still do not have adequate legal protection against domestic violence. Based on complaints of women victims of partner violence, the number of which is increasing, it has been established that partner violence is characterized by the coercion and control over the partners and that the violence starts when the intimate relationship ends. Until the necessary legislative changes are completed, the protection of victims of partner violence is provided in two ways. Firstly, if the police establish that the partner relationship (present or past) has the elements of a common-law marriage, the protection against domestic violence is provided according to the Law on Protection against Domestic Violence. The other way is by implementation of the misdemeanor stipulation from the Article 31 of GEA.³⁵

Finally, the Ombudswoman thinks that partner violence must be sanctioned according GEA which should be amended to include authorized plaintiffs, sanctions and adequate protective measures.

2.3.2. RAPE

According to the Ministry of the Interior data, the criminal act of sexual intercourse without a consent (article 152 of the Criminal Code) was recorded for 70 cases (37% of cases were committed between closely related persons), while the criminal act of rape (article 153 of the Criminal Code) was recorded in 72 cases (45% of cases were committed between closely related persons). For comparison's sake, in 2014, rape was recorded in 57 cases. Therefore, there is an increase of approximately 25% of the criminal act of rape, in which 97% of the victims were women. There is also a **100% increase of criminal acts of rape between closely related persons** which, in the majority of cases (approx. 60%), involved stepdaughter and stepfather.

35 Any person who, with the aim of causing fear in the other or creating hostile, degrading or offensive environment on the grounds of difference in gender, marital or family status, or sexual orientation, violates the dignity of a person, shall be punished with a fine amounting from 5,000 HRK to 30,000 HRK.", Gender Equality Act, Article 31.

2.4. — PARENTAL CARE

2.4.1. COMPLAINTS RELATED TO PARENTAL CARE

Complaints from this area were still submitted to the largest extent by men/fathers (60.53%) who complained about gender stereotypes of expert staff in centers for social care, who, according to complainants, thought that mothers were better caretakers for children. Men complained about the passivity of centers for social care, because they did not undertake adequate measures for the purpose of enabling equal parenting, especially related to enabling regular personal meetings with a child in cases in which the child lived with his/her mother.

On the other hand, complaints of mothers were mainly linked with their poorer life situation caused by domestic violence they had been exposed to, and for which the experts from centers for social care were not understanding enough. This problem also involves non-recognition of all forms of domestic violence, mainly psychological and economic, which in some cases, according to complaints, were wrongly perceived as exclusively „unsolved property relations“. In a considerable number of cases there was not a matter of violation of gender equality principles, but the matter of unsolved partner relationship between parents and in a significant number of cases the treatment of the centers was founded on objective factors which were not related to any gender based discrimination.

2.4.2. RESEARCH „PERSONAL RELATIONS BETWEEN A CHILD AND A PARENT WITH WHOM A CHILD DOES NOT LIVE IN CASES OF DOMESTIC VIOLENCE“

Based on the reports of the centers for social care from Zagreb county and from the Center for social care Zagreb, it seems that the mentioned centers do not have an adequate room for the personal meetings of a child with a parent it does not live with in cases in which those meetings must be held in neutral surroundings and with a supervision of an expert person. The Ombudswoman points out that it is an important question which includes the rights related to parental care and, at the same time, the protection of victims of domestic violence. Therefore, a permanent solution should be found. The measures that have been taken so far to address this issue by the relevant ministry are going in a positive direction.

2.5. — IMPLEMENTATION OF THE NATIONAL STRATEGY FOR PROTECTION AGAINST DOMESTIC VIOLENCE 2011-2016 - IMPLEMENTATION ANALYSIS FOR 2015

The Ombudswoman continued with the systematic monitoring and analyzing the implementation of the *National Strategy for Protection against Domestic Violence 2011-2016*. The focus in 2015 was on the major holders and co-holders of measure implementation. On the basis

of the gathered and analyzed reports about the implementation of the National strategy, the Ombudswoman concluded that for the better implementation of certain measures it would be necessary to ensure considerably higher budgetary amounts on national and local level. It is obvious that the best results have been achieved in those thematic areas which did not require bigger financial means, like the improvement of the interdepartment cooperation, professional specialization and sensitization of the public. However, when it comes to the housing and support of the victims of domestic violence, the results are weaker or totally absent. The measures related to the employment of the victims of domestic violence were poorly implemented.

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

The obligations of the authorized bodies defined by the Protocol include certain activities on local and regional level with the coordinators for gender equality in the state administration bodies (20) and committees for gender equality in counties (20 counties and the City of Zagreb).

2.6.1. COORDINATORS FOR GENDER EQUALITY

As in previous years, almost all of the coordinators obtained data from the police and the majority from the centers for social care and judicial authorities. Half of the coordinators obtained data from health institutions and other authorized bodies responsible for the implementation of the Protocol, while only a small number of coordinators from educational institutions obtained data. Almost all of the coordinators mentioned cooperation with the local and regional self-government units and with the committees for gender equality in counties.

2.6.2. COUNTY COMMITTEES FOR GENDER EQUALITY

Almost all the committees established cooperation and data exchange with relevant subjects included in the Protocol (coordinators for gender equality, counties, and centers for social care, police and organizations for civil society). It was noted that in the majority of counties no meetings, related to the individual cases of domestic violence, were held, while some of the committees mentioned that they had meetings on domestic violence issues in general, but none about the individual cases as stipulated by the Protocol.³⁶

36 The activities are described in detail in full version of Annual Report for 2015 (available in Croatian).



2.6.3. FINANCING COMMITTEES FOR GENDER EQUALITY

Same as the previous years, there were significant differences in the amounts which the committees received from the counties in 2015 for their work (1.000 HRK - 250.000 HRK). However, it's been noticed that the height of the amounts was not always necessarily connected with the activity of the committees.

The Ombudswoman points out again that the funding should be implemented through all the items of county budgets, i.e. on the level of all budgetary expenditure items.

2.7. — DEMOGRAPHIC POLICIES AND ACTIVITIES OF THE OMBUDSWOMAN

Demographic situation in the Republic of Croatia in 2015 was extremely bad and an unfavorable demographic process, which lasts for the past few decades, has continued. As far as an unfavorable status of women in the Croatian labor market was concerned, the Ombudswoman emphasizes that gender discrimination of women related to the physical state of pregnancy and motherhood was spread on the Croatian labor market, as well as discrimination of women related to the gender based segregation of care for children within a family.

The Ombudswoman recommends drafting of a long lasting and good quality population policy, which will, first of all, solve housing problems and unemployment, accessibility of nursery and kindergarten care for children, day care services in schools, flexible working hours for employees with little children, considerable decrease of numbers of fixed term employment contracts etc.

3

SEXUAL AND GENDER MINORITIES

3.1. — LEGAL GROUNDS AND SITUATION ASSESSMENT

3.1.1. IMPLEMENTATION OF THE LAW ON LIFE PARTNERSHIP OF SAME-SEX PERSONS

During 2015 no significant obstacles to the implementation of the *Law on life partnership of the same-sex persons* had been noticed. According to the official statistics of the Ministry of Public Administration, 108 same-sex life partnerships were registered in the period from the date the Law came into the force on August 6th 2014 till the end of 2015, out of which 57 were between male partners and 51 between female partners. Beside life partnerships, the first partner guardianship was registered (article 44 of the Law) by the court decision.

3.1.2. PHYSICAL INTEGRITY AND CRIMINAL ACTS MOTIVATED BY HATRED

As far as the protection of the physical integrity of the citizens of the same-sex sexual orientation and combating criminal acts motivated by hatred towards them is concerned, there is no noticeable improvement in comparison to the previous year. According to the registry of the Ministry of Justice, in 2015 not one criminal proceeding was started based on a criminal act motivated by hatred toward persons of the same-sex orientation, although, according to the official archives of the Ministry of the Interior, the police processed 5 criminal acts motivated by hatred based on the sexual orientation of the victim.

According to the Ministry of Justice, 7 misdemeanor proceedings were initiated in relation to the discrimination on the basis of sexual orientation, while additional 5 were transferred from 2014. The biggest number of misdemeanor proceedings - 7 of them - was based on sexual harassment, 6 of them because of the harassment on the basis of sexual orientation and 1 case because of the sexual harassment. Data suggest a certain disparity between misdemeanor and criminal proceedings, which was something the Ombudswoman pointed out in the previous years as well.



3.1.3. FREEDOM OF ASSEMBLY AND EXPRESSION

The Ombudswoman notes continued progress of constitutionally protected freedom of assembly and expression of sexual and gender minorities. All three gay prides were held without major expression of intolerance and provocation.

3.1.4. LABOR MARKET AND THE ACCESS TO SERVICES AND GOODS

The Ombudswoman still thinks that discrimination based on sexual orientation is widespread on labor market and in accessing services and goods, although its visibility is relatively poor. In 2015 the Ombudswoman received 3 complaints about discrimination in the field of labor market and employment on the basis of sexual orientation (compared to 1 in 2014). According to the data of the Ministry of Justice, there were 4 legal proceedings in municipal civil courts in cases of unfavorable treatment based on sexual orientation, all of which started in 2014. In 2015 not one legal proceeding was initiated. Out of 4 legal proceedings, 2 were solved with final verdict in favor of three victims, 2 women and 1 man.

3.2. — PROBLEMS OF GENDER DYSPHORIC PERSONS

In 2015 the Ombudswoman continued with her engagement started in 2013 with amendments of the *Civil Register Act and followed by the Rules on collecting medical records and determining the terms and conditions for sex change or life in a different gender identity (Rules, 2014)* and focused towards constructive solutions to the problem of implementation of the mentioned documents. Except numerous public appearances during which she emphasized the problems, but also the solutions related to gender dysphoric persons, the Ombudswoman participated in the 7th session of the Governmental Commission for Human Rights³⁷ where the rights of transgender persons were discussed. The Ombudswoman presented all the problems related to solving the status of these persons and requested the removal of all remaining barriers.

Meetings of the Ombudswoman held with the Ministry of Health and the National Health Council and her numerous public appearances helped to resolve the situation related to the delay in the realization of the rights of gender-dysphoric person and accelerated the procedure which, following the publication of a list of experts and professional guidelines of the relevant ministries, resulted in the removal of all administrative and legal barriers that prevented the realization of their rights and facilitated the application of regulations in practice. The Ombudswoman continued to monitor how and at what pace gender-dysphoric people regulated their status in the Republic of Croatia.

37 March 13th, 2015.

4

RISKS OF MULTIPLE DISCRIMINATION OF VULNERABLE SOCIAL GROUPS

4.1. — WOMEN IN RURAL AREAS

The Ombudswoman pays special attention to women in rural areas bearing in mind that this is a particularly sensitive social group exposed to the risk of multiple discrimination. Independently or in cooperation with other interested stakeholders, the Ombudswoman supported a number of events which aimed to empower rural women and promote their work and products. On the occasion of commemorating the International Human Rights Day, together with other ombudsman's institutions the Ombudswoman for Gender Equality organized in Croatian Parliament³⁸ a conference „*Far from town and far from rights? Human rights in rural areas*” within which she held a panel: „*Status of women in rural areas from gender equality aspect*”. The conclusion was that women from rural areas were in multiply disadvantaged position compared to the women in towns - in relation to the employment, domestic violence, political participation, limited availability of public services, infrastructure and the like.

4.2. — WOMEN WITH DISABILITIES

According to the data of the Croatian Institute for Public Health, the largest number of women with disabilities has completed (or not) primary school (73.2%) in comparison to 50.1% of men with disabilities. 19.6% of women with disabilities have secondary education and almost twice as many men with disabilities (37.7%). Lower educational structure of women with disabilities adversely affects the other areas of their lives, especially the area of labor and employment and domestic violence. Specifically, women with disabilities are often dependent (especially economically) on the abuser and are therefore reluctant to report violence. The specific forms of domestic violence are social isolation or neglect which result from social stereotypes, i.e. perceptions about the people with disabilities, especially women with disabilities, as persons who are unable to participate equally in all aspects of society. This indicates that women with disabilities are particularly vulnerable category exposed to the risk of multiple discrimination.

38 December 8th, 2015.



4.3. — WOMEN FROM NATIONAL MINORITIES

The Report for the Republic of Croatia - Social inclusion of Roma children (RECI+), published by the Network of Open Society Foundations, Fund for Education of Roma and UNICEF, confirmed the unenviable position of Roma women. The Ombudswoman supports the recommendations of the UN Committee on Elimination of Discrimination of Women: 1) to increase access to formal employment and entrepreneurship opportunities for women, including Roma women and women belonging to other disadvantaged groups, and improve their possibilities to combine working life with family responsibilities, including by expanding the number of childcare facilities 2) to expeditiously allocate additional financial resources to national action plans and strategies aimed at eliminating all forms of discrimination against Roma women.

4.4. — VICTIMS OF SEXUAL VIOLENCE IN HOMELAND WAR

Until the *Law on the Rights of Victims of Sexual Violence during an Armed Aggression on the Republic of Croatia in Homeland War* (further: Law)³⁹ was adopted, the compensation for victims of war crimes in Croatia had been connected solely with the criminal proceedings against offenders. As a consequence to this, a large number of victims of sexual violence remained without satisfaction, which further traumatized the victims and was discouraging in terms of reporting crimes. The Ombudswoman recognized the mentioned problems of this particularly vulnerable group and actively participated in Work group with the Ministry of Veteran's Affairs in 2014, which was responsible for drafting the Law, proposing solutions which would facilitate achievement of rights and protect their dignity. According to the Ministry of Veteran's Affairs data, a *Commission for the victims of sexual violence* was formed on Oct. 19th, 2015, from the ranks of medical doctors who discussed actual cases on their first session on 5th November, 2015.

Until the end of 2015, the Ministry received the total of 110 claims for the recognition of the status of the victim, and completed 35 of them. Out of that number, in 25 cases a positive decision had been made, while in one case it was concluded that the person who had submitted the claim did not fulfill the conditions and therefore the claim was dismissed. Other claims are still in the procedure. The Ombudswoman will continue to monitor the work of the Commission and suggest changes for the purpose of improving the victims' achievement of rights.

39 Official Gazette no. 64/15; the Law came into force on June 18th.,2015. The Ministry of Veteran's Affairs passed implementation regulations within legal period of 90 days: Rules on the organization and method of work of the Commission for Victims of Sexual Violence and Rules on the conditions and the ways to achieve the status and the rights of the victim of sexual violence inHomeland war.

4.5. — WOMEN AND PROSTITUTION

In 2015, as in 2014, only women were the injured party of the criminal act of prostitution, but their number - 134 victims - was three times bigger than in 2014. An increase in the number of victims was obvious, and the victims of this criminal act were only younger women.

The Ombudswoman has been speaking in favor of the Swedish model of sanctioning customers of sex services and not the prostitutes, since prostitution is one of the most abusive forms of exploitation of mostly women. According to the current Croatian legislative, persons who engage in prostitution are punished for misdemeanor act, while their customers are not, but they can be accountable for criminal acts in certain cases under the Article 157, paragraph 2 of the Criminal Code (trafficking).

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

The increase in the number of victims of trafficking continued in 2015 when a total of 38 victims of trafficking were identified and all of them were sexually exploited women.

5

EDUCATION

5.1. — NEW REGULATIONS RELATED TO GENDER EQUALITY

The National Curriculum for Early and Pre-School Education (further: Curriculum) improved the framework for the inclusion of gender equality contents. The core values of the Curriculum include *humanism and tolerance* as necessary "to successfully navigate life in the context of pluralism of cultures and gender, racial, ethnic, religious, national differences and social status."

Among key competences for lifelong learning are *social and civic competences*, which are developed by "encouraging children to behave responsibly, to develop positive and tolerant attitude towards others, an interpersonal and intercultural cooperation and mutual assistance and acceptance of diversity."

The Ombudswoman emphasizes that the continued compliance with the above requirements of the national Curriculum is the obligation of all pre-school institutions in the Republic of Croatia.

5.2. — INTRODUCTION OF CIVIC EDUCATION INTO PRIMARY AND SECONDARY SCHOOLS

Regarding the decision of the Ministry of Science, Education and Sports to introduce *Civic education* as a separate school subject in the school year 2015/2016, the Ombudswoman asked the Ministry why it had not been introduced (having in mind the integration of anti-discrimination contents) and which measures the Ministry planned to take regarding the integration of contents related to the elimination of discrimination on the basis of sexual orientation into the primary and secondary schools. The Ombudswoman took into consideration very poor representation of such contents (not just within the framework of Civic education, but in the overall national curriculum) as well as the results of the research which showed presence of homophobia among young people. The Ministry replied that the Civic education was implemented in the school year 2015/2016 as a separate school subject in 8th grade in 20 primary schools, and that the plan of introducing Civic education

as obligatory school subject had not been realized because the preparation for overall *Curriculum Reform* had started. The Ministry emphasized their belief that the contents related to elimination of discrimination on the basis of sexual orientation would be included into the education system within the framework of the *Curriculum Reform*.

5.3. — CITIZENS' COMPLAINTS ABOUT TEXTBOOKS AND OTHER TEACHING MATERIALS

Based on citizens' complaints, the Ombudswoman found out that in some textbooks there were several texts dedicated to love of female family members towards children, but none dedicated to love of male members towards children, which corresponds to a broad stereotype which neglects the importance of the role of fathers in the upbringing of children. Also, in some teaching materials the illustrations showed exclusively men in professions like firemen, teacher, fishermen, driver and bricklayer and exclusively women in performing household chores (sweeping, dusting, ironing and folding clothes). The Ombudswoman warned the National Centre for External Evaluation of Education that showing this kind of distribution of responsibilities between women and men promotes gender stereotypes. In this sense the Ombudswoman issued a recommendation which was adopted and the schools were notified to ignore the controversial teaching materials.

5.4. — RESEARCH „IMPLEMENTATION OF THE FOURTH MODULE OF HEALTH EDUCATION IN PRIMARY AND SECONDARY SCHOOLS IN THE SCHOOL YEAR 2014/15”

The goals of the research were to determine whether the 4th module of the Health education named „*Sex/gender equality and responsible sexual behavior*” was implemented in primary and secondary schools in accordance with the prescribed curriculum, and to identify difficulties in its implementation with a particular emphasis on discrimination grounds under the jurisdiction of the Ombudswoman. The data were received from 338 primary and secondary schools and the sample of the research were 2.513 teachers who implemented the 4th module in school year 2014/15. The main findings of the research to be emphasized are the following: 1) as the main reasons why some schools did not implement the 4th module, or implemented it partially, were the lack of time and/or other activities within the hour foreseen for the 4th module, as well as the insufficient expertise or competence of the class teachers for the prescribed topics; 2) only a quarter of the class teachers, who taught topics within the framework of the 4th module, considered themselves as competent enough to teach them; 3) in the majority of classes (85%) there were no records of parental dissatisfaction related to the contents of the 4th module or of the rejection by the students, in 8% of the classes there were few dissatisfied parents and students (1-4), and in 7% a significant number (5>); 4) topics related to gender equality were not a source of discontent and disagreement neither of the parents, nor of the students, but topics related specifically to sexual orientation and homosexuality caused dissatisfaction and disagreement of some parents and students; 5) parents' fear that the contents of the 4th module would have bad

influence on their children's the majority of class teachers (61%) considered as unjustified, the minority (8%) thought such fear was justified, while about 1/3 of the class teachers (31%) could not make an evaluation.

5.5. — HOMOPHOBIC ATTITUDES AMONG PRIMARY AND SECONDARY SCHOOLS STUDENTS

The results of the Ombudswoman's research „*The implementation of the 4th module of Health education in primary and secondary schools in the school year 2014/15*“ showed that primary and secondary school students, among all the topics of the 4th module „*Sex/gender equality and responsible sexual behavior*“, expressed the highest unacceptance of topics related to sexual orientation. Homophobic attitudes of high school students, which give cause for concern, have also been shown in the „*Study of political literacy of students in last grades of high schools in Croatia*“ published by the GOOD initiative, GONG and the Institute for Social Research in Zagreb, as well as the research conducted in one secondary school in Vinkovci.

Therefore, the Ombudswoman emphasizes that the promotion of the equality and non-discrimination on the basis of sexual orientation and gender identity, as well as combating homophobia in education, are the principles which the Republic of Croatia should take into consideration in compliance to the Resolution of the European Parliament on the EU Roadmap against homophobia and discrimination on grounds of sexual orientation and gender identity (2013/2183(INI)), the Resolution of the European Parliament about the homophobia in Europe (P6_TA(2006)0018) and the Recommendation CM/Rec(2010)5 of the Committee of Ministers to member states on measures to combat discrimination on grounds of sexual orientation or gender identity.

5.6. — GENDER SENSITIVE LANGUAGE

The Ombudswoman received a complaint that the language used in the field of work of court interpreters was not gender sensitive. The complaint included examples of „*The ordinance on permanent court interpreters*“, which mentions only the masculine gender in all articles and items, the court decisions and statements issued by the County Court in Split, which include exclusively masculine gender, even in cases when a person is female, and the web pages of the Judges Network which include only masculine gender of professions.⁴⁰ An examination of the mentioned Ordinance showed that the text of the oath for court interpreters was written in masculine gender. After the Ombudswoman sent to the Ministry of Justice appropriate recommendations, the Ministry reported that they would comply in the future with the regulations which the Ombudswoman recommended. The County Court in Split reported that they introduced a new practice of issuing statements and decisions in accordance with the Ombudswoman's recommendation.

40 Unlike English, the Croatian language differentiates between masculine, feminine and neutral gender.

The Ombudswoman received also a complaint about gender insensitive language on official *documents in the field of civic engineering* because the qualifications, professions and occupations, related to both sexes, were included only in masculine form. A woman also complained that in her everyday work she was obliged to use a stamp with the masculine form of her profession - *authorized engineer*.

The Ombudswoman requested from the Ministry of Construction and Physical Planning the report on the practice of issuing certificates and other documents under the Ministry's jurisdiction in relation to the gender of the professional or academic title, depending on the sex of the recipient of the document. The Ombudswoman also issued appropriate recommendations to the Croatian Chamber of Civil Engineers regarding the introduction of gender-sensitive language into the legal documents, official forms and personalized stamps. The Ministry of Construction and Physical Planning reported that they had not practiced consistently the use of gender sensitive academic and professional titles in their certificates, but they committed themselves to do so in the future. The Croatian Chamber of Civil Engineers accepted the recommendations and announced that they would take into the consideration GEA and gender sensitive language in their legal documents. The Chamber also changed all the official forms published on their web pages and adjusted them with gender sensitive language standards and announced that *they will provide stamps with a female gender of the profession to all women upon their request*.

6

MEDIA

6.1. — RESEARCH „REPRESENTATION OF WOMEN, MEN AND GENDER EQUALITY ISSUES IN THE CENTRAL NEWS PROGRAMS ON CROATIAN RADIO TELEVISION AND COMMERCIAL TELEVISIONS NOVA TV AND RTL“

The research showed that in central daily news broadcast on all three televisions women were significantly underrepresented as speakers (those who were asked to give statements or interviews) - 28% or as exclusive guests - 24%, but that they made the majority as field journalists (61%). **The representation of topics related to gender equality is almost negligible** - not even 1% on all three televisions.

The majority of women who were asked for statements were anonymous persons - 35%, while the majority of men who were asked for statements were representatives of political functions - 41%.

6.2. — MEDIA CONTENT AND THE OMBUDSWOMAN'S PROCEDURES

The media continue to perpetuate gender stereotypes and sexism and persistently use mainly female body as an object to draw attention to other contents or for the purpose of evaluation of women exclusively or primarily on the basis of their looks. Such media practice in combination with technological development, which enables making comments under published photos or texts on the Internet, especially on various social networks, leads to the abuse of the guaranteed freedom of speech which is misused for insulting, degrading and humiliating women in commentaries by mostly anonymous commentators. Gender stereotypes are still deeply rooted in the minds of both men and women.

6.3. — IMPLEMENTATION OF THE MEASURES OF THE NATIONAL POLICY FOR GENDER EQUALITY 2011-2015 - ANALYSIS FOR 2015

Based on the analysis of *the Croatian Radio Television Report for 2015 on the Implementation of the Measures from the National Policy*, it is evident that they are still uncertain which

topics are related to gender equality and that they still lack the systematic and uniform monitoring methodology. Therefore, the Ombudswoman recommends again that the Croatian Radio Television creates the unique methodology for monitoring and reporting, and that they conduct additional training of persons working on such a report about gender equality topics within television and radio programs.

6.4. — OTHER ACTIVITIES OF THE OMBUDSWOMAN RELATED TO THE MEDIA

Other activities in the field of monitoring media include active participation in the task force for the adoption of the Media Policy for the period 2015-2020, lectures on the topic of gender equality in the media on various round tables, and educational workshop for high school students in Rovinj.

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

Comparative table for the past 6 years

YEAR	PUBLIC STATEMENTS	TV I RADIO INTERVIEWS AND STATEMENTS	PRESS-CLIPPING
2010.	6	38	98
2011.	4	33	91
2012.	18	37	189
2013.	19	103	363
2014.	22	117	731
2015.	17	69	658

On an official web-site www.prs.hr⁴¹ all the Ombudswoman's activities, relevant information and case studies are published. Information about the EU Progress-project „Dismantling the Glass Labyrinth – Equal Opportunity Access to Economic Decision-making in Croatia“ are published on a separate web site staklenilabirint.prs.hr.⁴²

In 2015 the contents on the official Ombudswoman's web page had 3.459.363 hits, which is a **40% increase in comparison to 2014.**

41 The Ombudswoman also has a facebook profile with short news and photos of the events she participates in, commemorations of important national and international dates, reminder of persons from the history or present time who have been dedicated to eliminating gender stereotypes.

42 Web pages had 78.964 hits in 2015.

7

GENDER EQUALITY IN THE AREA OF POLITICAL PARTICIPATION

7.1. — MONITORING ELECTIONS FOR THE CROATIAN PARLIAMENT

On the eve of the election of the representatives for the Croatian Parliament the Ombuds-woman addressed a recommendation to all active political parties to fulfill the obligation of the Article 15 item 1 of GEA, according to which they were obliged to respect the principle of gender equality and include at least 40% of each sex on their candidate lists. To this end, she proposed the use of the model recommended by the European Parliament and the Council of Europe: zip system according to which every other person on the candidate list is of the opposite sex.

According to the final official results of the election, 41% of candidates were women and 59% were men. That was, so far, the highest share of women candidates on parliamentary elections. However, if we look at the first places on the candidate lists, the representation of women was two times lower in comparison to the number of women candidates: only 19% of women were candidates on first places, and that was four times less than men on first places - 81%.

Women were the least represented at the top and the most represented at the bottom of candidate lists. The gender quota of 40% was not respected on 33 out of the total of 166 candidate lists in 11 constituencies (19.9%). So called zip system was implemented on 16 candidate lists (9.6%).⁴³

Finally, **128 men (84.8%) and 23 women (15.2%) were elected into the 8th term of the Croatian Parliament.** After some of the elected parliamentarians put on hold their mandates due to other duties, **the Croatian Parliament started its 8th term with 31 woman (20.5%) and 120 men (79.5%).**

43 Parties ORaH and Za grad had zip system on all their candidate lists (11 listsa ORaH and 4 Za grad), and MOST on one.

7.2. — GENDER ANALYSIS OF THE CROATIAN PARLIAMENT 2000-2015

The highest percentage of women parliamentary representatives (21%) was elected on parliamentary elections 2007. for the 6th term of Croatian Parliament (which was inaugurated on January 11th 2008). There is an interesting trend of an increasing share of women parliamentary representatives after each „rotation“, i.e. entering deputies instead of the elected representatives due to the *performing the incompatible duty*. After each elections, the share of female representatives increases from 3%-6%, and the same thing happened on this elections. This fact confirms once again the presence of the significant under-representation (or total absence) of women on management positions of decision-making and at the same time the increase of their representation on lower hierarchical levels (deputies, assistants etc.).

7.3. — ACTIVITIES RELATED TO POLITICAL PARTICIPATION

Due to the election of the representatives into the Croatian Parliament the reporting year was filled with activities. The Ombudswoman issued three public statements: *Croatian Parliament introduced the obligation to respect the 40% gender quota in parliamentary elections* (January 16th, 2015), *Public statement on respecting the principle of gender equality in the parliamentary elections 2015* (October 8th, 2015) and *Public statement on the outcome of the elections for the Croatian Parliament from the gender equality perspective* (November 20th, 2015).

The Ombudswoman also gave interviews and statements on the issue of political participation and participated in the discussion „*The perspective of women in politics in Croatia*“ organized by the French Embassy in Zagreb and GTF – Initiative for Sustainable Growth and on the third meeting *Politics to women!* organized by the Forum of the women of SDP and Friedrich Ebert Stiftung.

7.4. — CONCLUDING COMMENTARY

Despite some indicators which pointed toward a positive trend of slowly changing an unequal status of women in political participation in the past few years, this year's elections resulted in the smallest percentage of women elected into the Croatian Parliament. Analyzed data show a worrisome decreasing trend of the participation of women in legislative and executive government in Croatia. These parliamentary elections showed that Croatian political system falls behind the founded institutional and legislative framework in Croatia regarding the principles of gender equality. This situation is in accordance to the general trend in many other areas of public life in which women face the glass ceiling, which prevents them in their efforts to take over the most responsible roles and the most prestigious positions. The cases in which women succeeded in the area of politics today in Croatia are exceptions and it will take still some time before it becomes the rule.



NATIONAL POLICY FOR GENDER EQUALITY 2011-2015

By analyzing the individual measures (whose holders were the Ministry of Social Policy and Youth, the Ministry of Justice, Judicial Academy and Police Academy), it was evident that they had been implemented continuously and at a satisfactory level during 2015, with adequate financial resources, which, in addition to the activities carried out by their respective holders, certainly represented one of the key factors in their implementation.

Given that the current National Policy for Gender Equality was adopted for the period 2011-2015 and that the drafting of the new National policy, which would apply for the period 2016-2020, started in December 2015, the Ombudswoman proposed the drafting and the adoption of the new National policy as soon as possible, together with the provision of adequate financial resources for the continuous implementation of planned measures.

WOMEN AND SPORT

9.1. — OMBUDSWOMAN'S ACTIVITIES RELATED TO THE STATUS OF WOMEN IN SPORT

The Ombudswoman issued a public statement in which she stressed the presence of discrimination of women in sport which results from the existing prejudice that sport is traditionally men's field of activity.

The need to combat unequal status of women in sport has also been recognized within the European framework, and the European Commission, the European Council and the Council of Europe have been trying to influence the member states to improve their position. Therefore, the Ombudswoman issued a recommendation to the national, regional and local sports associations and all other stakeholders who are in a position to affect the status of women in sport, to use the national and international standards which emphasize the need to combat gender stereotypes that hinder the achievement of the equal status of women and men in sports.

9.1.1. COOPERATION WITH SPORT ASSOCIATIONS

The Ombudswoman started a co-operation with the Association of Australian football in Croatia (further: Association) by opening the European Cup in Australian football in Umag (Oct 10th, 2015), the first European championship in which recently established Croatian women's team in the Australian football also participated. During the visit of the team members to the institution of the Ombudswoman, the experiences and views on gender stereotypes and sexism in public life, the media and the educational system were exchanged, and the team members and the representatives of the Association introduced the Ombudswoman with the obstacles related to ensuring adequate conditions for training. The Ombudswoman and the representatives of the Association and some of the team members were guests in one of public television broadcasts.

Based on the established cooperation with the Association, the Ombudswoman issued a recommendation to the City of Velika Gorica to find adequate sport grounds for team



trainings and to the Ministry of Science, Education and Sport to grant an approval for the Association to promote Australian football in schools in order to involve more boys and girls in this sport.

9.1.2. ENCOURAGING MIXED SEX SPORTS

The Ombudswoman points out the recommendation of the International Olympic Committee⁴⁴ on the promotion of mixed sex team events, starting with the Olympic Games 2020.⁴⁵

In this regard it is important to ensure the availability of sport to children regardless of their sex, including the availability of mixed sex sports. Boys and girls should be encouraged to mutual cooperation and cooperation in all areas of public and private life, including the educational system, so that they would, through the interaction from an early age, learn mutual understanding, respect and tolerance of diversity, as well as adopt communication and other skills.

It is advisable to take into account the principles of flexibility and adaptation to the children in a way which respects their affinities, interests, abilities and potentials which on the list of priorities should be put in front of categorizations by sex (exclusively woman or men category), with the aim of avoiding denial of access to girls to sports in male category and vice versa and encouraging sexually mixed sporting activities when it is compatible with physical dispositions of children.

9.2. _ CASE DESCRIPTIONS

Acting on individual complaints, the Ombudswoman found discrimination in the following cases: handball female referees, on the basis of pregnancy and motherhood; discrimination of female football referee due to undermining the professional advancement; discrimination of the female chess club for reducing the number of credentials on the grounds that the women accomplish major league ranking easier; discrimination of the female contestants in relation to male because of unequal rewards in the half-marathon.

The Ombudswoman also worked on a case in which she found out that some parts of the *List of important events* were not in accordance with the principle of gender equality. Namely, male sport is considered as more important than female's, i.e. male sports are recognized as events of special national interest, while sport events of the same competitive level in which women compete do not have the same status, although both, male and female teams, represent the Republic of Croatia in the same way. Therefore, the Ombudswoman warned the Agency for Electronic Media, that the *List of important events* they made was not in accordance with the provisions of GEA and the Article 9. of the Directive 2010/13/EU of the

44 127th session held 8-9 of December, 2014 in Monaco.

45 Recommendation 11.2. of the *Olympic Agenda 2020*.

European Parliament and the Council on audiovisual media services, and proposed that the Agency initiates the procedure for amending the regulations. The Agency did not comply with the warning and the proposal. They pointed out the difference in the popularity of the sport in the men's and women's competition, while neglecting gender equality as one of the highest values of the constitutional order of the Republic of Croatia, as well as the fact that the Council of the European Union and the Council of Europe stressed the necessity to change the lists for the purpose of inclusion of more sporting events in the women's competition and improve gender equality in sports competitions.

9.3. — IMPLEMENTATION OF MEASURES FROM THE NATIONAL POLICY FOR GENDER EQUALITY 2011-2015 RELATED TO SPORTS

The National policy goal 4.2. *Improve the status of women in sport* include two measures which had 2015 as the implementation deadline. The Ombudswoman requested an implementation report from the measure holders: Croatian Olympic Committee (COC) and the Croatian Paralympic Committee (CPC). Regarding the measure 4.2.1. *The share of women in the management structure of sports associations and other sporting organizations will be increased pursuant to the Gender Equality Act*, from the submitted data of COC it was evident that women were significantly under-represented in almost all hierarchical levels among the employees of sporting organizations, and that an equal proportion existed only among the administrative staff, i.e. on jobs which had the least impact on decision making and were the "most distant" from sports grounds and the sport. Regarding the measure 4.2.3. *Female athletes will be guaranteed equal access to the sports infrastructure, both in terms of time of use and quality, as well as the access to professional training, development and employment in the sphere of sports*, CPC emphasized that female athletes, who trained within COC activities had equal access to sports infrastructure, but that the access to sports infrastructure for the persons with disabilities in sport as a whole was unsatisfactory.

10

REPRODUCTIVE HEALTH

The Ombudswoman worked on cases related to the contraceptives, medical conscientious objection and health care for pregnant women.

In 2015 the Ombudswoman's activities in the field of the reproductive health concerned: 1) complaints concerning the way of issuing contraceptive pill ellaOne ("pill for the day after"), which was in free sale without a prescription, the Ombudswoman concluded the pill issuance protocol by the Croatian Chamber of Pharmacists and the Ministry of Health as restrictive and recommended the simplification of the procedure in order to facilitate the access to the contraceptives; 2) the Ombudswoman met with the Initiative of doctors for the regulation of the right to conscientious objection in medicine related to the issue of conscientious objections in health institutions; 3) the Ombudswoman monitored the outcome of the health inspection and supervision conducted by the Ministry of Health in order to improve health care for pregnant women.

In its Concluding observations⁴⁶ on the *Combined 4th and 5th periodic report of Croatia*, the UN Committee on the Elimination of Discrimination against Women invited the Republic of Croatia: (a) to ensure that the exercise of conscientious objection does not impede women's effective access to reproductive health-care services, especially abortion and post-abortion care and contraceptives; (b) to ensure universal coverage of abortion and modern contraception within the Croatian Health Insurance Fund; (c) to ensure the availability and accessibility of modern forms of contraception and reproductive services to all women, including disadvantaged groups of women; (d) to ensure the existence of adequate safeguards so that medical procedures for childbirth are subject to objective assessments of necessity and conducted with adequate standards of care and respect for women's autonomy and the requirements for informed consent, and to introduce options for home births for women who wish to avail themselves of that possibility.

The Ombudswoman recommended the implementation of the above recommendations of the UN Committee.

46 Published on July 24th, 2015.

WOMEN IN REFUGEE CRISIS AND ASYLUM SEEKERS

The second half of 2015 passed in the sign of the refugee crisis which hit the Republic of Croatia as well as neighboring countries. According to all estimates Croatia showed a humane approach toward refugees and set high standards in treating them. According to data from the Ministry of the Interior since the beginning of the refugee crisis until December 31st 2015, the number of refugees entering the Republic of Croatia was 555,761, of which 508,384 refugees (92%) were statistically processed. Of these, the total number of males was 271,911 (53.49%), females 88,209 (17.35%) and minors 148,264 (29.16%). Of all the refugees, only 24 people applied for the international protection, 22 men and 2 women. In 2015, the total of 211 people, 190 (90.05%) men and 21 (9.95%) women applied for international protection. A total of 43 applications for international protection, 36 male and 7 female persons, were approved. Despite the significantly reduced number of international protection seekers, the number of approved international protection significantly increased in 2015, out of which 30% were approved.

In conclusion relatively more women than men were granted international protection (out of 21 applications submitted by women, 7 were approved; out of 190 applications submitted by men 21 was approved).

Although the Republic of Croatia has good legislative framework for the integration of persons under international protection, in practice the integration system has not yet come to life.

12

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

During 2015, a new *National Action Plan for the Implementation of UN Security Council Resolution 1325 (2000) on Women, Peace and Ssecurity and related resolutions* (NAP) had not been drafted and adopted for the next period. The Ministry of Foreign and European Affairs stated that there was an ongoing harmonization of the Implementation report draft among the holders of measures, including the information on the activities undertaken in 2015, as most of the previous measures of the NAP continued to be implemented even after the formal end of the first cycle, due to their permanent character and commitment of the majority holders that they continue to be implemented.

13

LAWS AND REGULATIONS - OMBUDSWOMAN'S INITIATIVES

13.1. __ CRIMINAL CODE

Upon the initiative of the Ombudswoman to return domestic violence as criminal offense into the Criminal Code, in May 2015 the Criminal Code was amended and domestic violence as the criminal offense was included into the stipulations (Article 179a). Although in general she welcomed this initiative, the Ombudswoman commented the way this act was defined in the Criminal Code.⁴⁷

13.2. __ CRIMINAL PROCEDURE ACT

The Ombudswoman welcomed all the amendments to the Criminal Procedure Act⁴⁸ and pointed out that such changes will substantially improve the status of victims of various crimes (domestic violence in the first place), if they would be properly applied in practice.

13.3. __ LAW ON PROTECTION AGAINST DOMESTIC VIOLENCE

According to the submitted draft proposal of the Law on Protection against Domestic Violence, the Ombudswoman had several comments. The general observation was that the text of the draft was in some parts unnecessarily shortened, and that the existing necessary explanations of terms/definitions of certain forms of violence (Article 9. of the Proposal) were left out. The Ombudswoman warned that, based on citizens' complaints about the violence, women were often subjected to violence by the existing or by the former partners, and that the police in certain cases did not apply the Law on Protection against Domestic Violence, arguing that this category of intimate relations did not fall under the definition of family, as prescribed in the mentioned Law.

⁴⁷ Details could be found in the full Annual Report for 2015 (available only in Croatian).

⁴⁸ The amendments were implemented because of the adjustment with the Directive 2012/29 of the European Parliament and Council dated Oct. 25th, 2012 on minimum standards for victims of crime.



The Ombudswoman believes that in cases of partner violence in which the victim was or is involved in an emotional/romantic relationship for a period of few months or less, and in cases of gender-based violence among friends and/or acquaintances, when such a violence could not be qualified as a punishable criminal or misdemeanor act, a misdemeanor provision of the Article 31-32 of GEA (usually in connection with a violation of Article 8.) could be applied.

13.4. __ FAMILY LAW

During the reporting period, the Ombudswoman monitored all the changes related to the adoption of the new Family Law and proposed amendments to those provisions which were inconsistent with GEA. On the basis of work on the citizens' complaints, the Ombudswoman proposed amendments to those provisions which could potentially lead to the breach of gender equality principles.

13.5. __ LAW ON CIVIL SERVANTS

The Ombudswoman drew the law proposer's attention to the articles 9-12 of GEA which prescribed the obligation of the balanced representation of women and men at all levels of state administration bodies, professional services and governmental offices. She recommended to the proposer to take into consideration the possibility of including into the Law on Civil Servants the provision which would clearly point towards the *existing obligation of balanced representation of women and men at all levels within governmental bodies and local, regional (regional) governments as well as in legal persons with public authorities.*

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

After examining the revised draft of the law proposal, the Ombudswoman noticed that, in accordance with her recommendations, the draft took into account the concept of shared parental care and that the legal text no longer differentiated between a parent who lived with a child from the parent who didn't in fulfilling their rights to obtain travel documents for a child. The amended Article 9 of the draft proposal of the Law requires that paragraph 3 of the Article 34 of the applicable Law states: *"If the parents share parental care, the requirement for a passport may be submitted by both parents."*

13.7. __ LAW ON THE RIGHTS OF VICTIMS OF SEXUAL VIOLENCE DURING ARMED AGRESSION ON REPUBLIC OF CROATIA IN HOMELAND WAR

After examining the Law, the Ombudswoman noticed that her proposals, which she gave as a member of the working group for drafting the Law, were partly adopted. Thinking that the

Law would significantly contribute to the personal and social rehabilitation of the victims, particularly women, the Ombudswoman's comments and suggestions on the legal text aimed exclusively at improving the position of victims of sexual violence and facilitating the realization of their rights, protecting their dignity, expanding the number of victims included in the Law and increasing the indemnities that the Law foresees for persons who had been exposed to sexual violence for a long time.

13.8. __ RULES ON COLLECTING MEDICAL RECORDS AND DETERMINING THE TERMS AND CONDITIONS FOR SEX CHANGE OR FOR LIFE IN A DIFFERENT GENDER IDENTITY (RULES)⁴⁹

As a member of the working group for drafting the Rules, the Ombudswoman actively participated by giving her expert opinions and proposals back in 2013. The Ombudswoman's priorities were to enable the creation of the normative framework, and its improvement, with the purpose of establishing quick and efficient procedure of changing legal and physical identity of gender dysphoric persons. Upon the Ombudswoman's initiative, and in coordination with civil society organizations, a dozen meetings with the relevant ministries were organized, which in 2015 resulted in removal of the administrative and legal barriers which prevented the realization of the rights of gender-dysphoric individuals.

13.9. __ LAW ON HUMANITARIAN AID

Given that earlier commentaries of the Ombudswoman were not included in the Final proposal of the Law, the Ombudswoman sent them again to the proposer requiring that the condition for issuing a decision approving the permanent collection and provision of humanitarian aid should prescribe that the applicant would not be granted the decision if he had been previously convicted for violence against women.

13.10. __ OTHER LAWS AND REGULATIONS

In relation to other important laws and regulations, the Ombudswoman monitored amendments to *the Misdemeanor Act*, participated in the working group for drafting the new *Law on Housing*, supported amendments to the *Ordinance on the Property Lease from the POS program* which were proposed by Zagreb Pride. Upon her own initiative and/or at the request of the sponsor, the Ombudswoman also reviewed and assessed the compliance of a number of other legislative proposals and regulations with the provisions of the GEA.

49 The Rules came into the force in November 2014.



DISCRIMINATION IN ACCESS TO GOODS AND SERVICES



With regard to discrimination in the area of the access to and the supply of goods, i.e. provision of services, so far the Ombudswoman mostly pointed towards the discriminatory treatment in the field of health services associated with the reproductive health of women.

In this reporting period, citizens appealed to the Ombudswoman regarding discrimination in the provision of and the access to banking services and insurance, and the oddity were complaints by men. Given that in the area of access to and the supply of goods, i.e. the provision of services, there is still the lack of citizens' awareness about discrimination, it is necessary to strengthen the awareness of the users of goods and services about the existence of discrimination in this area.



IV

COOPERATION ON NATIONAL AND INTERNATIONAL LEVEL AND OTHER ACTIVITIES⁴⁹



In 2015 the Ombudswoman participated and gave presentations on **193** seminars, conferences, public discussions, meetings and events organized by state bodies, institutions, committees and organizations of civil society⁵¹, on **20 international and regional conferences and held 22 meetings on international and regional level, visited 9 counties and organized and co-organized 14 public events** (1 raising awareness campaign⁵², 1 conference „Far from the city-far from the rights? Human rights in rural areas“⁵³, 2 workshops⁵⁴, 1 meeting of the working group for drafting the Charter about the commitment to gender balance in the Ministry of Labor and Pension System, 1 presentation of the Evaluation report⁵⁵, 2 public presentations of the activities of the EU Progress project „Dismantling Glass Labyrinth“⁵⁶, 6 seminars organized within the same project.“⁵⁷

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- 50 The full Annual Report, available only in Croatian, includes a comparative table of Ombudswoman's activities in the past 6 years. All Ombudswoman's activities are available throughout the year on official web site www.prs.hr.
- 51 The Ombudswoman cooperated in 2015 with 49 different organizations of civil society and trade unions.
- 52 „Love is equal“, 02.14. 2015.
- 53 On the occasion of the Human Rights Day a joint organization of all four ombudspersons' offices (12.08.2015.)
- 54 (1) For judges, public attorneys and lawyers on Judicial Academy under the title „Sexual violence - judicial practice“; (2) Workshop „Path to the top“ within the framework of EU Progress project with internationally renowned expert as a guest Ms. Dorothy Dalton, cofounder of 3Plus International company from Bruxelles.
- 55 Presentation of „The evaluation report of the work of the Ombudsperson for Gender Equality for the period 2003-2013“ organized in Croatian Parliament on September 15th, 2015.
- 56 (1) Presentation of the results of the research on perception of businessmen on benefits of gender balanced economic decision making, March 10th, 2015; (2) Presentation of Business women dana base, November 5th, 2015.
- 57 Two concluding seminars for experts from human resources departments held on July 1st and 2nd, 2015, two seminars for the expert from human resources departments held on June 17th and 18th, 2015; and two seminars „Legal dimension of gender balanced managing structure“ held on June 10th and 11th 2015.





V

IN CONCLUSION

In 2015 the Ombudswoman for Gender Equality worked on the **total of 2,467 cases** within her jurisdiction and in compliance with the Gender Equality Act. The trend of increasing the number of individual complaints (7.7%) continues. Complaints were submitted mostly by women (67.6%), most often they were the cases of direct discrimination (92.2%), and they were predominantly related to sex based discrimination (90.1%), followed by discrimination on the grounds of marital and family status (4%), sexual orientation (4.5%) and gender identity (1.2%). The majority of the complaints relates to the area of labor and social security (51.5%). 23% of cases were related to providing protection to citizens who were exposed to all forms of domestic and partner violence.

Working on complaints and upon her own initiatives, the Ombudswoman issued **335 recommendations, 238 warnings and 182 proposals**, initiated **5 criminal and 1 misdemeanor charge**. The recommendations, warnings and proposals which the Ombudswoman issued to the public bodies on all levels, legal persons with public authority and other legal and natural persons (which resulted from the procedures undertaken in cases in which the Ombudswoman confirmed discrimination on the grounds from her jurisdiction), were **fully respected in 81% of cases**.

The Ombudswoman **conducted 7 independent studies**: from the field of labor and working conditions - 3, social security including social care - 2, education and science - 1, media - 1. The Ombudswoman also conducted **9 independent analysis** resulting from monitoring the implementation of GEA and other regulations concerning gender equality, and **2 cooperation memoranda**: The Memorandum on cooperation between the Ministry of the Interior and the Ombudsperson for Gender Equality (2012) and the Memorandum on cooperation between the Legal Clinic of the Faculty of Law in Zagreb and the Ombudsperson for Gender Equality (2013) on the basis of which 13 students improved their legal knowledge through practical skills in the Ombudswoman's institution.

During 2015 EU Progress-project „*Dismantling the Glass Labyrinth - Equal Opportunity Access to Economic Decision-making in Croatia*“ was implemented and in December of 2015 a new EU project was approved: „*In Pursuit of Full Equality between Men and Women: Reconciliation of Professional and Family Life*“, which will be implemented until the end of 2017. In the past 2,5 years, the institution of the Ombudswoman applied and was granted **two European projects** in the value of almost 700,000 EUR.

As in previous years, **the majority of complaints were received regarding the area of labor, employment and social security (51.5%)**, most of the complainants were women (79.7%) reporting on sexual harassment at work, fixed-term contracts, discrimination based on motherhood, family status, unequal pay and the like. The above is not surprising given the long lasting trends related to the unemployment, gender-based segregation in the market, increase in the number of the employees on the basis of the

employment per fixed-term contracts, difficulties in obtaining employment contracts for an indefinite period, especially for women, the pay gap (10.2%) and others.

The measures for reconciliation of family and professional obligations have still been insufficiently implemented. Therefore fathers should be encouraged more effectively for their active role in the formative years of child's development. **Only 2.04% of men used the maternal/parental leave**, and only 1.7% of fathers used maternal/parental benefits.

With regard to cases of **domestic/partner violence**, women are still the majority of victims of domestic violence (64% victims in misdemeanor proceedings). There is still a number of citizens' complaints which show that certain forms of domestic violence (primarily psychological and economic) are not recognized by the authorized institutions, and that gender sensitive approach in prosecuting the perpetrators and protecting the victims is not implemented. While we note the continued decline in domestic violence as misdemeanor acts, in comparison to the last year **the number of women victims of domestic violence as criminal acts increased more than a 100%**.

Gender stereotypes in the area of **parental care** continue to represent the most common grounds on which fathers make complaints, while mothers indicate the lack of sensitive approach of the professional staff in regard to domestic violence to which they had been exposed. An encouraging circumstance is good cooperation with the police and the exceptional cooperativeness of the social welfare centers which regularly take into account the recommendations of the Ombudswoman and improve their work.

The Ombudswoman took steps to encourage judicial authorities to sanction **homophobic hate speech** and incitement to violence. Statistical data show the disparity between misdemeanor and criminal proceedings, about what the Ombudswoman warned in previous years.

The Ombudswoman actively participated in the creation of normative frameworks through which **gender-dysphoric people** could solve their legal and medical status.

Likewise, the Ombudswoman was actively involved in the creation of the legislative framework on **the rights of victims of sexual violence in Homeland war**, which will contribute to personal and social rehabilitation of victims, especially women.

As the statistics, analyses and studies show that women are overwhelmingly exposed to discriminatory practices and are victims of gender-based violence, our reports for the past few years include particularly sensitive social groups which are subject to **multiple discrimination** on the grounds of sex in combination with disability, nationality, social status, etc. Women with disabilities, women in rural areas, women from ethnic minorities,



especially Roma women, victims of sexual violence in the war and women in prostitution and the trafficking in human beings are exposed to the risk of multiple discrimination.

The Ombudswoman independently or in cooperation with other interested parties, especially with the support of foreign embassies in the Republic of Croatia, launched a series of initiatives for the empowerment of **women in rural areas** and supported organizations, programs, festivals and events that have had the same goal.

Particularly vulnerable group of women who are exposed to the risk of multiple discrimination are **women with disabilities**, and we continuously monitor their situation in the area of labor and employment, domestic violence, education, reproductive rights and others.

The Ombudswoman worked on individual citizens' complaints about the obstacles in achieving their **reproductive rights**, and monitored the outcome of the health surveillance inspection, which was carried out in order to improve health care for pregnant women. At the same time, the Ombudswoman supported the recommendations of the UN Committee on the Elimination of Discrimination against Women regarding the area of reproductive rights.

In the area of **education**, the Ombudswoman is committed to: the integration of Civic education into the curriculum, the removal of present stereotypes in school textbooks which neglect the importance of father's role in the upbringing of children, as well as stereotypes about the so-called male or female occupations, raising the competence of class teachers for the implementation of the 4th module of Health education, the use of gender-sensitive language for professional qualifications, professions and occupations in the official documents etc.

Discrimination of **women in sports** exists and the Ombudswoman warned sport associations or issued public statements in cases of discrimination of handball female referees on the basis of pregnancy and motherhood; discrimination of female football referee due to undermining her professional advancement; discrimination of the female chess club for reducing the number of credentials on the grounds that the women accomplish major league ranking easier, etc.

Based on many years of monitoring **the media**, the Ombudswoman claims that there has not been a positive shift in the way the media portrays mainly women. They are still portrayed as objects, primarily singled out for their looks and physical attributes. In public space we still witness sexism and sexist statements.

Promoting the principles of gender equality in **political participation** remains a major challenge for the inclusion of women in the bodies of political power, given the low percentage of the elected politicians in the last parliamentary elections - 15% (continuously low percentage), and about 18% of women at the local level for the past ten

years. Women are still under-represented in the areas where political and economic decisions are being made.

There is an increasing number of complaints related to the provision of and access to **goods and services** in the area of health services, banking services and insurance.

Based on the citizens' complaints one gets the impression that certain issues have been changing for the better, while many things still need improvement.

Taking into consideration citizens' complaints, the results of monitoring and the conducted researches and analysis, the Ombudswoman included **82 case descriptions and a total of 93 recommendations** into the full Annual Report for 2015.

Zagreb, March 2016

OMBUDSPERSON
FOR GENDER EQUALITY

Višnja Ljubičić, dipl. iur.



