



**OMBUDSPERSON**  
FOR GENDER EQUALITY

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# ANNUAL REPORT 2012

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*Zagreb, March 2013*

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OF CROATIA

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# SUMMARY OF THE ANNUAL REPORT FOR 2012

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# CASE STATISTICS IN 2012

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## *The primary task of the Ombudsperson for Gender Equality is to investigate individual complaints and to provide assistance to natural and legal persons who lodged complaints about discrimination based on sex, marital or family status and sexual orientation.*

Description of the most characteristic cases and other activities carried out according to the Gender Equality Act can be found in full Annual Report for 2012 which contains detailed researches and analysis, Ombudsperson's initiatives, statistics and conclusions of monitoring implementation of legal provisions and policies concerning anti-discrimination. This summary includes an overview of Ombudsperson's activities within areas over which the Ombudsperson for Gender Equality has authority. Since October 2010, the Ombudsperson for Gender Equality is Ms. Višnja Ljubičić (further: the Ombudswoman for Gender Equality or Ombudswoman).

In 2012 the Ombudswoman worked on a **total of 1,514 cases**, (1,425 of which were opened in 2012 and 89, which were carried over from the previous years), which is **8.8% increase** in comparison to 1,391 cases in 2011. The total number of cases refers to two groups:

### A. Individual cases

- 420 cases opened upon complaints filed by citizens, of which **331 were new cases opened in 2012**, and 89 were cases from previous reporting periods;
- **37 new cases from 2012** opened upon **the Ombudswoman's initiative** concerning violation of gender equality principles or gender based discrimination;

*The total of 368 new cases in 2012 (331 complaints filed by citizens and 37 cases opened upon the Ombudswoman's initiative concerning discrimination) is an increase of 19.5% in comparison to 308 cases in 2011. Out of the total number of new cases, 297 cases (80.7%) were completed. Discrimination was confirmed in 82 cases (22.3%)<sup>1</sup> and the Ombudswoman for Gender Equality sent 82 (22.3%) warnings and 84 recommendations (22.8%), filed 2 criminal charges<sup>2</sup>, and initiated the change of 1 law<sup>3</sup> and 1 bylaw<sup>4</sup>.*

1 In 2011, in the total of 308 cases, discrimination was confirmed in 76 cases (24.7%).



*Besides, in regard to 89 complaints opened in previous years, the Ombudswoman for Gender Equality confirmed discrimination in 32 cases and sent 32 warnings and 36 recommendations.*

*In 275 cases (74.7%), the Ombudswoman for Gender Equality provided information about rights and obligations.*

*The Ombudswoman for Gender Equality continued to monitor 6 trials in which she intervened in 2011, and 2 new ones from 2012.*

## B. Other cases and proceedings

As far as other cases opened in 2012 are concerned, the total of 1,057 cases were opened upon the Ombudswoman's initiative concerning monitoring the implementation of the Gender Equality Act, or on the basis of communications received from other institutions, organizations or legal entities. Out of this number, the Ombudswoman for Gender Equality:

- **sent 298 proposals** to legal persons with public authorities, bodies of local and regional self-government and civil society organizations;
- **sent 19 warnings and 12 recommendations** out of which 8 to legal persons in the area of employment;
- **conducted 7 independent studies** in various areas: (1) **justice**: „The frequency of anti-discrimination cases in court proceedings“, (2) **labor**: „Status of pregnant women and mothers with infants on labor market“, (3) **media**: „Equal participation and differences in presentation of women and men on Internet news portals“, (4) **media**: „Participation of women experts in Croatian Television programs“, (5) **domestic violence**: „Implementation of protective measures prescribed by the Law on Protection against Domestic Violence“, (6) **education**: „Gender aspect in secondary school textbooks for ethics“, (7) **education**: „Gender aspect in primary and secondary school textbooks on religious teachings“. Other analysis the Ombudswoman conducted in 2012 are presented in full version of Annual Report for 2012;
- **gave 21 lectures** on gender equality issues which various public bodies<sup>5</sup> organized for their employees: **18** lectures on Police academy (the Ombudswoman for Gender Equality also signed a Memorandum on cooperation between the Ministry of the Interior and the Ombudsperson of Gender Equality), **1** lecture on Croatian Radio Television and **1** for high-school teachers organized by the Agency for Education. Beside these, the Ombudswoman gave **1** lecture at the Faculty of Law in Osijek to the postgraduate students of human rights and spoke at many public events as a guest of county committees for gender equality or other institutional

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- 2 Criminal charge against unknown perpetrators from a group on Facebook because of the hate speech spread by the help of modern technology. The Ombudswoman forwarded the criminal charge to the State Attorney's Office.
  - 3 Changes of the Law on Misdemeanor.
  - 4 Changes of the Article 129. of the Rules of Procedures of the Croatian Parliament.
  - 5 Bodies obliged to organize such education under Article 3, subsection 2 of Gender Equality Act.



mechanisms for monitoring implementation of the Gender Equality Act on national and local level;

#### Ombudswoman's activities concerning EU funding:

- 1) Project „SEE WoRD – SEE Women in Rural Development network“ conducted by Gender Task Force/Regional center for gender equality – the Ombudswoman initiated meetings with committees for gender equality in all counties of Croatia and personally participated in 11;
- 2) Project „Gender equality in rural development – empowerment of women in rural society“, conducted by Organization for civil initiative Osijek – the Ombudswoman participated in two workshops within this project.

The Ombudswoman applied for project funding:

- 1) In cooperation with the **British Embassy** the Ombudswoman organized and held a round table „Status of same-sex unions – new legislation framework“;
- 2) A French organization **GIP International**<sup>6</sup> approved to the Ombudswoman a maximum of 5,000 Euros for the project „Promotion of gender equality on the labor market“. The project will be implemented in 2013;
- 3) The Ombudswoman prepared project documentation for the call for proposals of the European Commission in Brussels in regards to „Support for national action for equality between women and men, in particular in economic decision-making“, the value of which is 100.000-260.000 Euros.

*CONCLUSION: In comparison to 2011, the number of complaints increased by 19.5% as well as the number of cases in which discrimination was confirmed, 82 cases in 2012 compared to 76 in 2011. Complaints were predominantly related to gender discrimination and concern predominantly women.*

The analysis showed that only 4 complaints in 2012 referred to *indirect discrimination, which indicates that this guarantee is yet to take hold in practice*, i.e. that citizens have a problem with understanding it.<sup>7</sup>

There was a slight increase in the number of complaints concerning sexual orientation, just as it was the case in 2011 and in previous years<sup>8</sup>, which suggests that LGBT people are more active in using available legal instruments of protection and are familiar with the possibility to contact the Ombudswoman for Gender Equality.

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6 Groupement d'intérêt public pour le développement de l'assistance technique et de la coopération internationales (GIP) is the organization which operates within the French Ministry of Labor.

7 In 2011 there were 176 cases of direct discrimination (93.6 %) and 12 cases of indirect (6.4%) ; in 2010. there were 187 cases of direct discrimination (90.3%) and 20 cases of indirect (9.7%); in 2009. there were 186 cases of direct discrimination (91.6%) and 17 cases of indirect (8.4%).

8 39 cases (10.6 %) in 2012 compared to 16 cases (8.5%) in 2011, 12 cases (5.8%) in 2010 and 9 cases (4.4%) in 2009.



*The Ombudswoman acted at all levels of state administration and in all of the counties, including other legal and natural persons and the media. In total, the Ombudswoman sent 298 written proposals, 133 warnings and 132 recommendations<sup>9</sup>, filed 2 criminal charges<sup>10</sup> and initiated the change of 1 law<sup>11</sup> and one bylaw<sup>12</sup>.*

In addition to the above, the Ombudswoman publicly spoke about discrimination cases: in 10 sessions of the parliamentary committees; during her visits to 13 counties where, among other things, she had meetings with 11 head managers of social welfare centers and with 8 chiefs of the police stations; in 22 lectures/workshops on gender equality, 28 speeches, 71 participation in round tables/conferences/public events; 18 meetings on international level and active participation in 9 international conferences and seminars. She also conducted 7 independent studies and participated in 6 other research projects concerning international and regional cooperation; organized 5 public events (3 round tables and 2 press-conferences)<sup>13</sup>, cooperated with all other ombudspersons, cooperated and supported the work of 29 different civil society organizations from various parts of Croatia, had 37 TV and radio appearances, 189 articles published her statements and/interviews, and in only 8 months of 2012<sup>14</sup>, the official web site of the Ombudswoman ([www.prs.hr](http://www.prs.hr)) had 1,517,587 hits which is two times as much as the number of hits in 12 months of 2011.

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- 9 In 2011, the Ombudswoman sent 120 warnings and 207 recommendations.
  - 10 Criminal charge against unknown perpetrators from a group on Facebook because of the hate speech spread by the help of modern technology. The Ombudswoman also forwarded the criminal charge to the State Attorney's Office.
  - 11 Changes of the Law on Misdemeanor.
  - 12 Changes of the Article 129 of the Rules of Procedures of the Croatian Parliament.
  - 13 Round tables: "Women addicts", „Status of same-sex unions – new legislative framework" and "Legal status of LGBT persons in Croatia" and press-conferences: "Social rights and poverty" and „How to recognize gender discrimination at work place and how to protect oneself from it".
  - 14 The Ombudswoman's official web page was reorganized, redesigned and reinstalled in April 2012.





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# ANALYSIS BY AREAS OF WORK

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# 1

## EMPLOYMENT AND LABOR

### 1.1. — GENERAL OVERVIEW AND VIEWS OF THE OMBUDSWOMAN IN THE AREA OF EMPLOYMENT AND SOCIAL BENEFITS REGARDING PARTICIPATION IN LABOR MARKET

Complaints related to employment and labor, social security, health and pension insurance represent 58.5% of all cases in 2012. Complaints about discrimination were filed by women in 62.5% cases.

Statistical data show a further deterioration of disadvantageous position of women in the labor market in 2012. Particularly worrying is extremely low work activity rate of women in the Republic of Croatia, which is only 39.1%. From the aspect of promoting the value of gender equality, such a **low rate of work activity is problematic** for a number of reasons:

- 1) Economic inactivity of a large number of women encourages their economic dependence on men and perpetuates entrenched stereotype – „head of a family“;
- 2) Contributes to the vulnerability of women to the risk of poverty, especially of the elderly, which causes that a large number of women become „social cases“;
- 3) The fact that a significant number of economically inactive women remain in their homes in order to devote to caring of children and families perpetuates a widespread stereotype of women as primarily responsible for these activities. Although these activities are considered socially beneficial, at the same time, women are not compensated for them, regardless of the unquestionable benefit society has from their work;
- 4) Points to significantly reduced market competition in general which leads to the loss of human resources for the Croatian market;
- 5) Low level of social activity of the social group which represents more than half of the population, affects the employment rates level.

Unfavorable status of women in the labor market is also reflected in data referring to employment and unemployment rates of women and men. In 2012 the average employment





rate of the population in the Croatian market was 38.6%; the average employment rate among men was 44.4%, and among women, a significantly lower 33.4%. According to the Croatian Employment Service (further: CES), **Croatia has one of the lowest employment rates in Europe, and this rate is particularly devastating for women.** According to data supplied by the CES, a significant part of the high unemployment rate is the result of differences in the activity rate among women and men.

*The cause for concern is the fact that although the education level of the labor force on the Croatian labor market is associated with a higher rate of employment, the increase of the education level of the female labor force did not result in the increase of the women's employment, on the contrary, the participation of women in the number of the unemployed, especially with long-term unemployment, has not been reduced.*

In 2011 women constituted 50.5% of all persons who completed secondary education, 54.7% of all persons who completed professional studies and 60.2% of all persons who completed university level. Data concerning the level of education of the labor force and the unfavorable status of women in the labor market clearly show that **women must invest considerably more effort and resources to increase their marketing capacity and remain competitive to men. In the labor market there is still an obvious gender-based occupational segregation, which is closely associated with the pay gap between women and men.** Women represent the majority of employees in only 7 out of 19 fields of industry. Moreover, the areas of activity where women constitute the majority consist mainly of jobs that are traditionally considered appropriate for the female gender. Men dominate in industries such as construction and mining and quarrying. Women, on the other hand, dominate in fields that are traditionally considered feminine, such as health and social care or education. Gender-based segregation in the labor market has also its vertical dimension. According to data gathered by the Croatian Agency for Supervision of Financial Services, in 2012 there were 335 (82.72%) male board members and 70 (17.28%) female board members, while in 135 companies, out of the total of 174 included in the analysis, not one woman was a board member. Out of the total of 1,004 supervisory board members, 190 were women (18.92%).

*It is clear that the so called glass ceiling still exists on the Croatian labor market, and that it hinders professional advancement of women to the most influential positions. Gender-based segregation in the labor market continues to be closely related to the pay gap between women and men.*

According to the latest data released by the Croatian Bureau of Statistics (further: CBS), in 2012 the average gross wage of women on the labor market was 7,223 Croatian Kunas (further: HRK), while the average gross wage of men was 8,044 HRK. In other words, women on Croatian labor market earn 89.8% of the amount earned by men, that is, in average men annually earn gross 4,404 HRK more than women. In 10 industry fields with above-average gross wage, women are the majority in only 3 (ratio of 7:3 in favor of males). In the fields with below-average salary, the ratio is 5:3 to the detriment of women. Pay gap is related to a gender-based vertical segregation as well. For example, women make up as much as



69.6% of all employees in finance and insurance area, where the highest average gross salary (11,875 HRK) has been recorded. However, the average woman's gross wage in this sector is only 70.7% of the average male wage, which is the largest gap within a certain field on Croatian labor market.

*The difference in the gross amount of wages between men and women reinforces also the existing gap in pensions between men and women and contributes to the maintenance of greater vulnerability of elderly women to the risk of poverty.*

Statistical trends, their steadiness and the tension between them suggest that the disadvantaged position of women on Croatian labor market is the result of the barriers, of which prejudice, stereotypical notions or seemingly neutral practices which are more beneficial to men's lifestyle, constitute gender discrimination which is prohibited by the Gender Equality Act.

## 1.2. — DISCRIMINATION IN EMPLOYMENT AND WORK

An anti-discriminatory procedure was conducted in 65% of all the cases the Ombudswoman for Gender Equality received in this area in order to determine whether received complaints about discrimination were justified, and if they were, to issue necessary warnings and appropriate recommendations with the purpose to eliminate discrimination. In 35% of cases, the procedure was not carried out because the party which filed a complaint withdrew it for a reason of his/her own, or after the Ombudswoman provided legal advice and explanation about the proceedings.<sup>15</sup>

## 1.3. — HARASSMENT AND SEXUAL HARASSMENT IN WORKPLACE

*In 2012 the majority of individual complaints were related to the discrimination in employment and labor. 42.5% of them were related to sexual harassment and were submitted exclusively by women.*

The biggest number of cases was about sexual harassment of women by their superiors. The victims were abused in various ways – the persistent demands for a sexual relationship with arguing that „a woman of her age should have a neat sex life which is essential for health“, that every woman needs „a protector“ who will help her at work and in private life and take care of her career, numerous SMSs during working hours and afterwards (messages which were combination of pleadings and threats), MMSs, for example messages with pictures of an abuser's penis, publication of vulgarities about the victim over the Internet, touching of intimate body parts even in public places, often in front of the witnesses, physical assaults bordering attempted rape, physical attacks and strikes with various objects.

A certain number of cases involved harassment of women on the basis of sex in their workplace through various forms of pressure – degrading and demeaning statements about their

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15 Detailed analysis and case descriptions can be found in the full version of Annual Report for 2012.







basic working skills, different actions and prohibitions that applied only to the victims of harassment, prevention of advancement with a variety of non-institutional pressures based on private interests, and even physical attacks. At the same time, during the reporting year it was again noted that the procedures for the protection of dignity, prescribed by the Labor Law, were not implemented – monitoring showed that either a commissioner for protection of workers' dignity or a general act which would regulate the proceedings in detail did not exist or the parties and/or witnesses were not examined properly. Also, reports on such incidents were not drawn adequately, there were no procedures related to gathering all the necessary evidence, nor did clear and unequivocal decisions on whether harassment took place exist. An unfavorable attitude towards victims of sexual harassment is also evident. Frequent remarks about victims were that they „behave inappropriately“, dress „provocatively“, that „baby is cute“, that she „used him“ etc., while the harasser is described as „he made a mistake because he fell in love“, that he is „handsomish“, that the victim „used him“ in order to gain something – better work place, mobile phone, money etc.

*Victims of harassment do not easily decide to seek any form of judicial protection, which is why there are very few court cases regarding this form of discrimination, which again, in turn, discourages the victims.*

From the perspective of the victim, sexual harassment is almost the same form of abuse as domestic violence. The situation is exacerbated by the current economic situation, where all working people are facing the imperative of job retention in order to ensure their own existence and the existence of dependents, mostly children.

Female workers are often faced with a difficult choice, either to lose their jobs, or to agree to whatever their superior asks from them. In regard to this situation, and in collaboration with the women's sections of three independent trade unions, the Ombudswoman took an important step to combat harassment and sexual harassment in the area of employment. For this purpose a guide concerning gender discrimination and harassment in the area of employment and work was designed for trade union commissioners and lawyers with the leaflet for distribution among workers. The purpose of the guide named: „How to recognize gender discrimination and how to protect oneself from it“ is to introduce trade union commissioners and lawyers with all forms of discrimination in workplace, especially with sexual harassment and gender based harassment.

## 1.4. — LABOR MARKET – TRENDS IN 2012 WHICH DESERVE SPECIAL ATTENTION<sup>16</sup>

The Ombudswoman has devoted special attention to the consequences of the restructuring of relations in the labor market caused by economic crisis and the disadvantageous position of pregnant women and mothers with small children.

<sup>16</sup> Detailed analysis of the trends in the labor market can be found in the full version of Annual Report for 2012.



## 1.5. — MATERNITY AND PARENTAL SUPPORT

The Ombudswoman monitored the implementation of the Law on Maternity and Parental Benefits, particularly the use of maternity and parental leave by fathers (men) in order to increase inclusion of women in the labor market and greater involvement of fathers in the children care. To this end, the Ombudswoman obtained and analyzed data provided by Croatian Institute for Health Insurance (further: CIHI) which showed the number of male and female users of maternity and parental benefits in the period from January 1st to December 31st, 2012.

Given that one of the goals of the Law on Maternity and Parental Benefits was to encourage fathers to take maternity and parental leave, the expectation was that the number of fathers using the right to parental leave would increase. However, no significant changes in the total number of users of maternity and parental benefits have been noticed. Specifically, the additional maternity leave, until 6 months of child's age, was used by only 133 (0.48%) men and 27,290 women – 99.51%. Furthermore, there was a very slight and insufficient increase in the usage of parental leave (after the age of 6-months) by fathers – the number of users was 1,042 or 3.83%, and from 181-900 days – 321 or about 5.41%. However, the overall data suggest that a far greater number of mothers (women) use various forms of maternity and parental leave.

*Out of the total of all forms of maternity and parental leave, 96,837 (97.42%) of users were women, and 2,635 (2.63%) of users were men.*

On the basis of this data, the Ombudswoman concludes that the measures which enable balancing between private and professional commitments are still not implemented enough. In terms of her other activities in this field, the Ombudswoman points to the full version of the Annual Report.

## 1.6. — STUDY ON DISCRIMINATION OF PREGNANT WOMEN AND MOTHERS WITH SMALL CHILDREN

The goal of the Ombudswoman's study was to gain an insight into the experience of women who were trying to secure access to the labor market or to actively participate in the labor market during their pregnancy or in the immediate postpartum period in which they took care of small children (maternity period). This study is **the first of its kind in the Republic of Croatia**. By this study, which provides credible indicators of the presence of discrimination in the Croatian labor market on grounds of pregnancy, that is, of disadvantageous status of women with small children, the Ombudswoman contributed to the visibility of this issue, as well as to the more complete understanding of this form of inequality in Croatia.

The Ombudswoman used three research methods and cooperated with Croatian Employment Service (further: CES) and civil society organization "RODA", while an electronic version of the same questionnaire was uploaded to the official Ombudswoman's website ([www.prs.hr](http://www.prs.hr)).





hr). The study questionnaire<sup>17</sup> was completed by **937 participants** from 20-45 years of age. The biggest number of study participants was married (88%), while 8.2% had common-law partners, and 2.2% were, or will be, single mothers. In terms of geographical representation, the highest percentage of participants – 15% – resides in the City of Zagreb. 9.8% are from the Zagreb County, while 7.3% are from Primorje-Gorski Kotar County and Međimurje County. The lowest number of participants – 0.4% – resided in Lika-Senj County, 0.5% in Krapina-Zagorje County, and 0.7% in Šibenik-Knin County. The highest percentage of study participants (24.1%) worked for three different employers and the majority of those (37.4%) had 5-9 years of working experience.

Based on this study results, the Ombudswoman emphasizes the following **conclusions**:

- 1) Discrimination of women on the Croatian labor market, based on their pregnancy or gender-based imbalance in activities of caring for children within the family, is devastating;
- 2) Employers mostly disobey legal obligations towards pregnant women and women with small children;
- 3) Pregnant women and women with small children distrust the effectiveness of the existing system of protection against this form of discrimination;
- 4) There is a clear need for raising awareness of women regarding legal guarantees that protect their interests in the labor market during pregnancy; there is a need to improve protection system which specifically refers to the establishment of mechanisms for systematic control of the employers' procedures towards pregnant women and women who use their maternity rights, and stronger legal safeguards that would prevent employers in diminishing, in any way, the position and labor rights of these women within a period of one year after returning from maternity leave.

## 1.7. — GENDER ASPECT OF PENSIONS

The Ombudswoman analyzed pensions and various factors that influence pensions in Croatia from gender perspective. According to statistical data, women's pensions are considerably lower than men's and there is a gap in level of average gross and net earnings of women and men in most areas of industry. Although there are no significant differences in levels of education between women and men, there are differences in focusing on certain type of education. Significantly more women are employed in lower-paying industries and occupations. There is no evidence that the gender segregation in paid occupations reflect gender differences in preferences, skills and abilities required for specific jobs, so the causes of professional horizontal and vertical gender segregation could be found in still

17 The questionnaire consisted of 57 questions related to the knowledge about legal guarantees concerning protection of interests of pregnant women and women with small children, experience regarding unfavourable conducts by the employer because of their pregnancy, experience regarding unfavourable conduct by the employer on the basis of their care for children, support by their partners in balancing professional and family obligations and readiness to use legal guarantees in life, etc.



present stereotypical division of jobs based on skills traditionally perceived as female. Gender segregation in the labor market is clearly perpetuated through the lower pensions of women and their exposure to the risk of poverty when they reach pension age and leave the labor market.

The changes should be intensified on all levels: in regard to families and educational system, in regard to the establishment of the wide range of family support concerning responsibilities towards children, family and the elderly, in regard to planned education related to the employment possibilities and individual abilities and wishes, and in regard to the institutional and legislative guarantees of the speedy inclusion of the under-represented gender into all areas of participation in the labor market.

### **1.8. — NATIONAL EMPLOYMENT PROMOTION PLAN FOR THE PERIOD 2011 – 2016 – IMPLEMENTATION OF MEASURES FOR 2012 (NEPP)**

Out of 32 analyzed NEPP's activities for 2012, 21 activities had implementation indicators expressed by the number of persons of a specific target group classified by county and gender. Based on this data the Ombudswoman determined the following:

- The total of 47,556 people were included in these activities, out of which more men than women – this is an increasing trend (17,524 women – 36.8% in 2012 compared to 23,824 women – 55.8% in 2011);
- 13 activities included more men, 6 more women, 1 equally men and women, 1 hasn't been implemented;
- Only 7 activities were conducted in all counties and the City of Zagreb in a way to equally involve both men and women;
- In cases in which individuals submit applications, the number of women applicants (circa 38%) is close to percentage in which they become approved applicants (the trend from 2011, that women are approved less funds because they submit less applications continues);
- The percentage of female students with scholarships who attend vocational educational programs (13.3%) is a cause for concern.

Although these activities in 2012 included 49 women victims of domestic violence, which is 157.9% more than in 2011 (when the number was 19), the activity is still not being implemented in all counties.

Therefore, the Ombudswoman points out that, as in previous years, the activities related to the reduction of unemployment of women in the labor market are insufficiently implemented, and, not only the state, but all the counties, cities and municipalities should be involved in the implementation of NEPP and, if necessary, create additional incentives on local self-government level. According to the information of CES, the Ombudswoman points

out that in 2012 the trend of the increasing number of those employed per fixed-term contracts continued. The Ombudswoman also emphasizes that in 2012, the number of newly concluded contracts for fixed-term or indefinite period of time, in terms of gender, has become equalized, while in the previous years the share of women with fixed-term contracts was higher than the share of men.

## 1.9. — STUDY: THE FREQUENCY OF ANTI-DISCRIMINATION IN CASE LAW

Croatian municipal and county courts still **do not publish case law** so a systematic and comprehensive insight into the development of case law, in respect to anti-discrimination protection, is disabled. The aim of this study was to provide a basic insight into the frequency of court proceedings in which the question of discrimination arose, because the plaintiff's interest was allegedly violated. In this sense, the Ombudswoman asked the courts not only to report to her about the proceedings in which the plaintiff explicitly stated in his/her claim that s/he sought protection from discrimination, but also about those proceedings in which the claim did not contain such a specific requirement, but discrimination issue was essential to a court proceeding resolution.

The study involved municipal and county courts from Dubrovnik, Osijek, Rijeka, Split, Varaždin and Zagreb. On the basis of the received information and an insight into the court decisions, the Ombudswoman points out the following:

- 1) **The number of discrimination court proceedings** is still not significant, but it is **increasing**. Such procedures are no longer unknown to Croatian courts, which suggests that the Gender Equality Act and the Anti-discrimination Act are no longer just guarantees made on paper but that they have been developing through practice;
- 2) A considerable number of proceedings for discrimination based on sexual orientation is due to civil society organizations which are investing considerable resources in the protection of the rights of sexual minorities in court proceedings;
- 3) Since gender discrimination is probably the most widespread form of discrimination in Croatian society, it is important to emphasize that **the number of proceedings related to gender discrimination is still very small**;
- 4) Though it is a far-reaching form of anti-discrimination protection, the prohibition of indirect discrimination is still unknown in case law, primarily because no charges for indirect discrimination have been filed;
- 5) A large number of filed charges, which do not specify grounds of discrimination, show that a significant number of lawyers hesitate to implement anti-discrimination guarantees, which make the job of the courts more difficult and significantly reduces the effectiveness of protection.



## 2

# FAMILY

## 2.1. — DOMESTIC VIOLENCE

The Republic of Croatia signed the Council of Europe Convention on preventing and combating violence against women and domestic violence which defines violence against women as „gender-based violence“ and „means of domination of men over women“. Law on Protection against Domestic Violence prescribes domestic violence as misdemeanor offense, describes violent behavior within a family and prescribes penalties for such behavior. According to the Criminal Code, severe forms of domestic violence qualify as criminal offense. Since violence against women represents a form of gender – based discrimination, the Ombudswoman monitored the work of the police service, social welfare centers and health clinics, which are, according to the Rules of procedures in cases of domestic violence, authorized and obliged to act in cases of domestic violence. Based on reports of authorized bodies, the Ombudswoman monitored their work in regard to individual complaints and the implementation of the Gender Equality Act<sup>18</sup>.

### 2.1.1. AN OVERVIEW OF INTERVENTIONS AND APPLIED MEASURES

In the period from January 1<sup>st</sup> till December 31<sup>st</sup> of 2012, the total of 14,762 motions to indict were filed according to the Law on Protection against Domestic Violence, which is 1.2% less compared to the same period in 2011.

17,976 people were charged with misdemeanor, which is 2.1% less in comparison to the previous year. At the same time, for the purpose of protecting the victim, the measure of detention at the police station was issued against 10,896 (60.6%) persons, which is 7.7% more than in 2011.

88.8% of them were men. 609 criminal offences of domestic violence were recorded in 2012, which reflects a continuing decline a second year in a row.

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18 In accordance with the authority of the Ombudsperson for Gender Equality set out in Article 22. of the Gender Equality Act





### 2.1.2. IMPLEMENTATION OF ARTICLE 4 OF THE LAW ON PROTECTION AGAINST DOMESTIC VIOLENCE

In 2012 the police charged with misdemeanor 17,976 people of whom 14,444 were men and 3,532 were women. Compared to 2011, more men (80.3% increase) and fewer women (19.7% decrease) were charged. The police filed 124 complaints on misdemeanor decisions, which is a 12% decrease in comparison with 2011. The number of people who were harmed as victims of domestic violence in cases in which the perpetrators were charged with misdemeanor, increased 1.9% in comparison to 2011. Within the total number of harmed people, 12,871 (62.4%) were women.



### 2.1.3. PROTECTIVE MEASURES RELATED TO THE PROVISIONS OF LAW ON MISDEMEANORS AND LAW ON PROTECTION AGAINST DOMESTIC VIOLENCE

In 2012 the police proposed to misdemeanor courts the implementation of protective measures in 13,587 cases regarding domestic violence, which represents a slight decrease in comparison to 2011. Despite decrease in claims for implementation of protective measures, which gives cause for concern, the supervision of the safety of victims increased, because the implementation of the measures aimed at physical separation of the offender and the victim, increased.

During 2012 the police applied 2,559 protective measures (38.5% increase compared to the last reporting period) which are within their jurisdiction according to the Law on Protection against Domestic Violence and Rules of procedures in implementation of protective measures.

### 2.1.4. IMPLEMENTATION OF ARTICLE 215A. OF THE CRIMINAL CODE „VIOLENT CONDUCT WITHIN FAMILY“

The analysis of data concerning criminal offense „violent conduct within family“<sup>19</sup> shows that the police uncovered and criminally charged 489 persons (a considerable increase compared to 2011) because of 609 criminal offences (30% decrease). The total of 673 persons were harmed in these cases, out of which 532 (79%) were women, which means that the majority of victims were women and under-aged female children. It can also be concluded that violent family members are people inclined to repeat the criminal offense, and that their victims, in vast majority of cases, are their mothers, wives, daughters and sisters. It is a very socially harmful behavior, since it is manifold and lasts a prolonged period of time, traumatizes all family members, leads to injuries which require hospitalization, ambulatory treatment or victim's sick leave, diminishes victim's work capabilities and mental capacity and initiates transfer of violent behavior pattern onto the next generation.

19 „A family member who by his or her violent, abusive or particularly insolent conduct puts another member of the family into a humiliating position shall be punished by imprisonment from three months to three years.“ (Article 215a of the Criminal Code)



### 2.1.5. MURDERS AND ATTEMPTED MURDERS WITHIN A FAMILY

Out of 51 murders committed in 2012, 27 (52.9%) were murders committed within a family. In 2011, murders committed within a family made 39.6% of all murders. Out of 27 victims of murders within a family, 12 (44.4%) were women murdered by a male member of their family. 15 victims were male, but only one of them was killed by his common law wife, while the other 14 were victims of a male family member. At the same time, there were 34 attempted murders between family members (34% out of a total of 100 attempts). Out of this number 14 women were victims of their male partners or ex-partners, 6 victims were men. In other cases, the victim and the offender of the attempted murder within a family were of the same sex. Gathered data clearly show the existence of the patriarchal behavioral pattern within a family, according to which a woman is a less valuable member of the family to such a degree that a male member, usually „the head of the family”, can take away her life. The murders or attempted murders are usually committed at the moment when a woman shows that she is no longer willing to resign herself to such forcefully imposed authority and requests divorce or leaves voluntarily her marriage or common law partnership.

### 2.1.6. VICTIMS OF VIOLENT CONDUCT WITHIN A FAMILY

The total number of victims of violent conduct within a family in 2012, described by Article 4 of the Law on Protection against Domestic Violence, was 22,627, out of which 12,871 (62,4%) were women. As far as adults are concerned, **women represent 63.08% of all victims of violent conduct in a family**. As far as under-aged persons are concerned, female persons represent 51.8% of all victims of violent conduct within a family. Gathered data point to further decline in the number of filed charges for violent conduct within a family and persons charged for such offences. There is also a decline in the number of women charged with family violence conduct (19.7%). Since the complaints addressed to the Ombudswoman in 2012, as well as in previous periods, point out that authorized persons treat perpetrators and victims of domestic violence in the same way (both are detained, arrested and a motion to indict both is filed), it is possible that the number of women charged with violent conduct within a family would have been even lower had the persons authorized for gathering relevant information about the offence and filing a motion to indict been more attentive about the dynamics and injuries of the persons involved in such a violence.

### 2.1.7. MINISTRY OF JUSTICE DATA AND SANCTIONS IMPOSED BY THE COURTS FOR VIOLENT BEHAVIOR WITHIN A FAMILY

During the reporting period a total of 9,830 people, out of which 8,315 (84.6%) were men and 1,515 (15.4%) were women, were charged with misdemeanor for domestic violence conduct. The total number of proceedings was 9,233, out of which 13 were initiated by the district attorney's office, 32 by injured persons, and 9,188 by the police stations. In regards to the Article 20, section 2 of the Law on Protection against Domestic Violence, 4,119 proceedings were initiated. The total of 4.379 proceedings was initiated per article 20, paragraph 2 – 7.





In relation to the type of violence, the most common is psychological violence committed by men (6,254 cases) and physical violence (4,028). The least number make cases of sexual violence (27), physical punishment of children (64) and economical violence (299). The Ombudswoman's experience is that economical violence within a family happens quite often, but the police, who file charges, do not always recognize the manifestation of economic violence. Most frequently the perpetrator of the violent conduct within a family is victim's spouse.

The total number of proposals for protective measures was 8,128, out of which 3,479 were issued and 1,703 implemented. Although the data of the Ministry of the Interior show that the number of the protective measures under the jurisdiction of the police and the number of the proposed protective measures have increased, the final decisions of the misdemeanor courts, which are at disposal to the Ministry of Justice, show that at the beginning of the procedure a protective measure is proposed, but then in the next two phases the number of issued and implemented protective measures drastically drops.

For example, in 2012, the number of proposed measures was 8,128, while at the end only 1,703 were implemented. The situation related to protective measures which aim at removing the cause of the violent conduct of the perpetrator (a measure of psychosocial treatment and mandatory treatment of addiction) is somewhat different.

### 2.1.8. - 2.1.11. – ANALYSIS OF DATA

The analysis of data on criminal offences of violent conduct within a family, misdemeanor acts of violent conduct in a family, victims of criminal and misdemeanor acts, especially murders and attempted murders within families, as the most severe forms of violent behavior within a family, and protective measures, can be found in the full version of the Annual Report.

### 2.1.12. ANALYSIS OF DATA ON THE PROCEDURES OF THE SOCIAL WELFARE CENTERS IN DOMESTIC VIOLENCE CASES

The Ombudswoman investigated complaints about discrimination of competent social welfare centers and omissions were determined, especially in relation to handling domestic violence cases. A significant number of complaints were related to: the lack of (re)action after the violence was reported, slow procedures, equal approach to the victim and the perpetrator of violence and issuing same measures of family protection (warnings, supervision), inviting the victim and the perpetrator to an interview at the same time and at the same place. Social welfare centers missed to inform victims about the actions they would undertake in further procedure, there was a lack of mediation or support to the victims in realizing their rights to free legal aid or other forms of help, etc.



### 2.1.13. FINAL CONCLUSION AND RECOMMENDATIONS

Based on gathered data, 79% of women (adults and under-age) are victims of violent behavior in a family, and perpetrators are male family members. Therefore, the Ombudswoman recommends: (1) that financial means should be secured for psychological treatment, (2) that police officers should continuously be educated about gender equality, domestic violence and the implementation of the Law on Protection against Domestic violence and Law on Misdemeanors, (3) that employees of the social care centers should be continuously educated about the need to provide extensive help to the victims of violence (including shelter accommodation, psychological help or inclusion in the employment programs for victims of violence), (4) that the measures of the National Strategy for Elimination of Domestic Violence should be consistently implemented, especially those which relate to housing and employment of victims of violence, (5) that the provisions of the Law on Misdemeanors related to caution measures should be changed in order to be more effective.

### 2.1.14. UN INITIATIVE OF THE NETWORK OF INFLUENTIAL MEN IN COMBATING VIOLENCE AGAINST WOMEN

The Ombudswoman participated in an event named „Stop violence against women“ which was organized on the occasion of the International Women’s Day by the President of the Republic of Croatia and the Delegation of UNDP in Croatia in order to promote the campaign of UN Secretary General Ban-Ki-moon „Network of Men Leaders to Stop Violence Against Women“. The event was attended by the Prime Minister and other governmental ministers, the head of Croatian Parliament and parliamentarians and representatives of civil society organizations. The Ombudswoman spoke about violence against women as drastic form of gender discrimination. She emphasized that as a society we cannot allow that the half of all the murders in a period of one year are women killed by their spouses or common law partners. She also invited the media to avoid sensationalism in reporting about domestic violence.

### 2.1.15. CITIZENS’ COMPLAINTS – CASE DESCRIPTIONS OF DOMESTIC VIOLENCE CASES

Full version of Annual Report for 2012 includes 9 cases based on complaints to the Ombudswoman for Gender Equality.

### 2.1.16. NATIONAL STRATEGY FOR PROTECTION AGAINST DOMESTIC VIOLENCE 2011.-2016.

During 2012, as in previous years, the Ombudswoman monitored the implementation of the National Strategy for Protection against Domestic Violence (further: NSPDV) and noticed a significant increase in the number of activities of various measure holders. However, the



activities related to NSPDV measures should be planned instead of being just commemorative or random organizations of events.

### 2.1.17. ZAGREB STRATEGY FOR PROTECTION AGAINST DOMESTIC VIOLENCE 2011.-2016.

Like in 2011, the Ombudswoman considers Zagreb Strategy for Protection from Domestic Violence as a step forward and an example of good practice and efforts of a local, i.e. regional community to create a strategy for protection from domestic violence adjusted to the community needs, in this case to the needs of the City of Zagreb.<sup>20</sup>

### 2.1.18. RULES OF PROCEDURE IN CASES OF DOMESTIC VIOLENCE – ANALYSIS OF IMPLEMENTATION IN 2012.

Though the majority of coordinators for gender equality and county committees for gender equality

reported about established cooperation and information exchange with the units of local, regional self-government, civil society organizations and other committees for gender equality, in the majority of counties no meetings were held concerning individual cases of domestic violence. Therefore, the existing cooperation is not at the level prescribed by the Rules of Procedure. Though some of the committees are better compensated for their work than others, the higher amounts do not necessarily mean more activities. The Ombudswoman pointed out to the same fact last year.

### 2.1.19. STUDY ON IMPLEMENTATION OF PROTECTIVE MEASURES PRESCRIBED BY THE LAW ON PROTECTION AGAINST DOMESTIC VIOLENCE

In 2012, the Ombudswoman for Gender Equality conducted a study on the sample of 500 final Misdemeanor court rulings. The purpose of the study was to gain an insight in how the protective measures under Article 11 of the Law on Protection against Domestic Violence are implemented in misdemeanor case law. The study provided an insight and a basis for assessment of the efficiency of security measures in practice since there has not been many concrete indicators so far. The study showed several trends which should be changed in the future:

- 1) Protective measures are seldom ruled in case law. Out of the total number of analyzed misdemeanor court rulings, **the measure for protection of victims of**

<sup>20</sup> The full version of Annual Report for 2012 includes analysis of Zagreb Strategy for protection against violence, 2011 – 2016.



- domestic violence was issued in only 10.5% cases, i.e. in 25% of those cases where it was expressly requested by the indictment applicant;
- 2) Protective measures were requested by the indictment applicant in 45% of analyzed cases. Out of that number, in 98% of cases the protective measure was required by the police who are an authorized indictment applicant. In only 2% of cases, protective measures were required by the victim. At the same time the court initiated protective measures in only 9% of the analyzed cases. These data clearly show the need to raise awareness of victims about their rights, i.e. the necessity of effective and quick free legal aid for victims of domestic violence;
  - 3) Inconsistent approach of the police in using the authorization of appeal against court decisions. The police appealed in only 1.2% of all analyzed cases, i.e. in 3% of cases if we focus only on those cases in which the court did not find the perpetrator guilty. At the same time, the police gave up their right to appeal in 16% of all analyzed cases, i.e. in 27% of cases if we take into consideration those cases in which court proclaimed a sanction, or in 36% of cases if we focus on those cases in which court did not find the perpetrator guilty. Based on the abovementioned, it is clear that there is a need for a pro-active approach of the police in the sense of protection of victims of domestic violence through a court proceeding. **Suggested measures:**
    - To encourage the training of police officers for a more pro-active role in treating misdemeanor procedures related to domestic violence and to strengthen their institutional capacities for that purpose,
    - To encourage programs which would provide the opportunity for further specialization of misdemeanor judges in the field of combating domestic violence as a form of discrimination.

### 2.1.20. FREE LEGAL AID AND VICTIMS OF DOMESTIC VIOLENCE

Citizens who need free legal aid are still not adequately supported by the state and the amendments to the Law on Free Legal Aid do harm to the victims of violence. During 2012 the Ombudswoman pointed out to the parliamentary committees the shortcomings of the mentioned Law, which **does not ensure free legal aid to the victims of domestic violence during criminal and misdemeanor procedures or in the land registry procedures.**

Data gathered from 21 state administration offices which grant the right to free legal aid show that the number of persons who applied for a free legal aid in 2012 was almost the same as in 2011, only one application less was approved than in 2011 – (238), and **the majority of free legal aid applicants were women.** 238 women and 3 men – victims of domestic violence applied for free legal aid in 2012, which makes 4.15% out of the total number of persons who applied for free legal aid.





In the process of gathering data about the applicants for free legal aid, the applicant is not required to fill in his or her nationality. That means the lack of full information about certain ethnical communities which might be particularly vulnerable as multiple discrimination victims.

Therefore, for the purpose of protection and easier accessibility, the Ombudswoman proposes gathering of data on Roma women victims of violence, and for that purpose recommends the addition of a new column "nationality" in the free legal aid application form, which would be completed only with an applicant's consent.

### **2.1.21. ANALYSIS OF SOS PHONE LINES FOR VICTIMS OF DOMESTIC VIOLENCE**

As a follow-up study on shelters for victims of domestic violence, the Ombudswoman proposed to the shelters and counseling centers in Croatia, to consider the installation of a free of charge SOS phone line with 0800 call number, if they don't already have one.

This proposal is in accordance with the Article 24 of the Convention on preventing and combating violence against women and domestic violence (Istanbul Convention). For that purpose, the Ombudswoman held a meeting with the representatives of shelters and counseling centers with whom she agreed upon technical solutions and individual estimation of expenses for some of the shelters and counseling centers.

### **2.1.22. COOPERATION WITH THE POLICE ACADEMY REGARDING THE EDUCATION OF THE POLICE**

Upon the initiative of the Police Academy, on December 7th 2012 the Ombudswoman signed an Agreement on cooperation between two institutions, which included a series of activities which will be carried out during 2012/2013 in order to improve the police officers' conduct in domestic violence cases.

The Ombudswoman held 1 workshop named „Gender sensitive approach in domestic violence cases“ for 50 teachers and educators of the Police school „Josip Jović“ and 16 interactive workshops for students of the fourth grade of secondary police school „Josip Jović“. She also held 1 lecture during a specialized course on juvenile delinquency and crime for police officers of the Criminal Police from all of Croatia.

Upon the results of the conducted evaluation, the Ombudswoman finds encouraging that the workshops for the students of the secondary police school had a positive effect.

### 2.1.23. OMBUDSWOMAN'S VISITS TO SOCIAL WELFARE CENTERS

During her visits of Croatian counties, the Ombudswoman initiated meetings with social welfare centers in order to exchange information regarding domestic violence cases and citizens' complaints concerning social welfare centers' oversights. She also discussed obstacles which social welfare centers have to face in their practical work. The lack of sufficient number of professional staff and the problem of frequent fluctuation of employees were emphasized as problems. Certain centers have jurisdiction over a wider geographical area, and some of the parts are inaccessible because there is no transporting infrastructure.

The cooperation between centers and the police in prevention campaigns is satisfactory, just as it is with civil society organizations and other authorized bodies from the Rule of Procedures in domestic violence cases, while cooperation with family centers is not satisfactory. Also, only a few social welfare centers report about cooperation with county committees on gender equality. Domestic violence cases make a big percentage of the total number of cases, which results from raising public awareness about domestic violence issues. There is a consensual agreement of social welfare centers about the necessity of education and campaigns aimed at removal of gender stereotypes and gender balanced parenthood.

## 2.2. \_\_ OTHER FORMS OF VIOLENCE

### 2.2.1. PARTNER VIOLENCE

The Ombudswoman focused on prevention and combating partner violence. Since the Law on Protection against Domestic Violence does not provide direct protection to all partners, in partner violence cases they can be protected in relation to Article 31 of the Gender Equality Act.

The Ombudswoman participated on round table „For violent-free relationships“ organized by Center for Education, Counseling and Research (CESI). In October 2012 the Ombudswoman held 16 interactive workshops titled „Gender sensitive approach in domestic violence cases“ with a focus on partner violence for students of police school „Josip Jović“ and one lecture for 50 teachers and educators of the same school.

According to the gathered data of the Police Directorate, in 2012 the police filed a total of 37 motions to indict against a total of 38 perpetrators in relation to Article 1 of the Gender Equality Act, out of which 36 perpetrators were men, and 2 were women.<sup>21</sup>

Problems arose when some misdemeanor courts dismissed indictment motions filed by the police with an argument that the police was not authorized to file such motions.

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21 In 2011 the police filed only 8 motions to indict.





*The Ombudswoman thinks that until a comprehensive protection of victims of partner violence is reached, this legal mechanism is relatively efficient. However, more appropriate protective measures and the punishment of imprisonment should be prescribed in regard to severe forms of misdemeanor acts of violence. The Ministry of the Interior should be authorized by the Gender Equality Act as a plaintiff for all misdemeanor provisions of this Act.*

In regard to the health care staff and other authorized bodies in domestic and partner violence cases, the Ombudswoman sent a recommendation to one health-care institution because of the case of partner violence which resulted in the murder of a woman; her partner suspected that she wanted to leave him. In this case the police and the doctor on call carried out all the procedures according to the law, except that they did not pay enough attention and did not exchange information which concerned the murderer. If they had done that, the tragic outcome could have been avoided.

### 2.2.2. CRIMINAL OFFENSES AGAINST SEXUAL FREEDOM AND SEXUAL MORALITY

The comparison of data from 2011 and 2012 shows that **the number of rapes is more or less constant** and that all victims are women of all ages, while perpetrators, as far as it is currently known, are men.<sup>22</sup> These data lead to a conclusion that women are still perceived as sex objects and thus become victims of serious, violent crimes such as rape, procuring or incest, which can cause long-term physical and psychological consequences. Patriarchal and conservative environment that considers women less valuable individuals of the community often encourages such behavior.

But a possible cause of violent behavior toward women could be the fact that woman's body has been uncritically (ab)used and trivialized as an object, for various purposes and in various ways, through inappropriate portrayal of women in advertising, especially in the media.

### 2.2.3. WOMEN RAPED IN WAR

War time rapes of women are among the most serious violations of women's human rights and they have no expiration date. Therefore, *at the meeting on the status of women who were raped in Homeland war*, which was organized by the Committee for Gender Equality of the Croatian Parliament, the Ombudswoman for Gender Equality stressed the importance of providing psychological and physical support to victims of systematic rape during war,

22 Data of the Ministry of the Interior show that in 2012, 89 out of the total of 512 criminal offenses against sexual freedom and sexual morality was rape (79) and attempted rape (10), committed against adults and minors. 72 perpetrators of rape are male and the gender of the perpetrator in the remaining 6 cases is unknown (cases are not resolved). Out of 89 victims of rape and attempted rape, 88 were female. Victims were of all ages, the majority was from 14-40 years old. Only women were victims of criminal act of procuring, 14-60 years of age. Only women 14-22 years old were victims of incest where men were perpetrators.



especially in their preparation for the trials that are long lasting and extremely traumatic for victims.

The Ombudswoman received a complaint regarding the rape of women in Vukovar in 1991 and contacted State Attorney's Office on this issue. They reported to the Ombudswoman about the continuous evidence gathering and intense criminal investigation coordination with the aim to determine the perpetrators of the criminal offenses and prosecute them. State institutions agree that victims should receive compensation they are entitled to and be respected as victims of the war. Ombudswoman proposes a legal framework which would provide certain material benefits and acknowledge the status to victims of rape (women and men), as civilian victims of war.

## 2.3. — PARENTAL CARE

### 2.3.1. FINAL CONCLUSION AND RECOMMENDATIONS

Though the current Family Law affirms gender equality principles and provides strong anti-discrimination guarantees, data by the Croatian Bureau of Statistics for 2010 are cause for concern: in 85.1% of cases it was decided that children would live with their mothers. There is a trend of constant increase of this kind of decisions.<sup>23</sup>

These data suggest possible discrimination of fathers (men), and also point to the overall discrimination of women because they show that the stereotypical division of roles between men and women is still deeply rooted in our society. The unfavorable trend is confirmed by the complaints to the Ombudswoman<sup>24</sup>: the number of complaints relating to the equality in the area of parental care significantly increased. Unlike in other areas of discrimination, most complainants (the injured persons) in this area are men, about 70.31%. Women are complainants in 25% of cases, and around 4.68% cases are complaints submitted by groups. 68.65% of complaints are related to work and dissatisfaction with the conduct of social welfare centers.

Complainants think that competent social welfare centers put them at disadvantage compared to the parent of the opposite sex, meaning that they are treated equally even though they are not in the same situation. The increased number of complaints filed by men shows that men increasingly face gender stereotypes and prejudice in this area. At the same time, the increased number of complaints from men/fathers indicates their increased gender awareness. In that sense, the Ombudswoman for Gender Equality emphasizes the role and cooperation with the Croatian Association for Equal Parenting.

<sup>23</sup> In 1960, 78.8% cases included decisions about children living with mothers.

<sup>24</sup> The Ombudswoman worked on the total of 64 cases from this area.







The Ombudswoman issued warnings to social welfare centers concerning putting one of the parents into unjustifiably disadvantageous position (for example, one of the parents was not included in the procedures, treatment etc.), or because both parents were treated equally (for example in cases in which the mother was a domestic violence victim), or because social welfare center failed to implement measures and take steps it was authorized for (for example in helping a father to maintain contacts with children), or because a gender sensitive approach was missing, or the parent with whom a child did not live was indirectly discriminated against (for example in cases of issuing passport for a kid) etc.

In order to increase the participation of fathers in child care in Croatia, further changes will be introduced for additional motivation of fathers to use parental leave.<sup>25</sup>

**2.3.2. CASE DESCRIPTIONS AND PROCEDURES OF THE OMBUDSWOMAN CONCERNING PARENTAL CARE CAN BE FOUND IN FULL VERSION OF ANNUAL REPORT.**

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25 Recommendations of the Ombudswoman in the full version of the Annual Report.



## 3

# SEXUAL AND GENDER MINORITIES

## 3.1. — LEGAL BASIS AND SITUATION ASSESSMENT

Further progress in raising awareness about the importance of the police timely and effective suppression of hate crimes towards persons of homosexual orientation has been noted. In the reporting period, particularly evident was the seriousness with which the police handled the organization of both pride parades (in Zagreb and Split) and suppressed violence towards LGBT people.

While in the past the Ombudswoman objected that the police gave mild criminal qualification of such violent offences, this year a significant progress can be seen. It should be emphasized that of all the authorities involved in combating homophobic discrimination of citizens of homosexual orientation, the police showed the most interest in awareness-raising and professional training of their staff.

*During the reporting year, the police prosecuted four offenses motivated by hatred towards persons of homosexual orientation. Two offences were processed as criminal offences and they refer to 1) hate speech on virtual social networks and 2) physical assault and verbal abuse of same-sex couple. Two offences were processed as misdemeanor acts and are related to threats towards participants of Gay Prides in Split and Zagreb.*

At the same time, data concerning court proceedings of hate crimes are not encouraging. In 2012 there was only one criminal court proceeding concerning discrimination based on sexual orientation. On misdemeanor courts there were four misdemeanor proceedings concerning discrimination of homosexual persons and all four of them were transferred from 2011.

Somewhat encouraging are data referring to anti-discrimination litigations. During the reporting year, there were nine anti-discriminatory proceedings based on Anti-Discrimination Act, 7 were carried over from previous years, and 2 were commenced in the last quarter of 2012. During the reporting year, court decisions were issued in three anti-discrimination trials in which the Ombudswoman exercised its authority of intervener. Two of them were completed, and one is currently under appeal.





The court confirmed discrimination based on sexual orientation in 2 cases and determined appropriate measures to eliminate discrimination. Special credit goes to civil society organizations engaged in promoting the rights of citizens of homosexual orientation, because they invested considerable resources in providing legal assistance to persons discriminated against because of their sexual orientation. In 2012 people with same-sex sexual orientation continued to be exposed to homophobic behavior that is still widespread in Croatian society, which became evident during organization of Gay Pride in Split. The Ombudswoman reacted with 2 public statements in which she warned the public and the authorized governmental bodies about the discriminatory measures of local self-government in Split. At the same time, organization of Gay Pride in Zagreb went smoothly without any obstacles from the governmental bodies.

*National legal framework does not meet the requirements of legal protection of persons of homosexual orientation arising from the legal system of the Council of Europe and European Union legal order.*

During the reporting year the incompatibility of legal regulations became even more apparent due to the constant development of the jurisprudence of the European Court of Human Rights in this area, which is especially true of its judgment *Gas and Dubois v. France and X v. Austria*. The Ombudswoman considers as encouraging the fact that the Croatian Government started with the preparation for the new legal framework that will regulate civil status of same-sex unions.

### 3.2. — PROJECTS AND ACTIVITIES OF THE OMBUDSWOMAN CONCERNING PROMOTION OF SEXUAL AND GENDER MINORITIES RIGHTS

The Ombudswoman actively participated in the activities of the working group at the Ministry of Public Administration authorized to draft the proposal for the new legal framework concerning the regulation of same-sex unions.

The Ombudswoman organized two round tables: „Status of same-sex unions – new legislative framework“ and „Legal status of LGBT persons in the Republic of Croatia“ and participated in gay prides in Split and Zagreb.

### 3.3. — DESCRIPTION OF CASES IN THE AREA OF COMBATING DISCRIMINATION BASED ON SEXUAL ORIENTATION – IN FULL VERSION OF ANNUAL REPORT FOR 2012.



### 3.4. — PROBLEMS OF GENDER-DYSPHORIC PERSONS (TRANSGENDER PERSONS)

The main problem transgender people face is the **inability to register sex change** in the relevant registry office. According to the Book of Regulations on documentation needed for a sex change, gender can be changed by surgery, hormonal therapy, and in „other way“. However, all of the requirements for registration of sex change in the reporting period were rejected until further notice because the Ministry of Health concluded that this Book of Regulations was „incomplete“.

The Ombudswoman believes that the current situation is unsustainable and points out that to determine a surgery as a condition for registering a sex change means to deny the right to free choice of medical treatment to a certain number of patients forever, because some of them, due to specific health problems, cannot undergo such a risky surgery. This practice impedes normal life of transgender people and constitutes discrimination on grounds of sex. The Ombudswoman's view is that changes of sex in registries must be strictly individualized for each patient and after the comprehensive consideration of medical treatments and conclusions by an authorized and trained physician. The Ombudswoman therefore proposes the list of physicians, which would include several doctors of the same profession (endocrinologists, psychiatrists, surgeons, etc.) who the patients could turn to and whose opinion would be equally valuable in terms of obtaining a medical certificate about sex change.<sup>26</sup>



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26 Case description in full version of Annual Report.



## 4

## RISKS OF MULTIPLE DISCRIMINATION

### 4.1. — WOMEN IN RURAL AREAS

In 2012 the Ombudswoman actively participated in the implementation of two projects related to the issues of women in rural areas: „*SEE WoRD- South East European Women in Rural Development network*“ and „*GARD – gender equality in rural development – empowerment of women in rural society*“. **Upon Ombudswoman’s initiative**, the project „*SEE WoRD- South East European Women in Rural Development network*“ was presented in 21 county committees for gender equality and held in smaller rural municipalities. The Ombudswoman herself participated in project presentation in 11 counties. During her field trips she discussed with workshop participants the problems regarding the status of women. As the biggest problems they emphasized: poor transport infrastructure which causes social exclusion of women, poor education and economic dependence of women, domestic violence and strong traditional roles within the family and sexual stereotypes.

The Ombudswoman also participated in the implementation of the project „*GARD – gender equality in rural development – empowerment of women in rural society*“ conducted by the Organization for Civil Initiatives Osijek. Within this project, the Ombudswoman participated in two workshops held in Drniš and Zagreb. The Ombudswoman proposed developmental strategies that will:

- lead to economic empowerment of women and their involvement in social and cultural activities through supporting the development of local associations (empowerment of LAGs),
- provide measures for better access to agricultural credit and loans,
- systematically train women for public action.



## 4.2. — WOMEN ADDICTS

In cooperation with the parliamentary Committee for Gender Equality, the Ombudswoman organized a round table „Women addicts“. <sup>27</sup> Compared to men addicts, women addicts have more often been victims of abuse or witnesses of domestic violence. Alcoholism, mental illness and suicide attempts are very often present in families of women addicts, and as a side effect, there is prostitution. According to data of the Croatian Institute for Public Health in 2010, 65 mothers reported that they took psycho-active drugs during pregnancy.

Although in 2011 addicted mothers (43.0%) were almost twice as much prevalent than addicted fathers (28.7%), they were deprived of the parental care in 0.2% of cases, which is half the percentage it was denied to addicted fathers (0.4%). A specific category are women addicts in the prison system, and according to the Ministry of Justice data, the share of men addicts in the total of male prisoners is 39.47%, and the share of women addicts in the total of women prisoners is 18.35%.

## 4.3. — WOMEN AND HIV/AIDS

Since 1985, when Croatia recorded the first cases of HIV infection, till the end of 2012, Croatia registered a total of 1,017 people diagnosed with HIV infection (proportion of men was 86%). However, **more and more women in the world are infected with the virus** and they now represent nearly 50% of the newly infected. Women infected with HIV are exposed to a higher risk of poverty, as a consequence of their unfavorable position in the labor market, to greater stigmatization, social critique and gender stereotypes which are favored by patriarchal society. Women infected with HIV have very little influence on decisions within their sexual relationships, which is a form of sexual violence. According to data of the Croatian Institute for Public Health, the most common route of transmission of HIV in women (59% of all infected women) is heterosexual, they being stable partners or wives of HIV positive partners. During 2012 not one woman infected with HIV gave birth in Zagreb.

The Ombudswoman participated in a panel discussion titled *„Let the woman's voice be heard“* which was organized by the civil society organization „LET“ on the occasion of the World Day against AIDS.

## 4.4. — WOMEN WITH DISABILITY

According to the data of the Croatian Public Health Institute, on December 31st 2012 there were 520,837 persons with disabilities, out of which 39.8% were women and 60.2% were

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27 According to data of Croatian Institute for Public Health for 2011, in the total number of persons treated for addiction on psychoactive drugs, 17,7% were women. According to the Department for Public Health dr. Andrija Štampar in 2011 in the City of Zagreb proportion of women treated for substance abuse (27.14%) was higher than the proportion of women treated for alcohol dependence (19.4%).





men. Women with disabilities have lower level of education compared to men with disabilities, the consequence of which is their unfavorable status on labor market. Out of 6,607 unemployed persons with disabilities, 41.7% were women.<sup>28</sup> **Women with disabilities are more exposed to domestic violence** by their partners, but also by other members of their families. Social isolation and neglect occur as specific forms of violence. Another issue is the availability of health services, including the rights to health care.

In 2012 the Ombudswoman participated in the round table „*Violence against women with disabilities*“ organized on the occasion of the National Day for the Elimination of Violence against Women.<sup>29</sup>

## 4.5. — WOMEN IN PROSTITUTION

Discussions about legalization of prostitution were initiated in 2012. The Ombudswoman participated in public events and stated the reasons on the grounds of which she **opposed the legalization of prostitution in Croatia**. The Ombudswoman referred to good practice that exists in Sweden, Norway and Iceland, where the users of sexual services are criminally prosecuted. Most women who work as prostitutes do so because of various reasons, because they are at the edge of existence and have no other means to support themselves, their children or families, and some of them are definitely dependent on drugs and/or alcohol. Prostitutes are women who are most often victims of family abuse and/or other criminal and/or misdemeanor offenses and have lived and live in poor socio-economic conditions. The Ombudswoman issued an opinion on the Draft Law on Offenses against Public Order and Peace, which treats prostitution and buying services from prostitutes as an offense against public order and peace, that is, only as an act which may disturb or upset citizens. Therefore it seems that the idea of legislators, in the process of prescribing misdemeanor and criminal offenses and sanctions, was not based on the awareness that prostitution is the exploitation of (mostly) women, and that ultimately it represents violence against women carried out by men and carried out (mostly) because of men.

Certain shift is visible in sanctioning the users of sexual services (though only as misdemeanor offence and not as criminal offence), while those who prostitute themselves should be exempted from responsibility.

<sup>28</sup> According to the Croatian Public Health Institute data on 31st of December 2012.

<sup>29</sup> According to data obtained from the Croatian Public Health Institute, 42 women with disabilities gave birth in 2012, while in 2011 the number of these women was 79. According to the Ministry of Justice, in 2012, 83 men with disabilities served a sentence (making a share of 1.83% of male prisoners) and one woman with disability (0.48% of women prisoners).



## 5

# EDUCATION

## 5.1. — NEW REGULATIONS AND CURRICULA CONCERNING GENDER EQUALITY IN EDUCATION

On the occasion of the introduction of **Health education** in primary and secondary schools, the Ombudswoman issued an expert opinion that the Curriculum of health education is not in conflict with the constitutional and legal order of the Republic of Croatia, nor with international and national anti-discrimination legislation as far as gender equality is concerned.

On the occasion of the introduction of **Civic education**, the Ombudswoman established that the Civics Curriculum did not include her earlier recommendations addressed to the Agency for Education and the Ministry of Science, Education and Sports. The Ombudswoman **recommended** that different grounds of discrimination should be defined in the Curriculum, especially discrimination on the basis of marital and family status and sexual orientation, and that the Curriculum literature should include the Anti-Discrimination Act and other laws and regulations.

On the occasion of the adoption of the new **Decision on the elements and criteria for selection of candidates for admission to secondary schools** (for school year 2012-2013), the Ombudswoman recommended to the Ministry the introduction of the criteria of under-represented gender in order to mitigate the under-representation of one sex in certain areas of education and science. The recommendation was partially adopted.

## 5.2. — STUDY: GENDER ASPECT IN HIGH SCHOOL TEXTBOOKS FOR ETHICS

Study results showed that, beside contents which affirmatively promote gender equality in textbooks, there was a considerable amount of contents which were discriminatory in regards to sex, marital and family status and sexual orientation. Photographs and illustrations lack gender balanced presence of men and women. Based on the study results, the Ombudswoman sent a **warning and a recommendation** to the Ministry of Science, Education and Sport, to change and remove precisely pointed discriminatory contents in textbooks. The





Ministry replied that these study conclusions were valuable and emphasized that detailed gender sensitive analysis of textbooks for ethics will be truly important help to the members of the Commission for assessing compliance of textbooks with ethical requirements.

### 5.3. — STUDY: GENDER ASPECT IN TEXTBOOKS FOR RELIGIOUS EDUCATION IN PRIMARY AND SECONDARY SCHOOLS

Study results showed that **discriminatory contents represent one fifth (19.7%, i.e. 23 out of 117 contents)** of the total number of identified examples concerning issues of gender equality. Textbooks for religious teaching handle some aspects of gender equality in affirmative manner, but there are also a significant number of discriminatory contents present which should be reformulated or removed from these textbooks. Based on this study, the Ombudswoman recommended to the Ministry of Science, Education and Sport the following: to change and remove from textbooks all contents identified as discriminatory, to represent more equal perception of gender roles of women and men, to avoid historically and socially established stereotypes and traditional ideal of a woman as a wife, a mother and a housekeeper, to pay attention to the introduction of contents referring to fatherly love of the child (in order to avoid favoritism for idealized motherly love), to introduce differentiation between spontaneous, legally induced and illegal abortions, and to inform about the regulation of abortion under national legislation.

### 5.4. — ANALYSIS OF REPRESENTATION OF WOMEN AND MEN IN EDUCATION SYSTEM

Generally speaking, women are more successful in the area of education. Women make up a larger share of students who enroll and who graduate from universities.

However, due to the unequal distribution of family and domestic obligations, the percentage of women drops on higher levels of education, apparently because women are forced to choose between continuation of education and starting a family, while the same pattern does not apply to men. Furthermore, there is a clear feminization of educators at the lower levels of education and relative masculinization of the highest positions at universities. Male educators in preschool education are represented by only 1% and as teachers in primary schools by 15.4%. Therefore the Ombudswoman **warned** about huge under-representation of one sex at these levels of education, and **recommended** to all pre-school and elementary schools in the Republic of Croatia, to take into consideration the criteria of under-represented sex during employment procedure.

### 5.5. — COOPERATION IN THE AREA OF EDUCATION

The Ombudswoman accepted the proposal of the Ministry of Science, Education and Sports for her personal involvement in the activities of the Commission for assessing compliance



of textbooks with ethical requirements and was named as one of nine members of the Commission.

The Ombudswoman accepted the invitation of the Agency for vocational education and training and held a workshop for teachers of vocational schools entitled „*Gender equality in the education and on the labor market*“.

The Ombudswoman accepted the invitation of the Faculty of Law in Osijek and held a workshop on gender equality and the jurisdiction of the institution of the Ombudswoman for Gender Equality to the first generation of students of the postgraduate course on human rights.

The Ombudswoman supported the project „Initiative of young men“ of the civil society organization „Status-M“, which is focused on prevention of violence among young men. She gave a speech at the conference „*Masks and masculinities – working with young men on non-violence, gender equality and health*“.



## 6

## MEDIA

*In 2012 the Ombudswoman monitored printed and electronic media, conducted 2 independent studies on gender issues related to the media<sup>30</sup>, acted upon citizens' complaints about media contents, issued public statements<sup>31</sup>, held one workshop for editors of Croatian Radio Television<sup>32</sup>, gave a presentation on an international conference on sexism and stereotyping in advertising<sup>33</sup> and promoted the principles of gender equality through statements, interviews and official website updates ([www.prs.hr](http://www.prs.hr)).*

- 30 „Study on the representation and presentation of women and men on Internet portal covers“ and „Study on representation of women experts on Croatian Television“.
- 31 On topic of sexism in the media, the Ombudswoman gave an interview for Deutsche Welle and public statements in regard to: an article „Parliamentarians picked their Miss of Parliament“, a bank commercial campaign, a stereotypical statement of an editor-in-chief of the Croatian Radio Television and an advertising campaign of a brewery.
- 32 In cooperation with the Educational center of Croatian Radio Television, the Ombudswoman for Gender Equality held a workshop „Aspects of gender equality in programs of Croatian Radio Television“ for 34 editors-in-chief.
- 33 FemCities Conference 2012 – „Ending gender stereotyping and sexist portrayals in advertising“, Brussels, 28.11.2012.



## 6.1. — STUDY ON THE REPRESENTATION AND PRESENTATION OF WOMEN AND MEN ON 514 PORTAL COVERS, I.E. 12,241 ARTICLES WITH PHOTOS ON 9 INTERNET PORTALS<sup>34</sup>

The results of the study on the representation and presentation of women and men in the media, which the Ombudswoman conducted on 514 portal covers i.e. 12,241 articles with photos on 9 Internet portals, showed that 18 years after Beijing Declaration and 9 years after adoption of the Gender Equality Act in Croatia, there is still an abundance of sexism and gender stereotypes in the media. Women are still presented as sexual objects and it seems that the situation is worse than before.<sup>35</sup>

## 6.2. — STUDY ON REPRESENTATION OF WOMEN EXPERTS ON CROATIAN RADIO TELEVISION

The Ombudswoman conducted a study about the views of women experts in different fields of science about invitation by the Croatian Television to participate in talk-shows on topics from their field of expertise and the reasons for (not) responding to those invitations.<sup>36</sup>

## 6.3. — COMPLAINTS ABOUT MEDIA CONTENT

In 2012 the Ombudswoman continued to receive complaints from men and women about sexism in advertising and in media contents. In case of established existence of gender stereotypes and sexism according to these complaints, the Ombudswoman issued warnings and recommendations to the media. Examples of complaints and Ombudswoman's actions can be found in full version of Annual Report for 2012.

## 6.4. — MEDIA REPORTING OF VIOLENCE AGAINST WOMEN

The ways in which certain media report about rape cases is contrary to legal stipulations and regulations of ethical codes of journalism. The example of such reporting in 2012 was the case of brutal rape with devastating consequences for the victim who fell into coma. The media covered this story for days. Some of the media used unverified information, disclosed secret investigation details and emphasized them with sensationalistic headlines

34 3 news portals: Index.hr, Net.hr, T-portal; 3 daily newspaper portals: Jutarnji list, Večernji list, Novi list; 2 television portals: public television (CRT) i one commercial television (NOVA TV); 1 tabloid portal: 24 sata.

35 Detailed analysis and study results in full version of Annual Report for 2012.

36 Detailed analysis and study results in full version of Annual Report for 2012.





and sub-headlines<sup>37</sup> neglecting the basic protection of the victim. Because of that, the Ombudswoman issued a public statement (November 29th, 2012) and warned the editors of the media whose articles were ethically unacceptable. She also asked Croatian Journalist Society and Croatian Medical Chamber to institute appropriate proceedings according to their ethical codes.

## 6.5. — GENDER STEREOTYPES AND SEXISM IN MEDIA CONTENTS

Examples of gender stereotypes and sexism in media contents can be found in full version of Annual Report for 2012.

## 6.6. — MEDIA ABOUT SEXUAL AND GENDER MINORITIES

Issues concerning sexual and gender minorities are well covered by the media, primarily related to the activities of civil society organizations dealing with the protection of sexual and gender minorities and promotion of their rights. **In 2012 the Ombudswoman issued 6 public statements** in regard to individual homophobic statements, cases of violence, violation of rights and the first positive court decision in an anti-discrimination case. The media also reported about 2 round tables which the Ombudswoman organized in cooperation with the British Embassy and civil society organizations about issues concerning sexual and gender minorities.<sup>38</sup> The Ombudswoman also spoke on television and in radio shows about the rights of LGBT persons.

## 6.7. — IMPLEMENTATION OF MEASURES FROM THE NATIONAL POLICY FOR GENDER EQUALITY 2011-2015 CONCERNING MEDIA

Despite certain flaws of the Croatian Radio Television report, it certainly improved in comparison to previous reports from 2010 and 2011 concerning the usage of gender sensitive language, the increased representation of topics related to gender equality and the better recognition of such contents by the employees of Croatian Radio Television<sup>39</sup>.

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- 37 „She was naked in a pool of blood, and R.Š. deliriously stood beside her. He allegedly caused heavy injuries of girl's internal organs by a cracked bottle”, Jutarnji list, 11.19.2012; „Student not raped by a mixer or a bottle: Horrible injuries were caused by hand!” and „R. pushed his hand into the girl's womb almost 50 centimeters deep and pulled out parts of her intestines”, Jutarnji list 11.21.2012; „Doctors suspect the cause of terrible injuries.: unfortunate girl was almost killed by a mixer”, Slobodna Dalmacija 11.20.2012
- 38 Commemorating International Day against homophobia „Legal status of LGBT persons in Croatia” and „Status of same-sex unions – new legal framework”
- 39 In previous reports CRT included traditional customs and soap series as contents concerning gender equality.



Out of all county commissions for gender equality<sup>40</sup>, 15 county commissions did not implement even one measure concerning the media, 5 county commissions and City of Zagreb commission implemented one or more, but not all of them. **Not one commission conducted a content analysis of the media for the purpose of detection of the frequency and types of gender stereotypes.**<sup>41</sup>

## 6.8. — EDUCATION OF MEDIA EMPLOYEES

In cooperation with the Educational center of Croatian Radio Television (CRT), the Ombudswoman for Gender Equality held a workshop „*Aspects of gender equality in programs of Croatian Radio Television*“ for 34 editors-in-chief of CRT. Live stream broadcast was provided for journalists and editors in local CRT bureaus and a recording of the workshop is available on youtube channel of Educational center of Croatian Radio Television. For the first time the advantages of social networking were used in this workshop.

## 6.9. — OMBUDSWOMAN IN THE MEDIA

In 2012, the Ombudswoman issued 18 public statements which were uploaded to official Ombudswoman's web page and printed in daily papers and on Internet news portals. The media covered Ombudswoman's activities with publishing 7 interviews and 181 articles, which is twice as much than in 2011. The Ombudswoman was a guest in 37 radio and TV programs. In comparison to previous years, due to the activities conducted in local communities, many local radio and TV stations reported about authorities and activities of the Ombudswoman for the first time.

**Official web page of the Ombudswoman for Gender Equality** was redesigned and functional by the end of April 2012. Therefore the web statistics refer to 8 months: 54,206 visitors and **1,517,587 hits in 2012** was almost twice as much than in twelve months of 2011.<sup>42</sup>

40 Which are measure holders, in cooperation with civil society organizations of measures 7.2.1., 7.2.2., 7.2.4. i 7.2.6. of the National Policy for Gender Equality 2011-2015.

41 Measure 7.2.6.

42 During 12 months of 2011, the official Ombudswoman's page had 781,270 hits.



## GENDER EQUALITY IN POLITICAL PARTICIPATION

*In 2012 the Ombudswoman participated in several forums organized by women's sections of political parties<sup>43</sup>*

where she talked about the responsibilities of the Ombudswoman for Gender Equality, as an independent body for combating discrimination in the field of gender equality, and practical work based on citizens' complaints. The Ombudswoman also covered the issues of political participation of women in upcoming local elections, political and business quotas, structural discrimination of women in the labor market, gap in wages, traditional family roles, the need for stronger activism of women's civil society organizations in rural areas and more pro-active work of political parties on local levels, especially in rural areas.

The Ombudswoman participated in the presentation of „*Women in Croatian politics 2011*“, a study conducted by the Center for Women's Studies on a sample of 1,201 citizen of Croatia.

**In relation to the Article 15 of the Gender Equality Act the Ombudswoman provided an interpretation** of the legal concept „third regular elections“. Her view was that it referred to the first next election of the members of representative bodies of local (regional) self-government, which was to be held in April of 2013.

The Ombudswoman also recommended to the political parties the candidate list model used in EU, one woman candidate and one men candidate, one after another, because it represents an example of positive measures which provide the basis for balanced participation of women in government.

43 1) Panelist on „Power(lessness) of gender equality policy“ organized by Social Democratic Women's Forum within Political Education for Women's Activism Program, in cooperation with the Association for Development of Social Democracy „New society“ and Friedrich Ebert Foundation; 2) Panelist on „Women and politics – upcoming local elections 2013“ organized by Women Initiative of Croatian People's Party; 3) Panelist on public discussion „Combating violence against women and status of women in society and politics“ organized by municipal organization of Social Democratic Party.



## 8

# NATIONAL POLICY FOR GENDER EQUALITY 2011-2015 – ANALYSIS OF MEASURES IMPLEMENTED IN 2012

*Analysis of the obtained responses of measure holders and co-holders shows that most of the measures contained in the National Policy for Gender Equality 2011 to 2015 were implemented in 2012 at a satisfactory level and by most holders.*

However, certain measures were not implemented or were implemented only partially due to the lack of financial resources by certain holders, but also because of the lack of their activity.

Detailed analysis of measure implementation can be found in full version of Annual Report for 2012.





## 9

## REPRODUCTIVE HEALTH – LAW ON MEDICALLY ASSISTED INSEMINATION

*During the reporting period the new Law on Medically Assisted Insemination was proposed and entered into force<sup>44</sup>.*

Since this is the law that governs the issue of human reproduction, the modification of the existing situation and the proposal for new legislation provoked numerous discussions and opposing views, especially because the effects of such a law extend beyond the boundaries of medical science and influence various segments of ethical, psychological, sociological, social, economic, etc. understanding of the social structure by various social groups. Both laws, the previous one, as well as the current one, are laws designed as legal „medical solutions“ for the regulation of treatment of biological causes of infertility. For this reason, the access to medical insemination is denied to women and couples who have no health barriers for pregnancy. Taking into account the number of women whose infertility treatment is ensured in this way, we can conclude that this regulation allows this treatment to a wider range of people, because, in comparison to the previous solution, it includes also women who do not live in a marriage or a common-law marriage under the condition they cannot get pregnant due to health problems. Although this Law falls into the category of **liberal laws**, there is still an open question how will women whose reproductive organs are physically damaged become mothers. Also, given that the Law is primarily focused on „medical aspects“ of enabling human reproduction, people who cannot or do not wish to exercise their reproductive rights for reasons that have nothing to do with health, are exempted.

A special legal institution which would allow the use of the latest medical breakthroughs in exercising right to parenthood should be established so that the persons of homosexual orientation could also exercise their right to parenthood.

44 Official Gazette no. 86/12.



## 10

# MIGRANT WOMEN AND ASYLUM SEEKERS

*The Ombudswoman participated in the conference „Integration policies and practices – involving asylum seekers and aliens under subsidiary protection into Croatian society“.*

In her speech she pointed out the gender aspect of asylum seekers, gender statistics of women asylum seekers, the need of continuing education and sensibilization of expert staff concerning the rights of persons of homosexual orientation and awareness of giving proportional number of approvals to women asylum seekers compared to the total number of asylum seekers. The Ombudswoman monitors the overall policy of granting asylum, including issues of acceptance and integration of foreigners in Croatia. Asylum seekers are extremely sensitive and vulnerable social group, within which there are even more sensitive and vulnerable social sub-groups, such as pregnant women, mothers with small children, people of same-sex orientation, children, people with disabilities – groups of people exposed to multiple discrimination.

# 11

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

*On 21<sup>st</sup> of July 2011 Croatian Government adopted the National Action Plan for the implementation of UN Security Council resolution 1325 (2000) on women, peace and security and related resolutions (hereinafter NAP) for the period from 2011 to 2014.*

The Ombudswoman obtained reports on the implementation of measures with deadline in 2012 or with continuous period of implementation from all 14 measure holders and co-holders. According to the received information, the conclusion is that the measures were relatively successfully implemented in 2012.



## 12

# LEGAL REGULATIONS – OMBUDSWOMAN'S INITIATIVES

*If a regulation is not in compliance with the Gender Equality Act, the Ombudswoman has the authority<sup>45</sup> to initiate proceedings to amend such regulations.*

With regard to the non-compliance of the Article 129 paragraph 1 of the Rules of Procedure of Croatian Parliament with the Gender Equality Act, the Ombudswoman proposed again to the Croatian Parliament to amend the disputed provision in such a way that the ombudspersons would also have the right to propose legislation. However, the proposal was not adopted.

In this reporting period, the Ombudswoman submitted her views, comments and suggestions on multiple drafts and final bills, as well as on the amendments of laws.

Given the fact that the Ombudswoman noted deficiencies in **Misdemeanor Act**, she submitted her proposals for improvement of protection of domestic violence victims.

The Ombudswoman also submitted her opinion to the Ministry of Justice on the **Draft of the Law on Probation**, concerning the use of gender-sensitive language, the protection of women included in probation during their pregnancy, childbirth and motherhood, and the inclusion of the period of pregnancy and motherhood among the reasons for delay and termination of work. All these proposals were **adopted** and included into the Law on Probation.

The Ombudswoman submitted her opinion to the Ministry of Justice on the **Final Draft of the Law on Amendments to the Criminal Code** and proposed the inclusion of the provision which would ensure the use of gender-sensitive language (accepted by the applicant), and more severe sanctions for certain criminal offenses, if they are committed toward a family member, (not accepted by the applicant).

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45 Per Article 24 paragraph 2 of the Gender Equality Act



The Ombudswoman submitted her opinion to the Ministry of the Interior about the Draft proposal of the **Law on Offenses against Public Peace and Order**, in which she suggested exemption from misdemeanor responsibility of the persons who offer sexual services for money, i.e. who enter prostitution, and to punish the persons who seek or use sexual services for money. This initiative was not accepted.

The Ombudswoman participated, through her representative, in the meetings of the working group for drafting the **Draft proposal of the Law on Amendments to the Law on Social Care** and submitted several proposals to the Ministry of Social Policy and Youth in regards to treatment and status of women victims of domestic violence and members of homosexual orientation and gender identity. The Ombudswoman suggested to the Ministry of Social Policy and Youth the changes of the Rules of Procedures in Domestic Violence Cases for the purpose of improvement of the status of victims of domestic violence, especially in misdemeanor proceedings.





## 13

# COOPERATION WITH CIVIL SOCIETY ORGANIZATIONS AND OTHERS

*In 2012 the Ombudswoman established a good cooperation with civil society organizations, trade unions, media and other social factors and **participated in 71 public discussions**, conferences, round tables, meetings and supports to projects.*

## 14

## INTERNATIONAL AND REGIONAL COOPERATION (32)

*The Ombudswoman participated in 5 international research projects by giving interviews or submitting required information and statistics.*

Concerning promotion of the principles of gender equality and/or rights of sexual and gender minorities, she met in her office with international experts and delegations, or paid them a visit. A good cooperation was established with foreign embassies in Croatia. The Ombudswoman participated in regional and international conferences. For the first time the institution of the Ombudswoman was actively involved in a project focused on trafficking of women and children „Two little girls“ which is conducted in 13 European countries and will commence beginning of 2013 in Croatia.







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OTHER ACTIVITIES  
RELATED TO PROMOTION  
OF GENDER EQUALITY  
PRINCIPLES AND  
VISIBILITY OF THE  
INSTITUTION OF THE  
OMBUDSWOMAN FOR  
GENDER EQUALITY

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*All the activities of the Ombudswoman for Gender Equality are described and uploaded regularly to Ombudswoman's official web page ([www.prs.hr](http://www.prs.hr)).*

Beside activities presented within the areas of authority, in 2012 the Ombudswoman:

- organized 5 public forums (3 round tables<sup>46</sup>, 2 press-conferences<sup>47</sup>);
- visited 13 counties (11 within project „SEE women in European Network for Rural Development“<sup>48</sup> and 2 unrelated to project activities<sup>49</sup>);
- held meetings with 11 head managers of the social welfare centers<sup>50</sup>;
- held meetings with 8 chiefs/chief deputies of the local police stations<sup>51</sup>;
- had presentations on 28, and participated actively on 71 round tables, seminars, conferences, public discussions and other events in organization of state bodies, institutions, international organizations and civil society organizations;
- held 22 lectures/workshops about gender equality principles<sup>52</sup>;
- participated on 9 international conferences and expert gatherings, in 5 international researches (in one of them as national coordinator) and had 18 meetings on international level;
- participated in 10 sessions and thematic meetings of Croatian Parliament committees;

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- 46 12.12.2012. „Women addicts“ in cooperation with the Committee for Gender Equality of the Croatian Parliament and with the support of the Governmental Office for Combating Narcotic Drug Abuse; 16.11.2012. „Status of same-sex communities – new legislative framework“ with the support of British Embassy; 18.5.2012. „Legal status of LGBT persons in Croatia“ with the support of British Embassy and in cooperation with LGBT civil organizations.
- 47 10.12.12. press-conference „Social justice and poverty“ in cooperation with the Public Ombudsperson's office and offices of the Ombudsperson for Children and Ombudsperson for People with Disabilities; 6. 3.2012. in cooperation with three women union groups – presentation of the guide dedicated to union representatives and lawyers „How to recognize gender discrimination at workplace and how to protect oneself from it“.
- 48 Bjelovar-Bilogora County, Varaždin County, Međimurje County, Sisak-Moslavina County, Split-Dalmatia County, Zadar County, Šibenik-Knin County, Karlovac County, Primorje-Gorski kotar County, Koprivnica-Križevci County, Virovitica-Podravina County
- 49 Dubrovnik-Neretva County, Osijek-Baranja County
- 50 Social welfare centers Bjelovar, Varaždin, Čakovec, Hrvatska Kostajnica, Split, Šibenik, Zadar, Karlovac, Ozalj, Vojnić i Slatina
- 51 Police stations: Bjelovar, Varaždin, Međimurska, Hrvatska Kostajnica, Split, Zadar, Šibenik-Knin County, Karlovac County
- 52 18 in cooperation with Police Academy, 1 on Croatian Radio Television, 1 for teachers of vocational high-schools in cooperation with the Agency for Vocational Education, 1 to the students of ethics group from Secondary school for Administration, 1 for the students on Faculty of Law in Osijek.



- cooperated and supported activities of 29 civil society organizations from all over Croatia;
- cooperated with numerous state bodies and institutions, international organizations with offices in Croatia, women forums and initiatives of political parties, legal persons and other ombudspersons' offices.





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# IV

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## CONCLUDING COMMENTS AND RECOMMENDATIONS OF OMBUDSWOMAN FOR GENDER EQUALITY

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*In 2012 the Ombudswoman conducted 7 independent studies, monitored and analyzed the implementation of law provisions and other regulations concerning gender equality, monitored national and European jurisprudence related to discriminatory bases within her authority – sex, marital and family status, motherhood and sexual orientation, and established a pro-active approach towards state bodies, civil society organizations, international organizations and others.*

The Ombudswoman was active on all levels of state and counties including other legal and natural persons and the media. She issued the total of 298 proposals, 133 warnings and 132 recommendations,<sup>53</sup> initiated 2 criminal charges, initiated change of 1 law and 1 bylaw. In her media statements, she also warned about discrimination in various areas. The official web page in only 8 months had 1,517,587 hits which is twice as much than in 12 months in 2011. Because of her presence and media coverage on local level (in 13 counties), the number of discrimination complaints increased **19.5%** in comparison to 2011 which, consequentially, resulted in the increased number of cases in which discrimination was confirmed. Statistics show that citizens file complaints about gender discrimination and that the majority of them are women – **68.7%**.

While the Ombudswoman notes a significant increase in the number of complaints and cases related to discrimination, the conducted study about the frequency of anti-discrimination cases in jurisprudence (of municipal and county courts in Dubrovnik, Osijek, Rijeka, Split, Varaždin i Zagreb) shows that **the number of court proceedings related to discrimination, although rising, is still low**. Since discrimination based on sex is probably one of the most widespread forms of discrimination in Croatian society there is still **a very small number of court proceedings related to sex based discrimination**.

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53 In 2011 the Ombudswoman issued 120 warnings and 207 recommendations.





Complaints to the Ombudswoman related to **employment and work, social security, health and pension insurance**, represent **58.5%** of all cases in 2012. Out of the total number of complaints in this area, **women filed complaints concerning discrimination in 62.5% of cases**. Statistics show **further deterioration of already unfavorable status of women on labor market**. Because of that, the Ombudswoman took an important step in cooperation with three women's section of trade unions. For the purpose of combating harassment and sexual harassment in labor market, in 2012 the Ombudswoman conducted, drafted and published a guide for trade union representatives and lawyers in the area of sexual discrimination and harassment in employment and work: *„How to recognize gender discrimination and how to protect oneself from it“*.

In 2012 the Ombudswoman pointed to discriminatory practice of some institutions toward **pregnant women**, and conducted a study on a sample of 937 women (with the participation of Croatian Employment Service and „Roda“ Association). This study provided credible and direct indicators about the presence of discrimination on the basis of pregnancy, i.e. unfavourable position of women with small children on Croatian labor market. With this study the Ombudswoman contributed to the visibility of the issue as well as to the fuller understanding of this form of inequality of women in Croatia. By this pro-active approach, together with the relevant national authorities, the Ombudswoman managed to bring about the change in the current practice of Croatian Institute for Health Insurance treatment of pregnant women on the basis of labor and social rights.

One of the factors for active involvement of women in the labor market is creating conditions for **balancing private (family) and professional (work) duties**. In fact, we continue to face the low rate of utilization of all forms of maternity and **parental leave by fathers, 2.63%**.

The Ombudswoman approached, with special care, to every complaint related to **domestic violence**. According to the Police Directorate data, in comparison to 2011, there were 2.1% less misdemeanor charges and the total number of victims of domestic violence, according to the Article 4 of the Law on Protection against Domestic Violence, was 22,627 out of which 62.4% were women. Economic violence within a family happens quite often, but its forms are usually not recognized. Results of the study which the Ombudswoman conducted about the implementation of the **protective measures prescribed by the Law on Protection against Domestic Violence** (sample of 500 final misdemeanor judgments) showed that protective measures are seldom applied, in only **10.5% of cases**.

The Ombudswoman signed an Agreement on cooperation with the Police Academy for the purpose of continuous education of police officers about gender sensitivity in domestic violence cases. This Agreement includes educational workshops to be carried out in 2012 and 2013.

Within other forms of violence against women, in public statements the Ombudswoman advocated the improvement of the status and the protection of the **rights of women-victims of sexual violence during war time**, which is one of the most serious violations of human rights of women and a crime without an expiry date.



As in the Annual Report for 2011, the Ombudswoman indicates that the national legislative framework does not meet the requirements of the **legal protection of sexual and gender minorities**, arising from the legal system of the Council of Europe and European Union legal order.

The lack of harmonization of legislation became apparent due to the constant development of European case law in this area. There is a continuing progress in raising awareness of the importance of the police timely and effective suppression of hate crimes against LGBT persons. The Ombudswoman continues to indicate that homophobic statements and hate speech are forbidden.

A good cooperation has been established with British Embassy.

The Ombudswoman also indicated a problem which **transgender people** face in relation to the lack of registration of sex change. The Ombudswoman approached respective governmental bodies to find a solution for this particularly vulnerable social group, and propose measures for solution.

For the first time, this Annual Report includes social groups which face the risk of multiple discrimination: women in rural areas, women addicts, and women infected with HIV, women with disabilities and women in prostitution. The Ombudswoman thinks that these social groups are exposed to a higher risk of violence, poverty, economic dependency on a partner or a family, and are more prone to gender stereotyping, prejudice and stigma.

**Media monitoring** in 2012, as well as the results of the study conducted on 9 Internet news portals, showed that 18 years after Beijing declaration and 9 years after adoption of the Gender Equality Act, the media still perpetuate **gender stereotypes and sexism**, persistently use mostly woman's body as objects in order to attract attention of readers or viewers to other media contents, or for the purpose of valorization of women based only on their physical looks. Media editors and employees still do not understand or accept that the way they present women is a huge obstacle in achieving full gender equality.

In the area of **education** there are significant innovations concerning gender equality education.

Introduction of Civics and Health education with appropriate curricula provided space for integration of contents linked with the areas of the Ombudswoman's authority. Based on two studies the Ombudswoman conducted on school textbooks from ethics and religious teachings, the Ombudswoman pointed out the problem of significant number of discriminatory contents and recommended numerous measures for improvement of primary and secondary school textbooks in regard to education for gender equality. Based on analysis of representation of women and men in the area of education, the Ombudswoman emphasizes the problem of significant under-representation of one sex on certain levels of education (especially male educators in the system of pre-school education).





Women are still under-represented in **political participation**, either on electoral lists or in public presentation of parties or in final electoral results.

In 2012 the Ombudswoman was active in legislative initiatives, gave opinions on legal solutions, and established a pro-active approach towards state bodies for the purpose of respecting guarantees of gender equality prescribed by the Gender Equality Act and EU *acquis*. The Ombudswoman is ready to put her expertise at the disposal of every governmental body, educational institution, company, civil society organization and international organization.

Based on complaint proceedings and conducted studies and analysis, the Ombudswoman issued 35 recommendations which can be found in full version of Annual Report for 2012.

Zagreb, March, 2013

OMBUDSWOMAN FOR GENDER EQUALITY

Višnja Ljubičić, dipl.iur.







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