



SUMMARY

ANNUAL
REPORT
2018

Zagreb, March 2019



OMBUDSPERSON
FOR GENDER EQUALITY

SUMMARY OF THE ANNUAL REPORT 2018

This is a summary of the **full Annual Report for 2018** of the Ombudsperson for Gender Equality of the Republic of Croatia (further Ombudsperson). The full annual report for 2018¹ includes detailed description of **104 cases from the Ombudsperson's practice** and detailed **analysis of data and trends** in monitored areas of: employment and labor, maternal and parental benefits, gender based violence, parental care, sexual and gender minorities' rights, education, media, sports, political participation, reproductive health, international protection seekers, peace and security, access to goods and services. It also includes Ombudsperson's **conclusions** based on monitoring the implementation of the Gender Equality Act (further GEA) and other laws and regulations pertaining to gender equality, and **138 recommendations** to the authorized bodies. This summary includes an overview of the most important activities and trends noticed in 2018.

I. CASE STATISTICS

In 2018, the Ombudsperson worked on **the total of 1,576 cases** out of which **522 were citizens' complaints** and 1,054 were cases opened as the result of monitoring implementation of GEA².

Out of 522 citizens' complaints, 458 were opened in 2018 (**increase of 7.5% in comparison with 2017**)³ including 28 cases opened upon the Ombudsperson's initiative⁴ and 64 cases opened in previous reporting periods.

The Ombudsperson received all the responses from the competent authorities and other stakeholders who are obliged by GEA to submit their statements to the Ombudsperson during the investigation proceedings.

The Ombudsperson issued the total of 202 written recommendations, 154 warnings and 109 proposals to the state bodies, units of local and regional self-government, bodies with public authority, media and other legal or natural persons.⁵ The suspicion that the criminal act was committed, the Ombudsperson reported to the competent State Attorney's office in 8 cases⁶, and in 3 cases⁷ to the authorised body for misdemeanour offences. The Ombudsperson commented on 17 law drafts and was an intervenor in 3 court proceedings⁸.

¹ The complete Annual Report for 2018 is available on our official web site www.prs.hr only in Croatian language.

² Official Gazette no. 82/08, 69/17.

³ In 2017 - 426, in 2016 - 537, in 2015 - 404, in 2014 - 394, in 2013 - 375, in 2012 - 368, in 2011 - 308. The trend of an increasing number of cases continues.

⁴ The Ombudsperson gave initiative in 23 cases in 2017, in 39 cases in 2016, in 31 case in 2015. The Ombudsperson's initiative is based on the estimation whether the authorized bodies/institutions/individuals reacted according to their legal responsibilities in particular cases.

⁵ All bodies to whom the Ombudsperson issues recommendation, warning or proposal are obliged to inform the Ombudsperson within 30 days about the measures or steps undertaken according to received recommendation, warning or proposal (Art. 23. of GEA).

⁶ When in the performance of his/her duties the Ombudsperson finds out about the violation of the provisions of the Criminal Code with the characteristics of a criminal offense, s/he submits a report to the competent State Attorney's Office (art.23.paragr.4. GEA). In 2018 there were 8 such cases: PRS-01-01/18-01, PRS-01-01/18-07, PRS-01-01/18-12 i PRS-01-01/18-15 - field of labor; PRS-15-06/18-04, PRS-15-06/18-05, PRS-15-06/18-08 i PRS-15-07/18-10 - **discrimination of sexual minorities**.

⁷ When in the performance of his/her duties the Ombudsperson finds out about the violation of GEA with the characteristics of misdemeanor offence, s/he proposes to the authorised body initiation of misdemeanor procedure. In 2018 there were three such cases: PRS-01-02/18-09, PRS-01-03/18-08 i PRS-01-04/18-13 - **in the field of labor**.

⁸ PRS-19-01/17-01 – protection of the asylum seeker under the Law on International and Temporary Protection (Official Gazette, no 70/15 i 127/17); PRS-01-03/15-18 and PRS-01-01/16-05 - field of employment and labor.

The analysis of the received replies shows that **the Ombudspersons' recommendations, warnings or proposals have been accepted in full in 92% of cases**, in 5% partially (with an explanation why they haven't been accepted in full) and in 3% have not been accepted, in which cases the Ombudsperson resumed the procedure. Therefore, the co-operation of the Ombudsperson with the competent bodies at the state, regional and local level, as well as with other stakeholders, is good. By the end of the reporting year, 384 (83.8%) cases were completed, in which discrimination was established in 131 (34.1%) case.⁹

The analysis of the cases from 2018, **segregated by the field in which discrimination** occurred, shows that the greatest number relates to the area of social security and social welfare, pension and health insurance (24.9%) and labor conditions (19%), then on the public administration (20.7%), public information and media (12.7%), judiciary (6.1%), health care (5.9%) and other areas.

Complaints are still predominantly related to **gender discrimination (83.2%)** and complainants are to large extent women (71.4%), while men's share of 27.7% is slightly reduced as compared to 29.6% % in 2017.¹⁰

The analysed cases referred to **direct discrimination in 96.8% cases** and in 1.5% to indirect.

There has been a rise in the number of complaints (150%) related to discrimination on the bases of sexual orientation as compared to the previous period, suggesting that the persons of the same-sex sexual orientation are more active in using available legal instruments for protection against discrimination, including the possibility of seeking Ombudsperson's assistance. At the same time, there is a slight decrease of complaints related to discrimination on the bases of gender identity and expression.¹¹

Observed individually per county, the largest share of complaints remains to be from the City of Zagreb - 49.1%, and the rest of 50.9% is spread to other counties. This is greatly result of the fact that **the Ombudsperson does not have regional offices** and the only direct contacts with citizens outside the City of Zagreb are organized when the Ombudsperson visits other counties, cities and municipalities and have meetings with county or city officials, committees for gender equality or citizens.

2. PROMOTION OF GENDER EQUALITY – ANALYSIS OF ACTIVITIES

As the result of monitoring implementation of GEA, the Ombudsperson opened 1,054 cases in 2018.¹² Out of this number, 101 cases¹³ relates to the activities within 3 EU-projects of which the Ombudsperson is a holder and which are financed by the European Union funds.¹⁴

⁹ In 2017 - out of 362 completed cases, discrimination was established in 98 cases; in 2016 - out of 479 completed cases, discrimination was established in 209 cases; in 2015 - out of 331 completed cases, discrimination was established in 130 cases; in 2014 - out of 312 completed cases, discrimination was established in 120 cases; in 2013 - out of 318 completed cases, discrimination was established in 76 cases; in 2012 - out of 297 completed cases, discrimination was established in 82 cases; in 2011 - out of 219 completed cases, discrimination was established in 76 cases.

¹⁰ In 2016 – 20.8%.

¹¹ In 2018 - 11 cases, in 2017 - 18 cases, in 2016 - 14 cases and in 2015 - 5 cases.

¹² In 2017 - 1,609 cases.

¹³ In 2017 - 192 cases.

¹⁴ JUST/2014/RGEN/AG/GEND/7796 from 2016, JUST/2016/RGEN/AG/VAWA/9940 from 2017, and REC-RGEN-PENS-AG-2017-820696-GPPG from 2018.

The Ombudsperson also carried out the following activities:

(1) Projects financed by EU funds of which the Ombudsperson was a main holder¹⁵:

- „*Building more effective protection: transforming the system for combating violence against women*“, whose value is 427.762,27 EUR; implementation period April 1st, 2017 till December 31st, 2019¹⁶. Within this project, the Ombudsperson:

- conducted: 3 independent researches¹⁷ with the purpose of showing to the Croatian Parliament and wider audience the gender based discrimination incidence in justice system and trends in media reporting about cases of violence against women with a special emphasize on femicide;
- published one publication and financed publication of one more
- produced a documentary „Women, Violence, Media „within EU project.¹⁸

- *“Equal rights - equal pay – equal pensions” – Expanding the scope of implementation of gender equality actions and legal standards towards achieving gender equality and combating poverty in Croatia*, whose value is 468.510,20 EUR; implementation period October 1st 2018 till September 30th 2020¹⁹. Within this project, in 2018 the Ombudsperson organized one introductory conference.²⁰

- *“In Pursuit of Full Equality between Men and Women: Reconciliation of Professional and Family Life”²¹*, whose value was 437.172,39 EUR, implementation period January 1st, 2016 till January 1st, 2018. The Ombudsperson submitted the final report to the European Commission in the first quarter of 2018.

(2) Presided over the „*Monitoring body for comprehensive supervision, data collection, analysis of cases of femicide and reporting - Femicide Watch*“, which the Ombudsperson established in 2017;

(3) Conducted 8 analysis²² for the purpose of monitoring GEA and other laws and regulations related to the gender equality in various areas of life and work;

(4) Implemented 4 memorandums of cooperation signed with the Police Academy of the Ministry of the Interior (2012), Legal Clinic of the Faculty of Law in Zagreb (2017), the Ministry for Demography, Family, Youth and Social Policy (2017) and the Ministry of Defence of the Republic of Croatia (2017).

¹⁵ So far, the Ombudsperson was the holder of **four EU projects** financed with the European Commission funds whose total value amounts to **1,590,966 EUR**: (1) JUST/2012/PROG/AG/GE/4157 from 2013, (2) JUST/2014/RGEN/AG/GEND/7796 from 2016, (3) JUST/2016/RGEN/AG/VAWA/9940 from 2017 and REC-RGEN-PENS-AG-2017-820696-GPPG from 2018.

¹⁶ JUST/2016/RGEN/AG/VAWA/9940, the Ombudsperson asked the European Commission to prolong the implementation period of this project until December 31st, 2019, which was approved. The reason for prolongation was the reorganization of the first instance courts in Croatia (the new Law on Court Areas and Residences (Official Gazette, no. 67/18) came into force on January 1st, 2019), and one of the target groups of the education in the final phase of the project are judges of criminal and misdemeanor courts.

¹⁷ EU project JUST/2016/RGEN/AG/VAWA/9940, one in the area of the media, 2 in the area of justice.

¹⁸ EU project JUST/2016/RGEN/AG/VAWA/9940 - the Ombudsperson published the „Analysis of the media reporting in cases of violence against women 2012-2016“, financed the publication of the „Analysis of the media reporting in the cases of femicide 2012-2016“ and produced documentary „Women, violence and the media“ to the project's partner organization Women's Room - Centar for sexual rights.

¹⁹ REC-RGEN-PENS-AG-2017-820696-GPPG

²⁰ The Conference was held in Croatian Parliament on November 6th, 2018 to present EU project “Equal rights - equal pay - equal pensions” - REC-RGEN-PENS-AG-2017-820696-GPPG.

²¹ JUST/2014/RGEN/AG/GEND/7796

²² The analyses are related to the monitoring of GEA in the following areas: **2** analyses - labor market and working conditions, **1** analysis - public information and the media; **1** analysis - education and **4** analyses - implementation of public policies (strategies/protocols) related to gender equality.

(5) **Independently held 10 educational workshops²³**;

(6) **Actively cooperated with the state bodies and units of local and regional self-government as well as with international organizations**, especially with the mechanisms for ensuring the implementation of GEA on national/local and international/regional levels; gave presentations and speeches and actively participated on 168 public events in Croatia, 27 regional and international conferences and expert gatherings and held 21 meeting with delegations and representatives of bodies and institutions on international and regional level; gave 16 public statements, had 97 appearances on TV and radio shows and her statements or activities were published in 725 newspaper and Internet articles.

II. ANALYSIS BY AREA OF WORK

1 EMPLOYMENT AND LABOR

1.1. LABOR MARKET – TRENDS WHICH DESERVE SPECIAL ATTENTION

1.1.1. Low working activity rate of women

The share of women in the total population of the Republic of Croatia (mid 2017) was 51.7% and the share of men 48.3%.²⁴ The rate of men's working activity (2017) was 58.2%, and women's 45.6%. **The rate of working activity of women increased only slightly in comparison to the previous year, therefore it is necessary to define precisely its causes and introduce measures for encouraging women to enter the labor market.** Rates of working activity for men are higher than the rates of female workforce in all age groups from 15 to 64. What concerns the most is the big gap in working activity rates of women and men in the age group 50 to 64, which is as high as 15.3 percentage points. The low employment rate of women shows the high risk of exposure to economic poverty and dependence on other family members.

1.1.2. Unequal status of women and men in regard to employment

According to the latest data of the Croatian Bureau of Statistics (CBS), the share of women in the total number of the employed was 47.3%.²⁵ The employment rate of men (2017) was 52%. **The employment rate of women was 40.2%** and it is, for several years in a row, **more than 10 percentage points lower than the employment rate of men.** Middle aged and elderly women have more difficulties than men of the same age to find employment. According to the Eurostat data (for the first three quarters of 2018), a **fixed-term employment contract** were given to **20.7% of women and 19.8% of men.** In the age group from 15 to 24 years, 58% of the employed persons work per fixed-

²³ To the students of the Faculty of Law in Zagreb and Osijek, students of the Faculty of Political Sciences, in co-operation with the Ministry of Regional Development and EU Funds workshop held for the information and communication people in the management and control system of the use of ESI funds, to the employees of the Croatian Radio Television (CRT) in cooperation with the Academy of CRT, to the attendees of the Police Academy, social workers in Gospić, Zagreb and Pakrac.

²⁴ Statement „Population estimates of the Republic of Croatia in 2017“, Croatian Bureau of Statistics (Sept., 14th 2018).

²⁵ Croatia in numbers, 2018., CBS

term employment contracts. This is the same age group in which we find the largest difference between the number of women and men employed per fixed-term contracts; the number of women employed on a fixed-term basis is higher by 17.8 percentage points.

During the first three quarters of 2018, 6.3% of women and 3.8% of men **worked part-time**. The biggest number of women and men who worked part-time, but also the biggest difference of 7.3 percentage points between women and men working part-time, is in the age group of 15 to 24 years.

1.1.3. Trends related to the unemployment rate

The unemployment rate for men was 10.6%, compared to the unemployment rate for women which was 11.9%.²⁶ In the total number of unemployed persons, women accounted for 56%, while men accounted for 44%.²⁷ **Although in the working-active population of the Republic of Croatia the share of women is 46.4%, which means they are minority, with 56% share in the unemployed population, women are majority.** If we take into consideration the level of education, the biggest difference between unemployed men and women is with high school education level.²⁸ Last year's trend of bigger share of men in long-term unemployment (the one that lasts at least 12 months or longer), has changed again to the detriment of women; according to Eurostat statistics 40.5% of men and 42.6% of women were unemployed for a longer period of time. The higher unemployment rate of women than of men is accompanied by a higher rate of risk of poverty, this rate for women was 20.9% and for men 18.9% in 2017.²⁹

1.1.4. Gender based segregation in the labor market

The trend of **horizontal and vertical gender segregation** is still present on the Croatian labor market. The overrepresentation of women can be found in 6 areas: women are significantly overrepresented (with over 70%) in the areas of „education“ and „health care and social care“ in which their share was as high as 78.4%. These areas have been traditionally linked with women as those who take care about children and the sick, the weak and the helpless. This is a stable example of horizontal segregation in the labor market, which is additionally unfavourable to women because of the fact that in the areas in which they are overrepresented, they, on average, receive significantly lower salaries than men on average.

The gender structure of the employees in particular labor market areas depends on the gender structure of students enrolled in particular areas of education. According to CBS data, in the academic year 2016/2017 women accounted for the majority of the enrolled students in all areas of science, except in technical sciences in which their share was only 26.9%. **Although in 2017, according to the latest CBS data, the share of women masters of science and university specialist was 60.4% and doctors of science 55.4%, women still face the so called *glass ceiling*.** When it comes to the access to economic decision-making positions, the Ombudsperson was informed by HANFA³⁰ that the share of women in the boards of joint stock companies, whose shares (on Dec. 31st, 2017) were listed on the

²⁶ Latest published data of CBS refer to 2017.

²⁷ Monthly statistics bulletin 12 for 2018, CBS

²⁸ Women and men in Croatia in 2018, CBS

²⁹ Statement of CBS „Indicators of poverty and social exclusion in 2017“

³⁰ Croatian financial services supervision agency

regulated market managed by the Zagreb Stock Exchange d.d., was 12.54%, while the share of women in the supervisory boards of these companies was 21.73%.

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

The latest figures on average monthly gross earnings per employee's gender refer to 2016 in which woman's wage was 7,444 HRK and man's 8,575 HRK, which means that the share of average woman's wage in average man's wage was 86.8% - by 1.89 percentage points lower than in 2015. **On average men earn 13,572 HRK more than women on an annual basis, i.e. 1.68 average Croatian gross earnings more.** When distributed by the area of activity, women's average salary is significantly lower (by more than 20 percentage points) in 4 out of 19 areas, while in the areas of activity where women earn significantly lower incomes (more than 10 and less than 20 percentage points) there is a total of 9 areas.

Pay gap in Croatia between men and women is 13.19% and it is lower than European average which is 16.2%. However, while the pay gap in EU28 has a trend of decreasing, **in Croatia it has been continuously increasing since 2010.** Accumulation of various forms of discrimination against women results in pension gap. Namely, women still have more difficulties to find employment and when they do it is more often in areas with lower wages, they work more hours per week than men (including unpaid work of taking care about the household and family), they have more leaves due to maternal and parental leaves and they are promoted slower and less often than men.

Pension gap in Croatia between women and men is 21.6%. According to CBS data (on Dec. 31st, 2017) the average pension of women was 2.242,09 HRK and of men 2.860,05 HRK. It means that on annual bases men on average receive 7.415,52 HRK more than women, i.e. 2.59 average Croatian pension more.

1.1.6. Participation in court proceedings

As the body responsible for combating discrimination in the area of gender equality, in some cases the Ombudsperson intervenes in court proceedings expressing her interest in the outcome, provided the case is based on the law provisions regulating protection against discrimination under Article 17. of the Anti-Discrimination Act or if one of the parties complains about discrimination on the basis of some of the grounds of discrimination under her jurisdiction. For example, in the case PRS-01-03/15-18, the Ombudsperson intervened in court proceeding in 2016 due to the violation of the equal pay principle, **i.e. discrimination on the bases of sex regarding reverence pay.** The second instance court verdict dismissed the claim of the plaintiff and the Ombudsperson filed for an additional revision by which she refuted the verdict argumentation in full. By the end of the reporting period, the Ombudsperson did not receive the decision of the Supreme Court in this case.

Furthermore, in the case PRS-01-01/16-05, the Ombudsperson intervened in the court proceeding (2016) on the side of the employer for the purpose of establishing the inadmissibility of the dismissal to the employee **due to the sexual harassment** of a female colleague. The verdict of the Supreme Court confirmed the first-instance verdict which rejected the claim of the employee/plaintiff by which he demanded the establishment of the inadmissibility of the decision about his exceptional dismissal

and his return to the job. The Ombudsperson received the decision of the authorized Municipal Labor Court (8th February 2018) that the lawsuit was withdrawn and the cost of litigation was decided upon.

1.1.7. EU project „Equal rights - Equal pay - Equal pensions“

As the project holder, the Ombudsperson presented in the Croatian Parliament (November 6th, 2018) the new EU project „*Equal rights - Equal pay - Equal Pensions*“ - Expanding the scope of implementation of gender equality actions and legal standards towards achieving gender equality and combating poverty in Croatia“.³¹ The project value is 468.510,20 EUR and it will be conducted until September 2020. Until the end of the reporting year, the Ombudsperson finalized the document *Media, communication and dissemination strategy*, completed project web site <http://gppg.prs.hr> and facebook profile, printed an informative brochure in Croatian and English language, completed *Guidelines for the protection of children*, held meetings with partner organizations and supporters and started collecting data for planned researches. Project partner organization, Retired Persons' Trade Union of Croatia, started publishing monthly articles about pension gap between men and women.

1.1.8. Recommendations

In the area of employment and labor, **the Ombudsperson recommends:**

- 1) For the purpose of increasing the working activity rate for women to introduce measures for encouraging women to enter the labor market, measures such as: tax incentives for employers who employ younger women and women without previous work experience; empowering and motivating women over the age of 50 to use the measures provided by AEP Guidelines³² more actively;
- 2) Developing measures within taxation policy, public tendering system and government incentives to promote gender-balanced staff structure;
- 3) Introducing measures to eliminate horizontal/sectoral labor market segregation by guiding women towards those areas which are traditionally considered as "masculine", with the emphasis on the professions with the highest income, through grants, scholarships, provision of professional positions and programs of professional development and through tax policy measures;
- 4) Introducing measures aimed at eliminating vertical segregation, i.e. achieving a gender balanced structure in economic decision-making positions, such as the legal commitment of all employers with a greater number of employees (for example 50 and more) to introduce a transparent electoral system for managerial positions;
- 5) Developing measures to reduce the pay gap between women's and men's wages, including transparency of all forms of cash and non-cash benefits, such as the obligation to undertake a systematic analysis of the wage system, and the right of employees to request information on pay grades and the amounts for specific jobs, sorted by sex;
- 6) Developing measures to reduce the pensions gap by conducting deep analyses to determine its causes and by introducing points for care in order to compensate for breaks in work due to informal care for family members;

³¹ „*Equal rights – Equal Pay – Equal Pensions*” - Expanding the scope of implementation of gender equality actions and legal standards towards achieving gender equality and combating poverty in Croatia, REC-RGEN-PENS-AG-2017-820696-GPPG

³² Guidelines for the development and implementation of the active employment policy in Croatia for the period 2018-2020“

7) Introducing more effective measures to protect pregnant women and women who recently gave birth, such as the strict prohibition of termination of employment or relocation to a disadvantaged place of work for a minimum of one year after a woman returns from maternity and/or parental leave and providing benefits for employers who choose to hire a pregnant woman or a woman who recently gave birth;

8) Developing measures that will enable balance between family and professional life, such as a sufficient number of providers of formal and informal care for children and frail family members, encouraging fathers to use maternity and/or parental leave to a greater extent and encouraging employers to introduce flexible working hours.

1.1.9. Demographic policy and the Ombudsperson's activities

Although the negative natural population growth slowed down in 2018, and according to the provisional data of the CBS amounts to **-15.994**, Croatia has been in a demographic crisis for a long period - the birth rate continuously and faster decreases as well as the fertility rate and population decline, due to increased emigration and aging of population. The fact that demographic and pro birth rate policy has an important place in the programs of the current Government of the Republic of Croatia is encouraging. Based on the negative demographic situation, which influences also the full realization of gender equality, the Ombudsperson continued to point out that the effective demographic policy should be closely linked to the implementation of the constitutional principle of gender equality and that it should in no way be to the detriment of women. **The Ombudsperson proposes adopting a comprehensive and long-term demographic and population policy that will respect the principles that affirm gender-oriented politics.**

1.2. SEXUAL HARRASMENT IN THE AREA OF EMPLOYMENT AND LABOR

As in previous years, all cases of the Ombudsperson initiated on the basis of this discriminatory basis were related to the violation of women's rights. Compared with the previous year, the number of complaints of sexual harassment that fall under Art.156. of the Criminal Code³³, which for this criminal offense shall be punishable by imprisonment for up to one year, has slightly increased. The condition for the application of this article of the Criminal Code is the relation of superiority and/or dependence between the perpetrator and the victim. In addition, during the reporting period we witnessed reports of sexual harassment cases in educational institutions, police and bodies of local and regional self-government units. In comparison to the previous reporting period, complaints of persons seeking identity protection when submitting the application, or anonymity in the proceedings of the Ombudswoman, were in decline. What this form of discrimination is characterized by and what, beside being unwanted, is one of the key elements for the qualification of this unlawful and discriminatory act, is disrespect of the personal and human dignity of the victim, most often women. In the field of labor and employment it is manifested through "punishing" the victim by dismissal or by creating such an unpleasant, hostile and/or humiliating and abusive environment that the victim herself leaves the work or takes a sick leave because she refused, for example, to behave in an expected way based on her sex or because she refused to accept the offer of sexual nature.

³³ Official Gazette, no. 125/11, 144/12, 56/15, 61/15, 101/17, 118/18.

The Ombudsperson dedicates special attention to these cases, including the charges submitted to the State Attorney's Office. The Ombudsperson emphasizes that in combination with discrimination based on pregnancy and motherhood, pay gap and „glass ceiling“ effect, this form of discrimination considerably and directly endangers the position of women on the labor market, diminishes efforts in achieving full gender equality and distorts attempts of creating stable and efficient policy of demographic revitalization of Croatia.

Out of 458 complaints, 121 referred to some form of gender discrimination in the area of employment and labor (26.4%), out of which 39 complaints regarded discrimination from the Article 8 of GEA - harassment and sexual harassment (32.3%).

1.3. MATERNITY AND PARENTAL BENEFITS

1.3.1. ANALYSIS of the use of maternity and parental benefits

According to the data of the Croatian Institute for Health Insurance (CIHI), **the number of male users of parental leaves increased** by 1,475 users in 2018 which is **73.27% more than in 2017**. If we **compare this number with the number of women users**, the increase is from 4.47% in 2017 to **7,55% in 2018**. As far as other statistic indicators about male users of maternity and parental leaves and benefits are concerned, a slight increase in number of male users can be noticed, almost invisible in regard to women. Statistics confirm that compared to other countries members of EU, **Croatia continues to be the country in which men (fathers) use leaves for children the least**. The causes for this situation must be sought in the fact that the role of women is still primarily oriented towards children and care about them, the household and family. One of the main causes of this problem is inadequate policies concerning balancing private and professional life. The situation might be remedied by the adoption of the *Directive of the European Parliament and of the Council on work-life balance for parents and carers*³⁴, which, among other things, prescribes **paternity leave**. This provision introduces the right for fathers to take paternity leave in the form of a short period of leave, not less than 10 working days for the occasion of the birth of their child. This leave is intended to be taken around the time of the birth and it has to be clearly linked to this event. There are indications that Croatia might introduce paternity leave before adoption of the mentioned Directive.

1.4. GUIDELINES FOR THE DEVELOPMENT AND IMPLEMENTATION OF THE ACTIVE EMPLOYMENT POLICY IN CROATIA 2018-2020, IMPLEMENTATION ANALYSIS FOR 2018

The Ombudsperson continuously monitors the status of men and women in the labor market. In order to analyse the implementation of the „*Guidelines for the development and implementation of the active employment policy in Croatia for the period 2018-2020*“ (Guidelines AEP), the Ombudsperson requested from the AEP carriers in counties to inform her about the implementing activities in 2018, segregated by the sex of the beneficiary.³⁵ The analysis of the received data shows that the measures were used by both, men and women, and that there were no significant differences. For example, the AEP measure implemented by the Croatian Employment Service, called „From the measure to the career“, was used by 54.3% of women and 45.7% of men. However, it has been evident for years that

³⁴ Proposal of the Directive COM/2017/0253

³⁵ 5 ministries and 2 institutes

the participants at the labor market have no affinity towards the victims of domestic violence, mostly women, which calls for increased efforts of spreading information to all at the labor market.³⁶ The Ombudsperson is committed to increasing the employment rate, matching supply and demand in the labor market and strengthening the information activities of participants in the labor market.

The Ombudsperson recommends:

- (1) Labor market participants, on national and local level, should empower and motivate women by synchronized activities to use the measures from the AEP Guidelines more actively, especially the measures for various monetary incentives;
- (2) Since it is obvious that the participants in the labor market have no affinity towards the victims of domestic violence, the Ombudsperson suggests that the authorized bodies in counties and municipalities take over the role of spreading information in order to motivate social care centres, shelters and counselling centers for women victims of domestic violence, regional offices of Croatian Employment Service and entrepreneurs for the purpose of better quality implementation of AEP Guideline measures in regard to a specific group of the unemployed - victims of domestic violence.

According to the Croatian Employment Service data (December 2018) there were 83,407 or 56% of unemployed women, out of which, according to the Ombudsperson's analysis, the biggest percentage falls into the age group 25 to 29 (12.7%) followed by the age group 50 o 54 (11.9%) and 55 to 59 (11.9%). It shows that there is the same share of the unemployed women in the age group 50+ (29.7%) as it was in 2017. As in previous reporting periods, the Ombudsperson emphasizes the presence of a large number of fixed-term employees (89.7% in 2018). Although this trend seems to equally affect men and women, it perpetuates the unfavourable position of women in the labor market. Namely, in 2018, the share of women in the number of the employed per fixed-term contracts was 53.7%, and per unlimited term contracts 58.7%.

2 FAMILY

2.1. DOMESTIC VIOLENCE

After many years of invested efforts and advocacy of the Ombudsperson and the others, on 13 April 2018, *the Council of Europe Convention for the Prevention and Combating of Violence against Women and Domestic Violence*³⁷ (the Convention) was ratified. The ratification of the Convention marked the beginning of work for significant improvement of the legislative framework and practice in combating domestic violence and violence against women.

Violence against women and domestic violence continued to be one of the Ombudsperson's priority areas of work. Throughout many public and professional activities, the Ombudsperson continuously warned the public, and all relevant authorities and institutions, that violence against women, domestic violence and partner violence were not a private matter, but a social and public problem, a specific

³⁶ In 2018 - 12 women – victims of domestic violence from the City of Zagreb and 8 counties.

³⁷ Official Gazette, International Contracts, no. 03/18.

type of gender-based violence which affects women disproportionately and requires a series of measures at all social levels for effective elimination. The Ombudsperson also repeatedly emphasized that femicide is the most cruel form of violence against women, with the worst outcome for the victim, but also for the society as a whole.

2.1.1. Misdemeanour acts of domestic violence

In 2018, the police reported the total of 10,272 persons for misdemeanour offenses of domestic violence which is 10.7% less than in 2017 when the number was 11,506. Out of this number, **7,983 (77.7%) were men and 2,289 (22.3%) were women**. The total number of recidivists was **2,434** (out of which 1,929 recidivists per article 22. paragraph 2, 385 recidivists per article 22. paragraph 4 and 120 recidivists per article 22 paragraph 6 of the Law on the Protection against Domestic Violence³⁸) which is 13% less than in 2017 when 2,807 recidivists were recorded.

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

The analysis of the data received by the Ministry of the Interior (MI) showed a total of 3,198 criminal offenses with elements of domestic violence between closely related persons (which is 5.5% more than in 2017 when the number was 3,073). The mentioned criminal offenses resulted in hurting 3,347 victims (2% more than in 2017 when there were 3,275 victims). **Out of the total number of victims, 2,537 (75%) were women** (1.9% more than in 2017), **and 810 (25%) were men** (2.8% more than in 2017). There was a total of 2,100 perpetrators of 198 criminal offenses with elements of domestic violence between closely related persons, which is 2.5% more than in 2017. **Out of the total number of perpetrators, 1,910 (91%) were men and 190 (9%) were women**.

As can be seen from the above data, an average increase of between 2 and 5% is recorded at all levels, while in all criminal offenses with elements of domestic violence between closely related persons men are absolutely predominant as perpetrators of violence against women as victims. The perpetrators of **criminal offenses against sexual freedoms** (Sexual intercourse without consent, Rape and Sexual Harassment), **perpetrators are men in 100% of cases**. As far as the criminal offence per article 179a - Domestic Violence is concerned, there were a total of 623 criminal offenses (554 in 2017) which harmed 535 women (464 women in 2017) and 100 men (90 men in 2017) with 96 men and 5 women perpetrators.

2.1.3. Femicide

Through the *Monitoring body for comprehensive supervision, data collection, analysis of cases of femicide and reporting - Femicide Watch*, which the Ombudsperson established in 2017, the Ombudsperson started collecting data and analysing cases of femicide and grave murders of women by the men who were close to them for the period 2016 – 2018. According to Ministry of the Interior (further MI) statistics, in 2018 the lowest rate of femicide was recorded in the last 3 years: 4 women were killed by close persons (compared to 12 killed in 2016 and 9 killed in 2017). On the other hand, a high share of femicide in the total number of killed persons remained - almost 50%, as well as the percentage of 50% of women killed by their partners in relation to the total number of killed women by

³⁸ Official Gazette, no.70/17.

close persons. The Ombudsperson found that **in most cases of domestic violence, the murder was triggered by the wife's or the female partner's decision to leave the relationship, or by inadequate or slow reaction of the competent authorities.** Although it is a high-risk factor, very rarely the competent authorities, and even the family, understand this signal as crucial in protecting the victim. This attitude of the authorities and the social environment points to the lack of social awareness about the dangers of domestic violence as a wider social problem.

2.1.4. Persisting problems

The Ombudsperson points out for years that the trend of brutalization of violence is the result of the lack of a comprehensive approach to addressing the problems of violence against women and domestic violence, first of all the lack of an organized system of early identification and prevention of violence.

In order to successfully combat domestic violence, apart from the police and the judiciary, it would be useful to set up expert bodies that would have the capacity to work with people in family affairs. Effective prevention involves systematic work on the promotion of non-violent methods in dealing with conflicts in relationships, marriages and families. The trend we have witnessed for many years, which is almost entirely relying on police and judiciary, is an incomplete approach in terms of effective suppression of domestic violence which results in brutalization of violence. Violence cannot be eradicated by repression or only by punishment unless high quality preventive mechanisms and an organized system of re-socialization of perpetrators are ensured. Only 10% of the total number of perpetrators of violence are sentenced to jail, all others are punished with relatively mild financial penalties or conditional jail sentences. Such a trend, combined with the continuing decline in reported cases of misdemeanour offenses of domestic violence, suggests that more effective solutions need to be sought.

2.1.5. Police and judiciary treatment of domestic violence victims

The Ombudsperson points out that the biggest progress in the area of domestic violence and violence among closely related persons was achieved by the police. Continuous education, training and system development, as well as the co-operation with the Ombudsperson, formalized by the signed *Memorandum of Cooperation* (2012), and regular years-long education at the Police Academy about the work of the Ombudsperson in the area of domestic violence, resulted with the police making a significant step forward in recognizing, preventing, prosecuting and suppressing domestic violence, violence against women, and violence among closely related people. However, in order to truly achieve substantive change and reversal of negative trends, all stakeholders, and in particular the State Attorney's Office, the judiciary, the media, the politicians and the educational system, should adapt their practices and actions to the best international practices for combating violence against women and domestic violence. These practices ask for the provision of effective preventive mechanisms, zero tolerance to violence, in particular through penal policy and justice, ensuring continuous and systematic training at all levels of society, as well as introducing regular training and education for all stakeholders, especially professionals in this area.

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

Analysing complaints from this area, the Ombudsperson notes that cases where the social care centers have not consistently applied the provisions of the *Protocol on Treatment in Domestic Violence Cases* are not a rule but an exception. As in previous reporting periods, there is generally good practice, so the perceived shortcomings mainly relate to a certain level of insensitivity in dealing with the victims of domestic violence. For the purpose of maintaining the good practice, it is important to continue with trainings of professional staff, such as it was education conducted according to the Agreement on Cooperation between the Ministry of Demography, Family, Youth and Social Policy and the Ombudsperson (from 2017).

2.2. OTHER FORMS OF VIOLENCE

2.2.1. Partner violence

Partners in intimate relationships still lack the appropriate legal protection against the violence they are exposed to, i.e. the protection of victims of partner violence has still not found the appropriate legislative solution, regardless of the frequency and the brutality of the violence. Taking into the consideration the Ombudsperson's proposal that the new *Law on Protection against Domestic Violence* should extend the scope of persons who are protected onto the persons who are or have been in intimate partnerships, Croatia will have to harmonize its legislation with the *Council of Europe Convention on the Prevention and Combating of Violence against Women and Domestic Violence*, according to which “domestic violence” means all acts of physical, sexual, psychological or economic violence that occur within the family or domestic unit or between former or current spouses or partners, whether or not the perpetrator shares or shared the same residence with the victim. Acting on her own initiative following media articles and complaints received, the Ombudsperson dealt with multiple cases related to partner violence. Some of the cases, unfortunately, ended up in femicide or with serious injuries of women.

2.2.2. Rape

During the reporting period there was a slight increase in the number of criminal offenses of sexual intercourse without consent (where closely related persons account for 39%) and a decrease in the number of criminal offenses of rape from 61 to 56 (where closely related persons account for 54%). At the same time, **in relation to closely related persons**, there was a decrease in the number of criminal offenses of sexual intercourse without consent (from 33 to 27) and an **increase in the number of criminal offenses of rape** (from 25 to 30), where the above mentioned offenses were committed in most cases **between married couples and former partners**. In relation to the acts committed by close persons, all rape victims were female (100%), while one victim of sexual intercourse without consent was male, which indicates that this is the dominant form of gender-based violence.

2.3. PARENTAL CARE

Analysing complaints from this area, in which in 48.21% of cases complainants were men/fathers, the Ombudsperson points out the trend of continuously good practice of social welfare centers. Complaints related to this area often referred to difficulties in realizing the relationship of a parent (usually a father) who doesn't live with a child, and to gender stereotypes. Therefore, the Ombudsperson continually points out the importance of providing equal rights for both parents. Mothers complained mostly about insensitivity in cases of domestic violence, and life situation caused by it, which affected parental care. However, justified complaints about discrimination were more an exemption than a rule in the way social welfare centers conducted their activities.

2.4. IMPLEMENTATION OF THE NATIONAL STRATEGY FOR PROTECTION AGAINST DOMESTIC VIOLENCE, 2017-2022

The Ombudsperson continued with monitoring and analysing the implementation of the fourth *National Strategy for Protection against Domestic Violence, for the period 2017-2022* (National Strategy). While the main actors in the implementation of the National Strategy's measures show the continuity in implementation, the Ombudsperson notes that in recent years the funds have not been increased for the implementation of National Strategy measures, both at national and local level. The Ombudsperson has already pointed out that more financial resources should be provided for better implementation of certain measures. Measures in the area of training of professionals working in the field of protection against domestic violence, improvement of inter-institutional co-operation and raising public awareness on domestic violence issues, are continuing. However, when it comes to taking care of and supporting victims of domestic violence or measures whose implementation depends on financial means, the results are weaker. In relation to this, specific challenges in the forthcoming period will be the achievement of important goals: to provide housing for victims of domestic violence, to provide financial support for the work of shelters and counselling centers for victims of domestic violence and to ensure the employment of victims of domestic violence.

2.4.1. Housing care for victims of domestic violence

During the reporting period, the Ombudsperson paid great attention to the issues of housing care for victims of domestic violence. Through proposals and recommendations, the Ombudsperson encouraged the authorities to speed up proceedings and protect the rights of victims by providing them with adequate housing units. The new *Housing Care Act in the Areas of Special State Concern*³⁹, which came into force on January 1, 2019, is a significant step forward in terms of granting rights to victims of domestic violence on housing care, but at the same time suffers from a whole range of deficiencies that will inevitably reflect negatively on their realization of the rights of victims. For example, the urgency is compromised by the condition that the victim must have a final court judgment for domestic violence. In addition, the fact that housing care is of a temporary character without the possibility of a permanent provision of housing outside the areas that are legally defined as areas of special state concern is also a limiting element in terms of equal protection of the rights of

³⁹ Official Gazette, no. 106/18.

victims of domestic violence irrespective of their place of residence. Furthermore, the applicant does not own or co-own another immediate entry family house or apartment in the territory of the Republic of Croatia, neither has sufficient financial means to pay for the accommodation or earn money. Therefore the victims will be in a tough position to quickly and timely find a safe place to live so that they could reorganize their life. In this reporting period, the Ombudsperson continued to receive complaints from women - victims of domestic violence, including those who emphasized that although they were property co-owners they and their under-age children were forced to leave the home where they lived with their violent spouses. In most cases, the Ombudsperson issued recommendations to the competent bodies for the housing care of domestic violence victims.

2.4.2. Funding of shelters for victims of domestic violence

Financing of shelters for victims of domestic violence has also been recognized at the regional level, where there is still some discrepancy in the amount of allocated funds. There are still no shelters for victims of domestic violence in six Croatian counties. The Ombudsperson is continuously speaking in favour of gender budgeting in order to set clear priorities in relation to the care for victims of domestic violence, which are only one segment through which the introduction of gender mainstreaming into budget processes is manifested. One of the prerequisites for generating a gender sensitive budget is the gender-relevant data. According to the latest analysis by the Ombudsperson (2015), the funds that the units of local and regional self-government allocate for shelters make up a very small share in their overall budget (between 0.01% and 0.18%).

2.5. IMPLEMENTATION OF THE PROTOCOL IN CASES OF DOMESTIC VIOLENCE

According to the measure from the *National Strategy for Protection against Domestic Violence, for the period 2017-2022*, which in 2018 foresees amendments and supplements to the *Protocol on Treatment in Cases of Domestic Violence* (Protocol), the Ministry for Demography, Family, Youth and Social Policy by a ministerial decision established an inter-sectoral Working Group for the drafting of the new Protocol which consists of the representatives of authorized state bodies and organizations of civil society which assist and support victims of domestic violence. According to the Ministry's statement „until the end of 2018, the Working Group drafted the Proposal of the new Protocol and the collecting of opinions of the authorized bodies for the purpose of harmonization is taking place“.

2.5.1. Coordinators for gender equality

As in previous years, almost all coordinators have collected data on the implementation of the Protocol from the police and social welfare centers, and the vast majority of the judiciary bodies as well as the smaller number of data collected from the health and education institutions. Almost all coordinators co-operated with county gender equality commissions whose members they are, and co-operation has also been established with local self-government units as well as with civil society organizations. However, the meetings in relation to *the issue of individual cases of domestic violence* are still not being held in the majority of counties.

2.5.2. County committees for gender equality

As in previous reporting periods, almost all county committees have established cooperation and exchange of data with the relevant entities envisaged by the Protocol, primarily with the co-ordinators who are also members of the committees, as well as with the county, the social welfare centers, the police and civil society organizations. However, meetings on issues of individual cases of domestic violence have not been maintained, the same as in previous years. An example of good practice is the Commission for gender equality of Koprivnica-Križevci County, which was proactive in its work and, in addition to numerous activities, organized the seventh Women's Festival from the Koprivnica-Križevci County rural areas. The Commission for gender equality of the Šibenik-Knin County was not active in the period 2015-2017. However, it appears that a decision was reached at the session (11.5.2018) on appointing new members. The county budget allocated 10,000 HRK for Commission's work and the Commission held two sessions. The Commission for Gender Equality of the Split-Dalmatia County states that they expect the appointment of the new Commission. During this reporting period there was a discrepancy between the activities of county commissions and the amount of funds allocated (600 - 250,000 HRK).

2.6. EU PROJECT „BUILDING MORE EFFECTIVE PROTECTION: TRANSFORMING THE SYSTEM FOR COMBATING VIOLENCE AGAINST WOMEN“

The Ombudsperson is a holder of the EU project „*Building more effective protection: transforming the system of combating violence against women*“⁴⁰, whose implementation takes place from April 1st, 2017 until December 31st, 2019. In order to analyse the system of prevention, classification and sanctioning of violence against women and femicide, the Ombudsperson took over 906 criminal and 557 misdemeanour verdicts from 22 courts and established: (1) *a working group for conducting an empirical research of valid misdemeanour verdicts* which produced a quantitative analysis for the period 2012-2016, (2) *a working group for conducting an empirical research of valid criminal verdicts*, which produced a quantitative analysis of final criminal verdicts during the period 2012-2016. The next phase of research will continue in 2019, by producing qualitative in-depth analyses. In the part of the project dealing with the role of the media in cases of violence against women and femicides, the Ombudsperson conducted and published "*Analysis of Media Reporting on Violence against Women 2012-2016*"⁴¹, while „*Analysis of the media coverage of femicide cases 2012 - 2016*“⁴² was conducted and published by the project partner, Women's Room-Center for Sexual Rights. The result of both analysis is the *Media Code Book - a Guide for Professional and Sensitive Reporting on Violence against Women and Femicide*, for which, by the end of this reporting period, the Ombudswoman conducted a public hearing with interested media professionals.

⁴⁰ JUST/2016/RGEN/AG/VAWA/9940 - More information about EU project on the Ombudsperson's project web site <http://www.vawa.prs.hr/>.

⁴¹ Publication „Analysis of media reporting in cases of violence against women 2012-2016“ is available on project web pages (only in Croatian): http://vawa.prs.hr/storage/uploads/publikacije/Analiza_medijskog_izvjestavanja_final-be4f.pdf.

⁴² Publication „Analysis of the media reporting in cases of femicide 2012-2016“ is available on project web pages: http://vawa.prs.hr/storage/uploads/publikacije/Analiza_medijskog_izvjestavanja-o-slucajevima-femicida-2012-c3a9.pdf

3 SEXUAL AND GENDER MINORITIES

3.1. LEGAL GROUNDS AND SITUATION ASSESSMENT

3.1.1. Implementation of the Law on Lifelong Partnership of Persons of the Same Sex⁴³

According to the Ministry of Administration data, during the reporting year 55 life partnerships were registered in the Republic of Croatia, out of which 31 between male life partners and 24 between female partners. Since 8/6/2014 when the Law on Lifelong Partnership of the Persons of the Same Sex entered into force, until the end of 2018, the total of 293 life partnerships was concluded, out of which 159 between male partners and 134 between female partners.

During the reporting year, the Ombudsperson received complaints regarding implementation of bylaws in the area of registers concerning citizenship and other matters. In order to harmonize legal regulations with the Law on Lifelong Partnership of the Persons of the Same Sex and GEA, the Ombudsperson provided commentaries on some of the laws sent into the legal procedure. One of them was the Law on Foster Care⁴⁴ in regard to which the Ombudsperson pointed out to the proposer that the definition of the foster family excludes life partners and informal life partners, which means that it puts them into a less favourable position based on sexual orientation which is not in accordance to the articles 6 and 7 of GEA. The Law on Foster Care which was adopted on December 7th 2018 but it did not take into account the Ombudsperson's warning.

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

The Ombudsperson received several complaints related to the criminal acts motivated by hatred and attacks on physical integrity. During the investigation proceedings the Ombudsperson noticed that the records did not mention that the person who was attacked was an LGBTQ person and that his/her sexual orientation was the motive of the misdemeanour or criminal act. By looking into the data related to the court proceedings on misdemeanour, criminal and civil courts for the acts motivated by hatred or prejudice based on sexual orientation, gender identity or expression, it can be concluded that on a yearly basis there is a relatively small number of cases related to discrimination based on sexual orientation, gender identity or expression, and that two-thirds of these cases have been in proceedings for more than 12 months. The Ombudsperson has been pointing out for years that the police and the state attorney's office should keep the records, for both misdemeanours and criminal offenses, sorted by a discriminatory basis. Otherwise, it is not possible to make a valid analysis or determine the right situation in this particular area.

3.1.3. Freedom of assembly and expression

The Ombudsperson continued to support gay prides which were held without incidents. Beside Zagreb and Split prides, for the second year in a row, SMOQUA, a multi-day queer and feminist culture festival, was organized in Rijeka. The Ombudsperson welcomes the launch of public gatherings aimed at spreading tolerance, raising awareness and informing the public.

⁴³ Official Gazette, no. 92/14.

⁴⁴ Official Gazette, no. 115/18.

3.1.4. Labor market and access to goods and services

In 2018, the Ombudsperson received several complaints related to discrimination on the basis of sexual orientation, gender identity and expression in the area of labor and employment, while no complaints were received concerning access to goods and services. Although the number of complaints related to the labor market has been low for years, the Ombudsperson emphasizes that this information should be viewed from the perspective of discriminated persons who, by deciding to initiate proceedings before the Ombudsperson or initiating court proceedings, expose themselves to the possibility of even more harassment and victimization and disclosure of their sexual orientation by the wider public, and what information they might want to keep private. Taking this into account, we can not conclude that the lack of complaints indicates no discrimination based on sexual orientation, gender identity or expression in this area.

3.1.5. Closing commentary and recommendations

- 1) Urgent action by all competent authorities in accordance with the *Protocol on the treatment of hate crimes, with an emphasis on compliance with the obligation to specially mark the hate motivated misdemeanour offenses or hate crimes*;
- 2) To improve the MIA's record of misdemeanour offenses motivated by hatred by keeping track of what discriminatory grounds motivated them;
- 3) To improve the State Attorney's record of criminal acts motivated by hate with keeping track of which discriminatory grounds motivated them;
- 4) To introduce a professional development program for public prosecutors and judges who decide in anti-discrimination disputes.

3.2. PROBLEMS OF GENDER DYSPHORIC PERSONS

In cooperation with the Ministry of Science and Education, the Ombudsperson initiated finding solution to the problem of gender dysphoric persons - drafting a formal instruction and a unique procedure for changing certificates and diplomas after changing gender or choosing a life in a different gender identity. Based on the instruction previously drafted by the Ombudsperson (*Procedural guidelines for educational institutions in cases of gender dysphoric persons' requests for the change of certificates/diplomas upon the change of the name or gender or choosing a life in another gender identity*), the Ministry of Science and Education, in cooperation with the Ombudsperson, issued a general instruction for all elementary schools, high schools and higher education institutions on how to change the data and issue educational certificates harmonized with the state registers after a pupil or a student changed gender or gender identity.

In a series of public appearances and press releases, the Ombudsperson highlighted the remaining significant unresolved problems of transgender persons, advocating for their urgent resolution. The Ombudsperson demanded that the rights of gender-dysphoric persons be harmonized with legal provisions and guarantees incorporated in GEA, Antidiscrimination Act, Civil Register Act⁴⁵ and the *Rulebook on collecting medical documentation, and determining conditions and assumptions for gender change or life in another gender identity*. According to statistics provided by the National

⁴⁵ Official Gazette, no. 96/93, 76/13.

Health Council (NHS) for the period from November 12, 2014 to September 14, 2018, the NHS received a total of 119 requests for opinions on gender change or life choice in another gender identity, out of which 108 were positively resolved (90.7%), 1 was withdrawn (0.8%), while 10 cases (8.4%) are still pending.

4 RISKS OF MULTIPLE DISCRIMINATION OF VULNERABLE SOCIAL GROUPS

4.1. WOMEN IN RURAL AREAS

Data for 2018 show that women own 30.37% of family farms (FF), which corresponds to data related to EU level. Greater visibility of women in rural areas needs to be achieved, given the fact that the highest proportion of women owners of family farms has completed (or even not completed) only primary education (33.46%), while the highest proportion of men owners of family farms has completed high school (38.95%). When implementing measures and activities in this field, the relevant international instruments, General Recommendation No.34 on women's rights in rural areas (2016) and European Parliament resolution (4.4.2017) on women and their role in rural areas, should be taken into account. The Ombudsperson hopes that these issues will be dealt with on national level, especially drafting of the national strategy targeting the status of women in rural areas.

4.2. WOMEN WITH DISABILITIES

Relevant data point to still unfavourable status of women with disabilities, which is conditioned by a number of different factors. There were some positive trends in the reporting year, such as: improving the educational structure of persons with disabilities (which is more intense for women with disabilities than for men with disabilities), the increase in the share of women with disabilities in the total employment of people with disabilities by 3.57% compared to 2017, decline in the number of women with disabilities living alone by 2.3% compared to 2017, and a simultaneous increase in the number of those living in the family (by 3.2%). Positive trends were also observed in the number of women with disabilities who became mothers (an increase of 32.54% compared to 2017 and as much as 200% compared to 2013). The Ombudsperson hopes that positive trends regarding the position of women with disabilities will continue.

4.3. WOMEN FROM NATIONAL MINORITIES

The Ombudsperson continued to cooperate with the experts and representatives of relevant institutions and civil society organizations dealing with the disadvantages of Roma women in Croatian society and continued to participate as a presenter at expert conferences related to the status of the Roma national minority. All indicators and partial data that have been available over the past years about the disadvantage of Roma women have been confirmed and precisely defined this year in the research of the Center for Peace Studies "Inclusion of Roma in Croatian Society: a Baseline Survey". The Ombudsperson produced a summary of the main research findings related to Roma women. It is necessary to insist on the implementation of activities aimed at integrating Roma, especially Roma women, into Croatian society.

4.4. VICTIMS OF SEXUAL VIOLENCE IN HOMELAND WAR

The Ombudsperson monitors the work of the *Commission for the Victims of Sexual Violence* (Commission) established by the Ministry of Croatian Veterans, based on the *Rulebook on the Organization and Operation of the Commission for Victims of Sexual Violence*.⁴⁶ The purpose of monitoring the work of the Commission is to ensure respect for the principle of gender equality, the absence of gender discrimination, the advance of the process of exercising victims' rights, as well as to propose legal or other changes in the actions of the competent authorities. According to the information provided by the Ministry of Croatian Veterans, since the Law on the Rights of Victims of Sexual Violence in Homeland War (the Law)⁴⁷ came into force, the Commission has received a total of 248 requests for the status of a victim of sexual violence in the Homeland War and the exercise of their rights. Out of this total, 182 were filed by women and 66 by men. By the end of 2018, the Commission issued a total of 233 decisions, out of which 155 were positive and 74 were negative. In 3 cases the proceedings were terminated due to the death of the party, and in 1 case the request was dismissed. According to the Ministry's records (until December 31, 2018), a total of 15 requests remain in the resolution process.

4.5. PROSTITUTION

The current legislative in Croatia provides misdemeanour sanctions for the prostitutes, but not for the users of their services, although a client may be liable in certain cases in accordance with Article 157, paragraph 2 of the Criminal Code. Bearing in mind that prostitution is one of the harshest and the worst forms of exploitation mostly of women, the Ombudsperson has been advocating for years for the Swedish model of criminalization of users of sex services and decriminalization of the sexual service providers. According to the Ministry of the Interior data, a total of 28 criminal offenses of prostitution were recorded to the detriment of 27 persons, who were, like in the previous years, exclusively women of younger ages. Considering that in 2017, 100 people were harmed with criminal offense of prostitution, a 73% decline in number of people harmed with criminal offense of prostitution is visible in 2018.

4.6. VICTIMS OF TRAFFICKING, SPECIALLY WITH WOMEN AND CHILDREN

According to the Ministry of the Interior data (MI), 76 victims of human trafficking were identified in Croatia (29 in 2017.), out of which 48 were male (63%), and 28 female (37%). This increase (162%), according to MI data, is based on the fact that 59 victims were identified in one criminal investigation (citizens of Taiwan, China).

Most victims were exploited for unlawful acts (78%), which continued the trend from 2017. **Sexual exploitation was reported in 13% of cases, with all victims being female**, which also indicates the gender dimension of this problem. Unlike in previous reporting periods, when women victims of trafficking were sexually exploited in most cases, in 2018 women and men were exploited mostly for committing illegal acts: women in 52% and men in 94%.

⁴⁶ Official Gazette, no. 97/15.

⁴⁷ Official Gazette, no. 64/15.

5 EDUCATION

The reporting year was marked by the continuation of curricular reform and initiation of public debate about a draft curriculum for primary and secondary education system. The Ombudsperson participated in an e-counselling on the *Draft Curriculum for Civic Education* with a proposal that it includes all the grounds on which discrimination was prohibited under the Anti-Discrimination Act. The Ombudsperson's proposal was accepted and the Ombudsperson expects that the implementation of a new curricular framework will replace the current one and thus contribute to the introduction of human rights content in the educational system. Following the new curricula, special attention will need to be paid to developing new textbooks in line with the curricula.

Positive progress continued with regard to improving the integration of civic education at the level of local and regional self-government. **The number of local and regional self-government units that introduced civic education in the form of extracurricular activities climbed to 2 counties and 10 cities.** The Ombudsperson considers this to be a positive trend which improves the representation of anti-discrimination content in the national educational system. It also further enhances the coverage of human rights topics in both quantitative and qualitative terms especially in combination with the integration of civic education at the state level as a cross-curricular subject. However, *the negative trend of gender stereotypes in educational materials continued, as well as the bad practice in which the competent authorities do not react to the Ombudsperson's recommendations.* In the *Gender Equality Strategy 2018-2023*, within the strategic goal of "preventing and combating gender stereotypes and sexism", the European Council emphasized that structural inequalities and ingrained gender stereotypes affecting women and men, girls and boys continue to exist in the education system, extending to the labor market. The Ombudsperson's experience confirms that this is the case in Croatia as well. It is therefore necessary to continuously and consistently work to improve gender-related content in the field of education.

6 MEDIA

In 2018 the Ombudsperson acted on citizens' complaints regarding gender stereotypes and sexism in the media content, made public statements and press statements, participated in public events and conducted independent analyses of media contents. The complete Annual Report for 2018 details 20 case studies from the Ombudsperson's practice and the media coverage of significant topics such as the ratification of the Council of Europe Convention on the Prevention of Violence against Women and Domestic Violence, reproductive health, or the # Break the Silence campaign.

Media trends remain the same year after year: what the female politicians wear, reinforcing the stereotype that physical appearance is the priority for women, sensationalism in headlines and a non-sensitive approach to addressing violence against women, media condemnation of sexist comments in public statements of public individuals, but at the same time the use of sexism in their own media content. The public is more and more aware of the existence of gender stereotypes and sexism in media content. The majority of advertisers adhere to the Ombudsperson's warnings. In certain complaints concerning words of the songs, comic book and cartoon contents, TV series, reality shows and films, the Ombudsperson informs the complainants that these areas are not within her authority.

6.1. ANALYSIS OF THE MEDIA REPORTING ON VIOLENCE AGAINST WOMEN

Within EU project: „*Building more effective protection: transforming the system for combating violence against women*“, 2 researches about media reporting were conducted. The *Analysis of Media Reporting on Violence against Women 2012-2016* was conducted by the Ombudsperson on the sample of 3.499 articles collected from 5 Internet portals, while the *Analysis of the media coverage of femicide cases 2012-2016* was conducted by project partner Women's Room - Center for Sexual Rights. The analyses were conducted in order to define the present situation, point out the problems from the gender equality aspect and give recommendations for improvement.⁴⁸ On the basis of these two analyses, the Ombudsperson started to draft the *Media Code - guide for professional and sensitive reporting on violence against women and femicide*, in cooperation with project partners - Croatian Journalist Association and three focus groups consisted of journalist, editors-in-chief and spokespersons of the police and judiciary. The first draft was released for a public discussion by the end of 2018 in which 2.200 media professionals, members of Croatian Journalist Association, participated, as well as the members of focus groups and journalists and editors-in-chief with whom the Ombudsperson established contacts in the past years. Media houses will be invited to sign an agreement to accept the guidelines for professional and sensitive reporting about gender-based violence. Based on the analyses and the Media Code, in cooperation with partner organizations, training workshops will be conducted for the media professionals about ethical, responsible and sensitive reporting on rapes, domestic violence, femicide and all forms of gender-based violence.

6.2. COOPERATION WITH THE MEDIA AND OTHER MEDIA INSTITUTIONS

The Ombudsperson established good cooperation with the Agency for Electronic Media and the Council for Electronic Media and participated in the round tables they organized.⁴⁹ She also held an educational workshop "*Aspects of Gender Equality in Croatian Radio Television programs*" (December 10, 2018) for editors and journalists of CRT, introducing them with the competencies and activities of the Ombudsperson's institution, commenting on the results of numerous analyses of CRT program contents and explaining practical examples on which she responded with warnings and recommendations.

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

The Ombudsperson issued **16 public statements** about current events. All the public statements are available on the official internet page www.prs.hr. The Ombudsperson participated **74 times in radio and TV shows**, either in the studio or with recorded statements, and responded 42 times to direct journalists' inquiries. Statements, interviews, parts of annual or other reports and activities of the Ombudsperson were published in the media 724 times. The official pages of the Ombudsperson were viewed 3,246.745 times. The separate web of the EU project "Building More Effective Protection: Transforming the System for Combating Violence against Women" (<http://vawa.prs.hr>) was viewed

⁴⁸ Both analyses (in Croatian) are available on project web page <http://vawa.prs.hr/publikacije/>.

⁴⁹ Round table „Analysis of the media reporting of gender-based violence in Croatia on three national televisions“, 12/4/2018; 11th days of electronic media in Sv. Martin on Mura (11/14/2018) dedicated to women in sports and media coverage.

52.137 times and the web of EU project “In Pursuit of Full Equality between Men and Women: Reconciliation of Professional and Family Life (<http://rec.prs.hr>) was viewed 106.800 times.⁵⁰

7 GENDER EQUALITY IN THE AREA OF POLITICAL PARTICIPATION

After the Ombudsperson recommended to the Croatian counties to sign the *European Charter on Gender Equality at the local level of the Council of European Municipalities and Regions (CEMR)* the number of local and regional self-government units which signed it has risen to 28: 16 counties, 10 cities and 2 municipalities. So far only five counties have still not signed the Charter - Požeško-slavonska, Karlovačka, Osječko-baranjska, Zadarska and Splitsko-dalmatinska. The Ombudsperson independently collected data on the implementation of misdemeanour sanctions after the local elections in 2017 and by analysing the information received from the political parties identified a number of difficulties in the implementation of Article 35 of GEA - fines for all the parties who did not respect the principle of gender equality in the elections, i.e. the gender quota prescribed by Articles 12 and 15 of GEA. From the results of the analysis, it can be concluded that Art. 35 is being implemented with difficulties, slowly, partially and inconsistently. The current implementation does not fulfil the purpose of the provisions of the Gender Equality Act in terms of contributing to combating the disadvantaged status of women in the field of political participation. Therefore, the Ombudsperson proposes to amend GEA in a way that fines be replaced by rejecting the candidate lists. The Ombudsperson underlines that, as a rule, women are significantly underrepresented gender in politics in Croatia, at all levels of political participation. At the same time, some trends indicate stagnation and even regression regarding women's representation. Croatia is today among the EU countries with the lowest proportion of women in the national parliament. Therefore, due consideration should be given to this issue in order to encourage a positive change.

8 NATIONAL GENDER EQUALITY POLICY

Although the *National Gender Equality Policy, which covered the period 2011-2015*, expired three years ago, analysing certain measures (whose carriers were the Ministry of Demography, Family, Youth and Social Policy, the Ministry of Justice, the Judicial Academy and the Police Academy), it is evident that certain activities were undertaken with a view to the continuous implementation of the measures. The Ombudsperson noticed that sufficient funds, in addition to the activities of their holders, have been one of the key factors for the implementation of these measures. Given that the drafting of the new National Policy continued during 2018, the Ombudsperson recommended: (1) Developing and adopting a new National Gender Equality Policy as soon as possible, (2) Providing sufficient financial resources for the continuous implementation of all measures envisaged.

9 WOMEN AND SPORTS

In 2018 a significant attention was paid to the topic of gender equality in sports and the Ombudsperson worked on the issue of gender discrimination in sport. There are many aspects to be addressed in this area, as well as making efforts to address women's disadvantaged status and combat widespread

⁵⁰ Increase by 72% in comparison to 2017. The project was implemented till the end of 2017. Project web pages remain accessible to the public after the project ends and remain to be visited (<http://staklenilabirint.prs.hr/>).

prejudice that sport is a "men's domain" where women have a subordinate and less valuable role. By creating a stimulating climate, women need to be motivated to become more involved in sports organizations and clubs, as well as in general sports activities. In doing so, the role of the media is extremely important in terms of promoting the equal status of sportsmen and sportswomen.

10 REPRODUCTIVE HEALTH

The Ombudsperson sent concrete recommendations to the Ministry of Health to apply all available measures within its jurisdiction in order to improve the conditions in maternity hospitals. The Ombudsperson considers it necessary to work on improving the communication of health professionals to patients, to regularly and consistently apply appropriate anaesthesia and analgesia procedures for individual medical procedures, to carry out the project "Maternity Hospital - a Friend for Mothers and Children" and to insist on the employment of more anaesthesiologists which would make up for the existing shortage of employed professionals of this profile in healthcare facilities. Providing quality maternity health services can contribute to solving the problem of the demographic crisis that Croatia is in, and therefore needs special attention.

As the Constitutional Court ordered the Croatian Parliament to approve the deadline for the adoption of a new law regulating the provision of health services for termination of pregnancy, the Ombudsperson conducted a study on the availability of that health service in Croatia, so that its results could be taken into account and contribute to legal solution of the highest quality possible. The survey found two negative indicators compared to the results of the 2014 survey - (1) a decrease in the number of health professionals performing termination of pregnancy and (2) an increase in the average cost of that health service. Although the differences are generally not significant, they should be taken into consideration with caution as they have occurred over a relatively short period of time. In addition, prices are very uneven across health care facilities. The Ombudsperson therefore made appropriate recommendations to all relevant stakeholders.

11 GENDER EQUALITY AND INTERNATIONAL PROTECTION SEEKERS

Although the number of international protection seekers has decreased, there has been an increase in approved international protection measures, especially granted asylum - 240 asylums and 25 subsidiary protections were approved, a total of 265 international protections, the largest number since the establishment of the asylum system. Women continue to be approved with more international protection measures than men. On the other hand, MI statistics show an increase in irregular (illegal) migration. The tendency to strengthen state border control and effectively combat irregular migration, which is an obligation of the Republic of Croatia as an EU member state, could have the effect of jeopardizing undisturbed and secure access to the asylum system, especially to the most vulnerable groups of women. The Ombudsperson considers that, under the *Law on International and Temporary Protection*, the valid reason for asking for an asylum or approval of international protection should have all those groups and individuals who have been persecuted in their home countries as victims of gender-based violence, including rape and sexual violence, genital mutilation of women, forced marriages, domestic violence, so-called honour crimes and gender discrimination, unless their states offer them effective protection, that is, do not criminalize and/or prosecute such crimes.

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

Although no new *National Action Plan for the Implementation of the UN Security Council Resolution on Women, Peace and Security* has been adopted, the Working Group has drafted and agreed upon (2018) a Draft Proposal for a new National Action Plan for the Implementation of the UN Security Council Resolutions on Women, Peace and security for the period 2019-2023. However, it is commendable that most of the measures under the old *National Action Plan for the implementation of Security Council Resolution 1325 and related resolutions for 2011-2014* continued to be implemented after formal expiry date. Extensive efforts are being made to increase the number of women in the armed forces, police, security services, as well as in peacekeeping missions, and certain results are visible, as well as oscillations, especially in the proportion of women among trainees abroad, partly justified by their inability to stay longer out of their homeland. Aside from the fact that it is extremely difficult for women to succeed in jobs that are traditionally male-dominated, it is difficult for women to balance work with family responsibilities. In this regard, there is a lack of indicators on programs and policies that support reconciliation of work and private life, i.e. programs and measures to support the women or both parents who are employees of the armed forces. The Ombudsperson also considers that, while respecting the dramatic changes in the world, new priorities need to be identified, namely the strengthening of efforts to increase women's participation in the prevention and resolution of crises arising from armed conflicts. The gender perspective needs to be increasingly integrated in all activities and strategies.

13 DISCRIMINATION IN ACCESS TO GOODS AND SERVICES

The Ombudsperson notice the persistence of complaints regarding different pricing of tickets for New Year's Eve celebrations in cafes, clubs and restaurants, and during the reporting year she received one complaint concerning the different payment of services for women and men in a sports center. This practice points to the widespread stereotypes about women and men, but also to the lack of knowledge and misunderstanding of anti-discrimination guarantees. As a rule, there is no increase in a number of complaints about sexual harassment in the area of access to goods and services, primarily because consumers and clients in these situations primarily seek help from the supervisor of the offender. However in the reporting year, the Ombudsperson acted on one such complaint referring to a sexist comment by a car mechanic in a car service. The Ombudsperson also commented for the media the information that the landowners refusal to rent apartments to families with children or single parents. Although she has not received any complaints related to this practice so far, the Ombudsperson confirms that it is indisputable that in such cases there is discrimination on the basis of family status in the area of access to services. In connection with the aforementioned, the Ombudsperson made a public announcement for the purpose of raising public awareness about this form of discrimination. The Ombudsperson made the following recommendations: 1) To conduct public campaigns about the problem of discrimination in the field of obtaining and procuring goods, that is, providing and accessing services; 2) To improve the professional development of judges who decide in anti-discrimination disputes.

14 LAWS AND REGULATIONS - OMBUDSPERSON'S INITIATIVES

In 2018 the Ombudsperson analysed **17 laws and regulations**, amendments of the existing laws, in relation to GEA provisions. Based on the analysis, the Ombudsperson sent comments, proposals and recommendations to the competent authorities, i.e. the legislator. The Ombudsperson particularly paid attention to the following: *Law on Confirmation of the Convention of the Council of Europe on the Prevention and Combating of Violence against Women and Domestic Violence, Law on the Police Force, Contribution Act, Law on Social Work, Health Insurance Act, Law on Maternal and Parental Benefits, Law on Labor Market, Law on Foster Care, Inheritance Law, Company Law, Pension Insurance Act, Protocol on the Procedures in Cases of Sexual Violence*. Among other initiatives related to laws and regulations, the Ombudsperson actively participated in various working groups and bodies to provide them with her expertise on issues related to gender equality, combating discrimination, protection against domestic violence and the like. The Ombudsperson also carried out numerous comparative analyses of various laws, ordinances and protocols, on her own initiative or upon the request of the proposer, and assessed the compliance of numerous other legislative proposals and regulations with the provisions of the GEA.

III. COOPERATION ON NATIONAL, REGIONAL AND INTERNATIONAL LEVEL

In 2018, the Ombudsperson participated and gave presentations in 168 events in Croatia⁵¹, had 48 international and regional meetings⁵²; visited or was present through her activities in 15 counties⁵³ and 16 towns all over Croatia on the total of 20 events⁵⁴; actively participated on 11 sessions of the committees of the Croatian Parliament or municipal and county commissions for gender equality⁵⁵, held 10 educational workshops⁵⁶, organized 1 conference⁵⁷ and cooperated with 81 different organizations of civil society, ministries, agencies, local committees, international organizations stationed in Croatia, political parties, centers for social care, trade unions, academic institutions and other ombudspersons.

IV. OMBUDSPERSON'S CONCLUSION REMARKS

The Annual Report for 2018 is a cross-section of the annual work of the institution of the Ombudsperson for Gender Equality which underlines certain trends related to discrimination based on gender, marital and family status, motherhood, sexual orientation and gender identity in areas such as labor, employment and social security, family matters (including domestic violence), education, political participation, the media, sports and access to goods and services.

⁵¹ In 2017 - 160.

⁵² In 2017 - 46.

⁵³ Bjelovarsko-bilogorska, Dubrovačko-neretvanska, Koprivničko-križevačka, Krapinsko-zagorska, Ličko-senjska, Međimurska, Osječko-baranjska, Požeško-slavonska, Primorsko-goranska, Sisačko-moslavačka, Brodsko-posavska, Varaždinska, Virovitičko-podravsko, Vukovarsko-srijemska i Zadarska County.

⁵⁴ U Koprivničko-križevačkoj, Osječko-baranjskoj, Požeško-slavonskoj, Varaždinskoj i Brodsko-posavskoj County the Ombudsperson was present on more than one event.

⁵⁵ Six sessions of the parliamentary Committee for Gender Equality and the Committee for Human Rights and Rights of National Minorities; session titled „Harassment at Work“ of the Commission for Gender Equality of Bjelovarsko-bilogorska County; sessions of the Commissions for Gender Equality of Virovitičko-podravsko, Dubrovačko-neretvanska, Ličko-senjska and Brodsko-posavska County.

⁵⁶ To the students of the Faculty of Law in Zagreb, students of the Faculty of Law in Osijek, Faculty of Political Science, staff for distributing information and communication within the system of management and control of using ESI funds in cooperation with the Ministry of Regional Development and EU funds, to the media professionals of Croatian Radio Television in cooperation with the Croatian Radio Television Academy, to the students of Police Academy, to the social workers in Gospić, Zagreb, Pakrac.

⁵⁷ The Conference was held in Croatian Parliament 11/6/2018 for the presentation of the European project „Equal rights - equal pay - equal pensions“ - REC-RGEN-PENS-AG-2017-820696-GPPG.

Within the scope of our authorities and based on the Gender Equality Act (GEA), during 2018 we worked on the **total of 1,576 cases**.

The biggest number of complaints concern the area of social security, social welfare and pension and health insurance (24.9%) and realization of labor rights (19%), which amounts to the total of 43.9% of all complaints (the trend of the previous years as well), followed by the area of administration (20.5%), public communications and the media (12.7%), justice (6.1%), health protection (5.9%) and others.

The complaints are mostly related to the **discrimination based on sex (83.2%)** and concern mostly women (71.4%). The share of men - 27.7% - has been slightly decreased in comparison to their share in 2017, which was 29.6%.

There has been an increase in the number of **complaints based on sexual orientation** in comparison to the previous reporting period by 150%, which shows that the persons of same sex sexual orientation have been more active in using available legal instruments for the protection against discrimination, including the possibility of contacting the Ombudsperson. At the same time, the number of complaints regarding **gender identity and expression** has slightly decreased.

The Ombudsperson sent to state bodies, bodies of the units of local and regional self-government, other bodies with public authorities, the media and other legal and natural persons the total of **202 written recommendations, 154 warnings and 109 proposals**. The Ombudsperson reported to the competent State Attorney's Office the suspicion of the **criminal act in 8 cases** and to the authorized bodies **misdemeanour offense in 3 cases**; gave opinions for amendments of **17 laws and regulations** and **intervened in 3 court proceedings**. The percentage in which the Ombudsperson's recommendations, suggestions and proposals have been accepted by the public bodies, units of local and regional self-government or other bodies with public authorities and legal persons has risen to 92% (91% in 2017 and 84% in 2016).

The year 2018 was extremely fruitful for the institution due to the implementation of **3 EU projects**: (1) *In Pursuit of Full Equality between Men and Women: Reconciliation of Professional and Family Life*“ (final phase), (2) *Building more effective protection: transforming the system for combating violence against women* and (3) *Equal rights - equal pay - equal pensions*. We are proud of the fact that in the last five years we have received 4 EU projects worth a total of approximately 1.5 million EUR, and we believe that, with all the other activities we carry out, we have achieved great success for the institution of only 11 employees.

Statistics indicate that for years 2/3 of all complaints are filed by women. Because of that we most often address the problems and obstacles women have today as a social group which faces discrimination based on gender, maternity and family status in public and private spheres.

The highest number of complaints is related to the **area of labor, employment and social security** - 43.9%. Complainants in this area are mostly women, which is not surprising because women make up: 56% of the unemployed (still less employed in comparison to men of all age groups and all levels of education), the majority in the underpaid sectors, the majority of victims of sexual harassment at work, underrepresented on high levels of business management facing „glass ceiling“ (12.54% in managing and 21.73% in supervisory boards of companies)⁵⁸, do not have the same opportunities for

advancement (there are still no adequate measures that would effectively boost equal participation of women at the positions of economic decision-making) and have lower wages - 13.19% and lower pensions - 21.6%. In conclusion, in the area of work and employment, age and motherhood are the main obstacles to women's employment and promotion; women enter the labor market later and leave it earlier than men.

In 2018, as in previous reporting periods, according to the Ombudsperson's assessment based on the experience of dealing with citizen complaints, the reasons for not reporting **harassment and sexual harassment** or refusal to act after filing a complaint is concern about the loss of employment, fear of social and business stigma, lack of trust in institutions, length of court proceedings (procedure is not initiated ex officio, at the suggestion of the victim) and the victim's discomfort to testify about the manner and the occasions of sexual harassment. Compared to the previous reporting period, there were declining complaints from persons seeking identity protection when filing an application, or anonymity during the Ombudsperson's proceedings related to sexual harassment complaint.

In dealing with individual cases of discriminatory practice in the labor market by employers, we have established good cooperation with labor inspection and other supervisory bodies which take urgent steps in such procedures.

In 2018 an unfavourable demographic process, which has been present for the past few decades (in 2017 the lowest number of children born in the past 100 years), continues. The Ombudsperson underlines that due to the long-term low fertility rate and the increasing number of emigrants who are in reproductive age, the population of Croatia has been decreasing and the process of depopulation has affected many regional and local areas. The Ombudsperson pointed out several trends which reflect women's inequality in the labor market and at the same time contribute to an unfavourable demographic context. Therefore, the Ombudsperson gave recommendations emphasizing the need to introduce measures to encourage fathers to use the legal opportunity of taking parental/maternity leave, which will facilitate re-engagement of women into the labor market after giving birth; investing additional efforts and resources to expand the institutional support network and public services to the parents in relation to caring about children and elderly family members.

The percentage of **men users of parental leave** increased significantly by 73.27% in comparison to 2017. However, when compared to the number of women users, there is an **increase** from 4.47% in 2017 to **7.55% in 2018**. Statistical indicators continue to confirm that Croatia is among the EU member states where fathers are the least likely to use childcare leave. The Ombudsperson concludes that measures are not efficiently implemented in a way to reconcile family and business life.

In the area of **family relations and parental care**, about 48.21% of father complain about the decision of the competent bodies - social welfare centres and courts, while mothers complain about the lack of sensitivity of professional staff in centres for social care related to domestic violence they had been previously exposed to within their family and by their partners.

⁵⁸ Data provided by HANFA - Croatian financial services supervision agency

Regarding the cases of **domestic violence**, women are still in vast majority the victims. In 2018, 10,272 persons were reported as misdemeanours for domestic violence offenses (10.7% less than in the same period last year), out of which **78% were men and 22% were women**. Of the total number of perpetrators of the crime of violence among close persons, there was 91% of men and 9% of women. Out of the total number of victims of criminal acts, 75% were women and 25% were men.

Citizens' complaints still relate to: non-recognition of certain forms of domestic violence, double arrests, violation of protective measures, and misunderstanding of the dynamics of domestic violence by competent institutions. There has also been a growing number of women victims of violence who give up their testimony against their abusive spouses or partners after the first charges or even during the court proceedings. Therefore, decreasing trend in the number of reported persons does not give a complete picture of the scope of this problem. At the same time there is an increasing number of cases of the criminal nature of violence against women and domestic violence, including the most serious crimes to the detriment of the closely related persons, most often women, such as homicides, threats, grievous and particularly grievous bodily harm and the like. With a mild penal policy (below 10% of unconditional imprisonment), the reason for this trend is distrust of victims in the work of institutions, primarily the judiciary, and the lack of support for victims, as well as the absence of any systematic and serious preventive or rehabilitative activities aimed at perpetrators of violence.

Considering the series of examination procedures on our part, we conclude that a good cooperation has been established with the *Ministry of the Interior and the Police Directorate and the Ministry of Demography, Family, Youth and Social Policy* regarding the handling of complaints about domestic violence and parental care. However, there is still room and need for the education of expert persons - which is conducted twice a year with the police, and this year also with the expert staff at the centers for social care as a necessary step and confirmation of our longstanding recommendations.

In addition to domestic violence, victims of partner violence still lack adequate legal protection, so better legislative solutions need to be urgently sought.

Through the *Monitoring body for comprehensive supervision, data collection, analysis of cases of femicide and reporting - Femicide Watch*, which the Ombudsperson established in 2017, the Ombudsperson started collecting data and analyse cases of femicide and femicide of women by the men who were close to them for the period 2016 – 2018. In most cases of domestic violence, the murder was triggered by the wife's or the female partner's decision to leave the relationship or the inadequate or slow response of the competent authorities.

Concerning **the rights of sexual and gender minorities**, the Law on the Lifelong Partnership of Persons of the Same Sex continued to be successfully implemented in practice. In 2018, the Ombudsperson continued to take steps to encourage judicial bodies to sanction homophobic hate speech on the basis of sexual orientation as well as the violence motivated by hatred towards homosexual people. The Ombudsperson recommends improvement of the collecting and processing data related to court disputes as well as the system of education of expert staff dealing with hate speech and hate crime cases.

Addressing the citizens' complaints about discrimination on the basis of their **gender identity**, in cooperation with the Ministry of Science and Education the Ombudsperson initiated resolving one of the problems of gender dysphoric persons - drafting of the *guidelines and unique procedure for the change of certificates/diplomas upon sex change or the choice of life in another gender identity*. The guidelines were addressed to all primary and secondary schools and colleges. In the past 4 years, the National Health Council has received a total of 119 requests for an opinion on sex change or choice of life in another gender identity, of which 91% have been positively resolved, 1 person withdrew request while 10 cases are still pending.

The Ombudsperson gives special attention to the cases concerning vulnerable social groups that are at risk of **multiple discrimination** - women in rural areas, women with disabilities, women from national minorities, victims of sexual violence in the Homeland War, women harmed by criminal acts of prostitution and trafficking in human beings.

In 2018, the proportion of women with disabilities in the total employment of persons with disabilities increased by 3.57% compared to 2017, a decrease in the number of women with disabilities living alone by 2.3% compared to 2017, and a simultaneous increase in the number of those living in the family by 3.2%. The number of women with disabilities who became mothers in the last 6 years increased by as much as 200%.

In the area of **education**, there were several cases related to gender equality in school textbooks and other teaching materials. The reporting year was marked by the continuation of curricular reform. The Ombudsperson became involved in the public discussion about the draft curriculum for primary and secondary education, and her proposals were accepted. However, the trend of gender stereotypes in educational materials continued as well as the bad practice of unresponsiveness of the competent authorities following the Ombudsman's recommendations.

Responding to citizens' complaints about **media content**, the Ombudsperson noticed that the trends noticed in the previous years continued - sensationalism in reporting on violence against women and domestic violence, the use of gender stereotypes, social networks as a source of media content, degradation of women in public statements and gender stereotypes and sexism in advertising campaigns and media content in general. The Ombudsperson issued 16 public statements.

The Ombudsperson recalls that women are significantly under-represented at all levels of **political participation**. Therefore promoting gender equality remains a challenge for women's participation in bodies of political power. The 2017 local elections were the first election in which there were no barriers for the implementation of misdemeanour sanctions (fines) for violation of the sex quota. The Ombudsperson independently collected data on the implementation of misdemeanour sanctions after the local elections in 2017 and, analysing the information received from political parties, identified the presence of a number of difficulties in applying the misdemeanour sanctions referred to in Article 35 of GEA. The Article 35 of GEA is being implemented in a difficult, slow, partial and inconsistent manner. Therefore, the Ombudsperson proposes that the amendments to GEA include replacement of the fines by rejection of the candidate lists.

Sports are another area in which discrimination against women is present. The Ombudsperson responded with warnings addressed to sports federations or with public announcements. The complaints received confirmed the subordinate position of women in the field of sport. Gender stereotypes about athletes are widespread in the media. It is necessary to make efforts to address women's disadvantaged status and combat widespread prejudice about sport as a "men's area" where it's being widely accepted that women have a subordinate and less valuable role. By creating a stimulating climate, women need to be motivated to become more involved in sports organizations and clubs, as well as in general sports activities. In doing so, the role of the media is extremely important in terms of promoting the equal status of sportsmen and sportswomen.

Regarding **reproductive rights**, the Ombudsperson recommends consistent implementation of measures to guarantee comprehensive sexuality education, to provide women with access to family planning and the full range of sexual and reproductive health services, including modern methods of contraception, and safe and legal termination of pregnancy. This is indicated by the decisions of the European Parliament and the Council of Europe and the recommendations of the CEDAW Committee.

Based on citizens' complaints and the researches and analyses, the Ombudsperson included in her **full Annual Report for 2018, a total of 104 case studies and 138 recommendations** broken down by the areas of work. The Ombudsperson is convinced that the Government of the Republic of Croatia and the Croatian Parliament will take them into consideration and apply in the following year in accordance to the constitutional principle of equality between men and women.

Zagreb, March 30th, 2019

OMBUDSPERSON FOR GENDER EQUALITY

Višnja Ljubičić, dipl.iur.