



**REPUBLIC OF CROATIA
THE OMBUDSWOMAN
FOR GENDER EQUALITY**

**WORK REPORT
2007**

Zagreb, March 2008

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0. INTRODUCTION

The Office of the Gender Equality Ombudsperson as an independent and autonomous body was established on 30 July 2003, under the Gender Equality Act (hereinafter: GEA).

Under GEA (Official Gazette No. 116/03) the Gender Equality Ombudsperson monitors the implementation of GEA, as well as other regulations concerning gender equality.

Gender equality is a fundamental tenet of the constitutional system of the Republic of Croatia.

GEA defines and regulates the modes of protection against gender-based discrimination and mechanisms to establish equal opportunities for women and men.

According to the GEA article 21, paragraph 1, and the article 18 of the Standing Orders of the Gender Equality Ombudsperson (Official Gazette No. 29/04), the Gender Equality Ombudsperson submits regular annual reports on their work to the Croatian Parliament no later than 31 March of the current year.

The current report is the 5th annual report submitted by the Gender Equality Ombudsperson to the Croatian Parliament in the course of her current mandate.

The report on the work in 2007 describes all activities undertaken by the Gender Equality Ombudsperson's Office during the year reported, under the authority and scope defined by GEA.

I. INDICATORS OF THE WORK OF THE GENDER EQUALITY OMBUDSWOMAN IN 2007

Citizens contact the Gender Equality Ombudsperson personally in the Office, by written complaints, and by telephone.

A case file is opened on complainant's demand, on demand of other natural and legal persons (nongovernmental organisations, governmental bodies and offices, boards and commissions for gender equality, and other institutions or individuals), as well as on the initiative of the Gender Equality Ombudswoman herself. In terms of content, the files concern violations of the gender equality principle or gender-based discrimination, civil and familial status and sexual orientation, and the monitoring of the implementation of the Gender Equality Act.

Complainants who contact the office by telephone are registered in the record of telephone calls, which are not individually filed, and are therefore not included in the statistics (on average, there are approximately 30 such calls per week).

In 2007, the total number of cases processed was **1196**, including:

- a) **968** cases opened in 2007
- b) **228** cases transferred from earlier years.

The 1196 cases listed concern:

- a total of 303 cases registered on citizens' complaints, **268** of which are new cases from 2007, and 35 date from earlier periods;
- a total of **18** new cases from 2007, opened at the initiative of the Gender Equality Ombudswoman, in connection to violation of the principle of gender equality or sex-based discrimination of individuals;
- a total of 875 cases, **682** of which are new cases from 2007, opened at the initiative of the gender equality Ombudswoman in order to monitor the enforcement of the Gender Equality Act, that is, on the basis of memos from other institutions, organisations or legal entities, and 193 are from earlier periods.

During 2007, 1124 cases have been closed, of which:

- 272 are cases registered on citizens' complaints;
- 852 are cases opened at the ombudsperson's initiative, that is, on the basis of memos from other institutions, organisations or legal entities.

Graph 1. Display of cases handled in 2007, on the 31st December 2007.

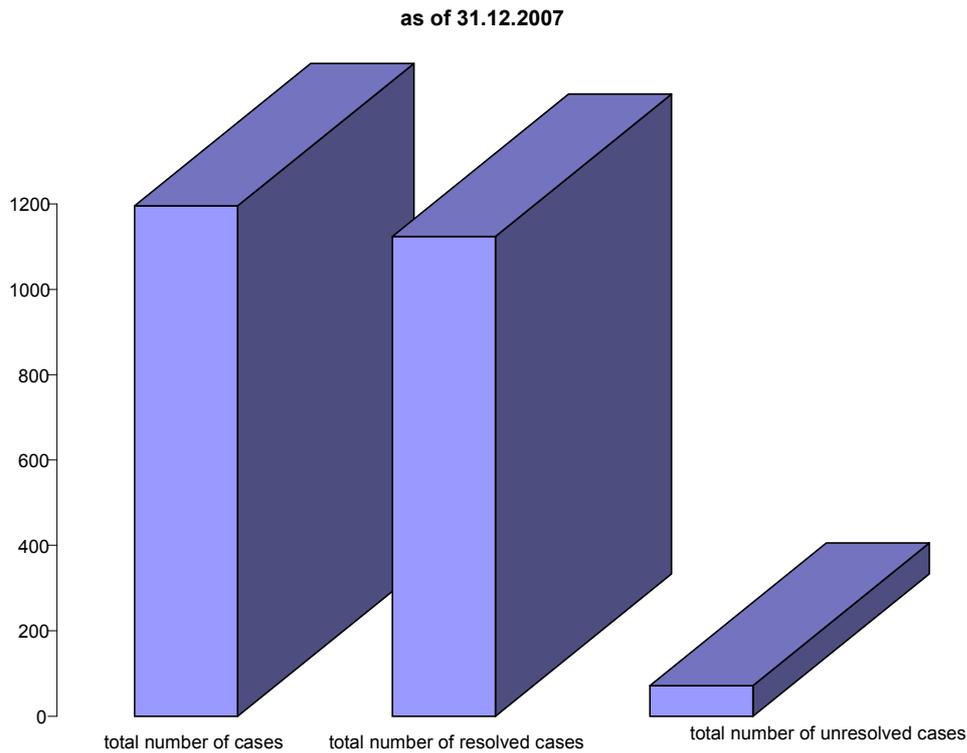


Table 1. shows 968 cases that were newly opened in 2007, sorted by the fields within which the ombudswoman for gender equality had acted.

Table 1. The structure of 968 newly opened cases, by fields

Fields of activity in 2007	Number of cases
1. Employment and work	94
2. Advertising needs for employment	325
3. Parental care, domestic violence and general violence	164
4. Education	15
5. Media	29
6. State bodies, bodies of local and regional self-government with legal entities; legal entities with public powers	281
7. Civil society	19
8. Statistics	7
9. Discrimination - other	34
TOTAL:	968

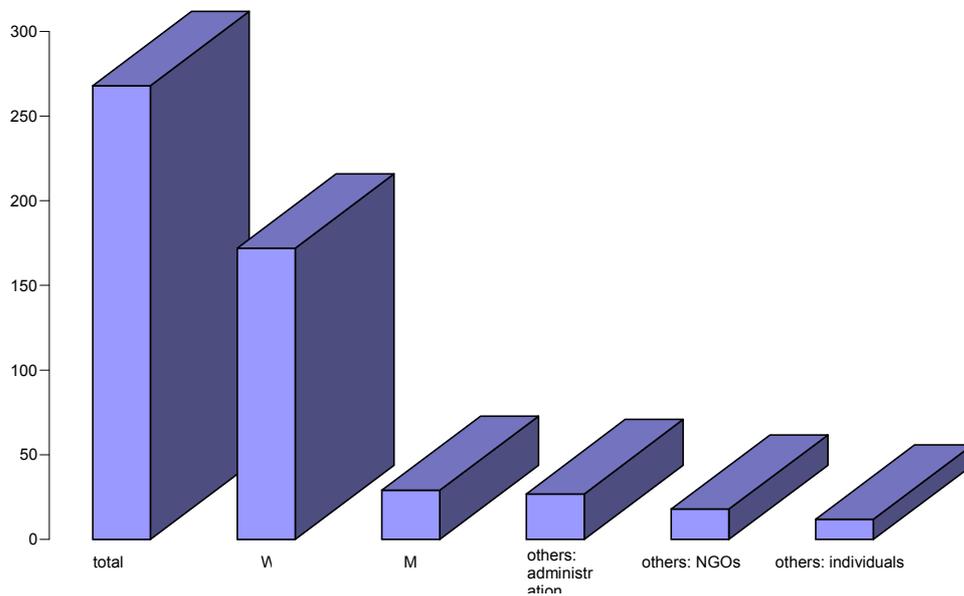
1 THE STRUCTURE OF COMPLAINTS

The data concerns **268** new cases, registered on citizens' complaints in 2007, a 38.86 % rise from 2006.

In 268 cases, the initiative to act came from demands:

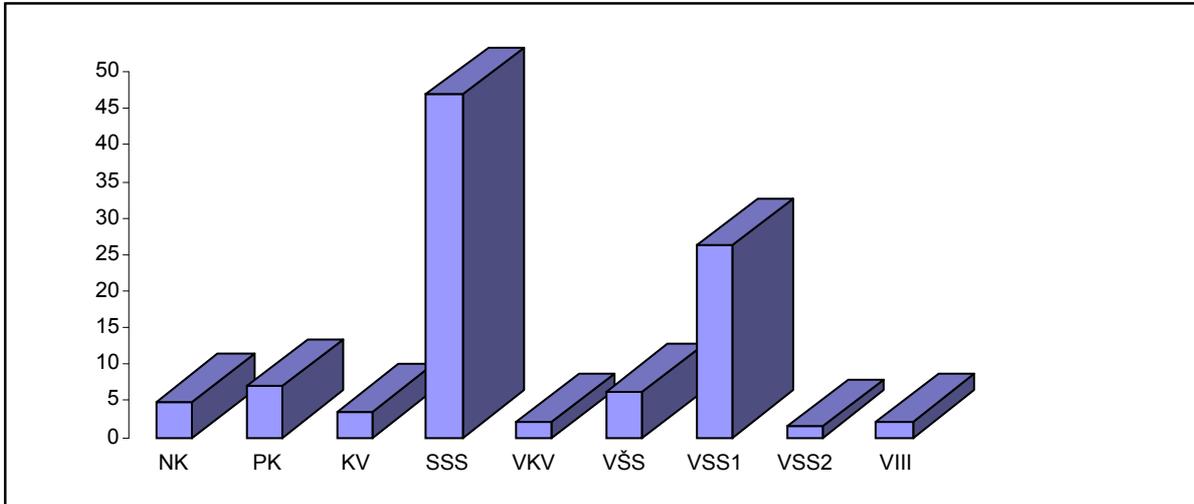
- a) by the victim: women in **172** cases(64.18 %), men in **29** cases (10.82 %);
- b) by others, on behalf of the victim: state bodies and other institutions in **27** cases (10.07 %), non-governmental organisations in **18** cases (6.72 %), individuals in **12** cases (4.48 %), from others' demands in **10** cases (3.73 %).

Graph 2. Cases by sources of complaints



Percents of affected persons, by professional qualifications: 4.82 % low-skilled (NK), 6.90 % half-skilled (PK), 3.45 % skilled (KV), 46.90 % with intermediate clerical qualifications (SSS), 2.07 % high-skilled (VKV), 6.21 % higher-school-educated (VŠS), 26.21 % university-educated VSS1), 1.38 % persons with an MA (VSS2) and 2.06 % with a PhD (VIII). In 2007, persons with masters' and doctoral degrees, as well as medium-skilled persons, emerge for the first time.

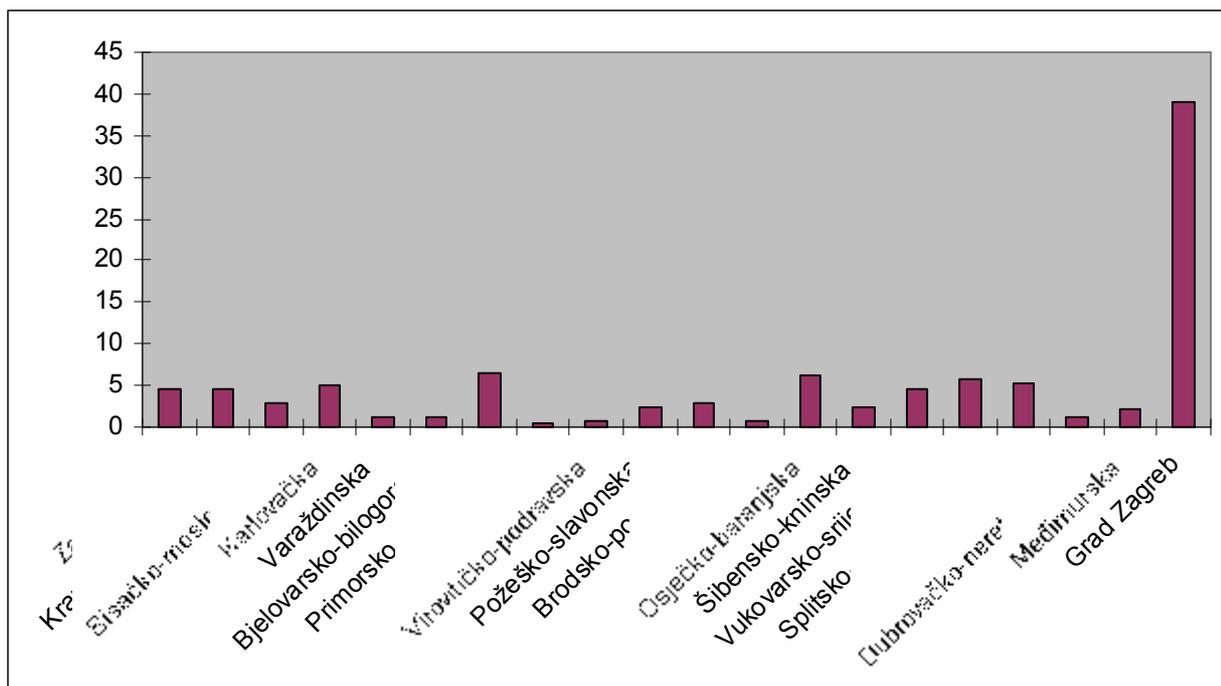
Graph 3. Overview of complaints based on professional qualification of the damaged person/s.



Based on status of employment, the damaged persons were: 41.40 % working on indefinite term contracts, 14.18 % unemployed, 5.20 % in fixed term employment, 3.40 % retired, while 35.82 % data remains unknown.

By age, the damaged persons were: aged 18-24 – 6.72 % of cases, aged 25-34 – 30.60 % cases, aged 35-44 – 33.58 % cases, aged 45-54 – 17.91 % cases, aged 55-64 – 7.46 % cases and aged over 65 – 3.73 % cases.

Graph 4. The structure of newly-opened cases in 2007, based on damaged persons' residence by county and in the City of Zagreb



Like in the previous years, the Ombudswoman for gender equality received complaints from persons from the whole territory of the Republic of Croatia; most of the complaints came from the City of Zagreb.

2 STATISTICAL DATA

Data is gathered and analysed by: gender-based discrimination, marital or family status and sexual orientation.

Basis for discrimination: gender 239 (89,18 %), family status 14 (5,22 %), marital status 7 (2,61 %), and sexual orientation 8 (2,99 %).

In relation to 2006, the number of complaints about discrimination based on family status and sexual orientation has risen, while the number of those based on gender and marital status has fallen.

Complaints have concerned:

- family violence in **81** cases (30.22 %)
- harassment in **62** cases (23.13 %)
- parental care in **47** cases (17.00 %)
- sexual harassment in **12** cases (4.48 %)
- other (employment, education, other) in **66** cases (24.63 %).

Discrimination in work and employment

Viewing the cases concerning the field of employment and work in their own right, discrimination took the form of: harassment in 39,71 % cases, sexual harassment in 13,24 % cases and other forms of discrimination in 47,05 % cases.

Complainants were:

- workers in 73.53 % cases,
- clerks in 22.06 % cases,
- other employed in 1.47 % cases, and
- unemployed in 2.94 % cases.

After acting on the complaints, the Ombudswoman issued 51 warnings (4.1 % increase on the 2006 figure), 43 recommendations (21.7 % reduction on the 2006 figure) and 46 proposals (283.3 % increase on the 2006 figure).

3 THE STRUCTURE OF REMAINING COMPLAINTS THAT WERE ACTED ON IN 2007

Of 875 cases that weren't citizens' complaints:

- in **325** cases opened on the ombudswoman's initiative (in monitoring the implementation of the Gender Equality Act in the field of employment), the ombudswoman issued the same number of warnings (art. 13, para 2 of GEA);
- monitoring the implementation of the Council of Europe Campaign against violence against women, including domestic violence, the ombudswoman issued 140 recommendations for creating local programmes.

II. ANALYSIS BY FIELD OF WORK

1 EMPLOYMENT AND WORK

In 2007, the Ombudswoman has received and reviewed a larger number of complaints concerning discrimination in the field of work and employment than in previous years. However, the real situation concerning discrimination in this field is still not reflected in the increased number of complaints – as confirmed by the existing research, including scientific studies, numerous surveys and statistical data. Namely, it follows from the studies, surveys and statistical data as well as complaints addressed to the Ombudswoman, that in the Republic of Croatia discrimination based on gender is present both in the work-place and in employment. The reason behind the fact that the discrimination is still rarely reported, which includes court proceedings, should primarily be ascribed to the fear of losing one's job or of worsening position at work, to apprehension and embarrassment in cases of sexual harassment, to an ignorance of one's rights and the possibilities of their protection, and to a lack of judicial practice in cases of discrimination.

As in earlier periods of reporting, the greatest number of complaints concerned discrimination against working persons. According to the filed complaints, mostly made by women, discrimination is present in the public sector, including state bodies, as well as in the private sector.

Among the visible forms of discrimination, harassment at work should be given special mention. It is linked to complaints concerning: unlawful fixed-term work contracts, unlawful overtime work, unlawful dismissals, preventing promotion at work, blocking access to professional development and training, closing complainants' jobs, transfers to lower-wage jobs, unlawful employment without a working contract (legitimate employment) and other violations of the Labour Act provisions. If there were violations of the Labour Act provisions, the Ombudswoman, apart from demanding a report and documentation from the employer, contacted State Inspectorate demanding that it do the check.

Examining employees' complaints concerning harassment at work and the legally specified procedure for protecting workers' dignity, the Ombudswoman has noted the following:

- complaints in this field are only made by women;
- women rarely make the decision to make a complaint to their employer to protect their dignity, out of fear from possible negative consequences that this might entail for them, or because they believe the employer will not, or won't wish to, correctly implement such a procedure;
- complaints to employers for the protection of dignity are also rare because workers aren't well enough informed about the procedure, nor about the existence and the official competences of the person authorised to receive and address complaints concerning the protection of workers' dignity, and therefore have no knowledge of their rights and the procedures related to the protection of these rights;
- in cases when the workers did issue complaints to protect their dignity, employers conducted procedures in which the violation of dignity most often wasn't ascertained;
- employers on whom the Labour Act directly applies, and who were obliged to arrange in their internal regulations a procedure and measures of protection of workers' dignity, and to nominate a person authorised to receive and address such complaints in their stead, did so in most cases;
- before 19th September 2007, when the government of the Republic of Croatia and the public sector unions concluded the Agreement on the Protection of Civil Servants' and Clerks' Dignity (Official Gazette No. 98/07), the majority of state and regional self-government bodies hadn't provided for a procedure and measures of protection of workers' dignity in their own regulations;
- prevention and more instances of good practice are lacking.

As before, in this period of reporting, the Ombudswoman has received complaints concerning the violation of rights to the protection of motherhood. Examining these complaints, the Ombudswoman has noticed that employers still most frequently violate women workers' rights

in the following ways: they don't offer pregnant women new fixed-term work contracts once they learn of their pregnancy; they unlawfully cancel pregnant women's indefinite term work contracts; they transfer women workers to different workplaces following their return from maternity leave; are generally discriminatory towards women workers returning to work following maternity leave.

Gender-based discrimination starts already in hiring employees, that is, in the very advertising the vacancy, by stating gender in the job advertisement as one of the conditions of getting the post, or by not stating that persons of either gender may apply for the post (about which there is a separate account in this report).

However, in this period of reporting, it was mostly men who made complaints concerning discrimination in employment to the Ombudswoman.

Although official statistical data and studies in the Republic of Croatia show that on average women are paid less for their work than men, in 2007, the Ombudswoman hasn't received a single complaint concerning pay inequality, even though that most certainly was one of the forms of gender-based discrimination. The reasons for this may lie in the particular difficulty of establishing that such discrimination exists and pay secrecy. Such discrimination is often subject to litigation in the European Union countries, whereas in Croatia it is the trade unions that draw attention to it.

It has been noted that some complainants, who have learned about the Ombudswoman's powers in the course of the judicial procedure, give up their complaints, or demand that further action be put on hold while they attempt to solve the issue by conciliation, according to the acquired information about their rights and the possible means of their protection. Namely, the Ombudswoman cannot conduct a legal action without contacting the employer, in which case the complainants fear the possible consequences, such as continuing discrimination or losing their job. Further reasons for this are the slowness of the justice system, as well as the fact that in 2007 a law enabling the provision of adequate free legal aid still hasn't been passed.

Considering the important role trade unions should play in defending workers' rights, their increased activity around issues of discrimination should be desirable, particularly concerning their advocacy to have collective agreements fitted with regulation regarding the improvement of women's work conditions, that is, benefits aimed at harmonizing professional and family responsibilities.

In conclusion, although there exists a relatively satisfactory legislative framework protecting from discrimination at work, it is obvious in practice that the current legislative system, with its inbuilt mechanisms of protection, isn't powerful enough either to prevent, or to inhibit and preclude discrimination.

1.2 COMPLAINTS MADE TO THE OMBUDSWOMAN

1. CASE DESCRIPTION (PRS-01-03/07-09): Complainant K. P. G. from Z. states in her complaint that she was supposed to return to work in the week following maternity leave, but that she was told by her employer's, A. M. Ltd. from Z., personnel office that they don't know what to do with her, and that she won't be able to continue the work she was doing before going on maternity leave, since they had already hired another person for her job on an indefinite-term contract. Considering the fact that the employer still hadn't transferred the complainant to a different workplace, but had only hinted at the possibility, the complainant has asked for advisory assistance about proceeding in such a situation.

MEASURES TAKEN: The Ombudswoman has informed the complainant of her rights, that is, that she has the right to return to the work she had been doing before going on maternity leave, and with the possibilities of protecting her rights. Afterwards, the complainant has informed the Ombudswoman that she had had a conversation with her employer, in which she invoked her rights. The conversation ended with a positive outcome for her, and she was reinstated to the workplace where she had worked before going on maternity leave.

2. CASE DESCRIPTION (PRS-01-03/07-14): B. K. from S. made a complaint to the Ombudswoman about gender-based discrimination in employment. He stated that on the 9th of March 2007, job vacancies for six higher physiotherapists in the Clinical Hospital in S. were advertised on the internet website of the Croatian Employment Service, and he applied. Since he received no reply from the CH S., he personally went to their personnel office, where he was informed that he didn't get the job. Upon inspection of the documentation, he established that all the six candidates accepted for the job of higher physiotherapist, as decided by the director of the CH S. were women, even though, in his own words, he is the better candidate for the job than the chosen candidates. He also invokes the provision from art. 2 of the Labour Act, which states that in cases where candidates are equally qualified for employment, the employer is obliged to give precedence to the underrepresented gender (among higher physiotherapists in the CH S., it is men).

MEASURES TAKEN: Having acquired and examined the reports and documentation from the CH S., the Ombudswoman has concluded that the complainant was not discriminated against on the base his gender in hiring, as it followed from the documentation that the six women candidates who were hired met the conditions for the job, and that the conditions or criteria for hiring were not different for the complainant than they were for the accepted candidates. It also follows from the KB S. report that all candidates were sent written notices about the results of the applications. However, the Ombudswoman issued a warning to the CH S. regarding the fact that all the candidates who applied for the job filled out the "Questionnaire for the application candidate", which contained a field under the heading "Civil state", suggesting that they give information on their marital status, thus violating a provision from art. 27, para 1 of the Labour Act. It is precisely this situation, in which an employer, while hiring, asks for data which aren't directly connected to the job, that may lead to prohibited discrimination based on marital status, as in art. 6, para 2 of the Gender Equality Act. The employer is also recommended in their future work, when hiring, to keep track of equal representation by gender of candidates who apply for the jobs. Concerning the provision in art. 2 of the Labour Act, it was part of the Act on Amendments to the Labour Act (OG No. 17/01), but became obsolete with the adoption of art. 3 of the Act on Amendments to the Labour Act (OG No. 114/03), which came into effect on the 27th July 2003, which means that the current Labour Act provisions no longer prescribe the employers the aforementioned duty.

3. CASE DESCRIPTION (PRS-01-02/07-03): The Gender Equality Committee of the Croatian Parliament has forwarded the Ombudswoman an anonymous complaint by women workers employed in the Treatment section of a penitentiary institution, whose complaint concerned general and sexual harassment at work. According to the allegations in the complaint, for some time the workers had been forced to suffer demeaning jibes and jokes by a male colleague about women's incompetence, as well as about their looks, clothes and behaviour, which got worse with every day. Namely, almost all conversations with said colleague drift towards the subject of the female sex and mocking their physical attributes and incompetence, which stems solely from their being women. The case was reported to the head of the Department and the director when that same colleague placed photographs of naked bodies and erotic texts on the table belonging to the two workers, who had been preparing a lecture. According to the allegations in the complaint, they did nothing to protect the workers' dignity. Finally, it is mentioned that the complaint bears no signature because the complainants are afraid of losing their jobs.

MEASURES TAKEN: Having acquired and examined the reports and documentation from the competent ministry, the Ombudswoman has established that, on her request, the ministry did undertake measures aiming to investigate whether the anonymous complaint had been founded, and, after it had been established that sexual harassment had taken place, took adequate steps against the perpetrator. Namely, having carried out control monitoring the following has been established: that, contrary to art. 11 and 12 of the Civil Service Code of Ethics and to the Gender Equality Act, the official has offended the women officers' dignity by jibes and jokes in the course of their service, that he sexually harassed the women officials by jibes and jokes of a sexual nature, as well as by giving the officials copies of a drawing of a naked man and an erotic poem, as this has exposed them to embarrassment and a demeaning environment, which is behaviour contrary to the art. 8, para 3 of the Gender Equality Act. Therefore, a request was issued to the Civil Service Tribunal to initiate a process for grievous breach of line of duty.

4. CASE DESCRIPTION (PRS-01-02/07-06): In a complaint regarding discrimination in work, complainant J. K. from K. states that from 1989, when she finished train dispatchers' school, until 1995, she worked as a train dispatcher in several Traffic stations, where no one ever treated her differently only because she was a woman. When the railway line from Zagreb via Knin to Split was opened in 1995, Croatian Rail workers volunteered to come to work in this area. In August 1995, the complainant took the same voluntary route and came to work in K., where her problems began. She had an administrative order for the job of train dispatcher, yet she was forced to work as cashier, and as road conductor. She often heard her superiors claim that, as a woman, she wasn't capable of performing a train dispatcher's work. Finally, after a year, she started doing work fitting the job she had been assigned to (train dispatcher). However, the problems continued. She experienced disagreeable behaviour by her superiors, but also by subordinate workers. On one occasion, traffic instructor A. Š. told her that he will not rest until he has removed her from K. Manoeuvre handler A. B. also threatened her, saying: "If you say as much as a word to me, I'll break your spine", and on the 13th April 1997, in the traffic office, he hit her in the head and pulled her by the hair. The case is still in court, and the complainant states that she also sued her employer. Following this, even greater pressure was heaped on the complainant, such as unwarranted reports to the authorities, threats that she wouldn't work again, that she'd be transferred to the M. railway station in L. (which has no water, electricity or bathroom); she was taken to task regarding "the length of her skirt (whether it was too short or too long), her hairstyle, makeup, nail varnish", and received sexual advances. In 2002, the complainant became assistant chief of the railway station. She states that the reason for her promotion was the withdrawal of all male candidates, which meant the superiors were left with no other choice but her. She remained in this position from the 19th January 2002 until 31st January 2007. She then withstood the degradation of being demoted to the position of train dispatcher. Her superior, J. Š., told her personally that this happened because on the 14th December 2006, she was elected as branch trade union commissioner, notwithstanding the fact that there is no legal basis for such action, as he himself knew well. The complainant believes that she was discriminated against on the base of her sex, as her trade union predecessor held a similar position to hers, yet, unlike her, didn't experience any such problems. The Croatian Railway Workers' Union (CRWU) has also been acquainted with the whole case. In the meantime, the Women's Section of the CRWU has notified the Ombudswoman that a copy of her memo (in which segments of the text were highlighted with a felt-tip pen), which was sent to the director of Croatian Railways Infrastructure Ltd., had made its way to the Traffic Office in K., where the complainant herself found it hanging from her locker, because of which they required that the report be updated. The aforementioned memo from the Women's Section poses the question whether such practice aims to mark the complainant among her colleagues as a troublemaker, because she dared to seek legal protection.

MEASURES TAKEN: The reply by the CR-I director states that all the allegations from the complaint received from J.K. were examined, and that it was established that they aren't true. In the amendment to the report, it is stated that the number of people frequenting the room where faxes are received make it impossible to ascertain which worker had copied the memo and attached it to the complainant's locker. They also state that J. K. never submitted either a written or oral complaint about harassment at work or gender-based discrimination, as was established by checking the official correspondence documentation.

The Ombudswoman issued a warning to the employer regarding the fact (as stated in the Union memo) that immediately following her election to the post of Croatian Railway Workers Union commissioner for the K. branch, the traffic manager asked to talk to her, demanding that she decide whether she wanted to remain assistant station chief or be a trade union commissioner. Such practice directly violates provisions in Labour Act art. 2, 4 and 190, art. 1 of the Croatian Railways Regulations on the Measures and Procedures for the Protection of Workers' Dignity, and art. 17 of the Treaty on Rights and Duties between the CR and the Union. Although it is stated that the complainant was returned to the post of train dispatcher due to the cessation of the circumstances that conditioned the temporary assignment to the post of assistant chief of station, the situation in which she was to be transferred because of her election as trade union representative would not only be discriminatory according to the Labour Act, but would also imply a breach of the principle of gender equality as contained in the Act, as, being a woman, the complainant wasn't guaranteed equal opportunities to realize her rights, bearing in mind the fact that her predecessor didn't have any problems performing

the function. The Ombudswoman also warned that, having received the Union complaint, the employer didn't use an adequate procedure, as stipulated in art. 30 para 6 of the Labour Act, to examine the complainant's allegations of discrimination.

The employer was also issued a warning concerning the fact that complainant J. K. suffered damaging effects from her addressing the Ombudswoman with a discrimination complaint, after which event she found a copy of the Ombudswoman's memo with her own quotes highlighted with a felt-tip pen attached to her locker. In terms of the 4th art. of the Labour Act, such treatment of the complainant represents harassment as unwanted behaviour aiming to violate, or de facto representing a violation of, a person's – worker's – dignity, creating fear or an inimical, degrading or insulting environment. In the specific case, in accordance to art. 30 of the Labour Act, the employer was obliged to protect the complainant's dignity at work by taking preventive steps including withholding the sent memo from the majority of workers, excepting those who have received the memo in order to give their statements, that is, the starting point should have been the assumption of the possibility that said memo might be misused, as the fax machine was accessible to a large number of workers.

In her recommendation to the CR-I Ltd., the Ombudswoman demands that in the future, if a complaint about workers' harassment and the protection of their dignity is received, it should be considered as prescribed in art. 30 of the Labour Act, including taking preventive steps aiming to protect workers' dignity, as well as that, according to art. 11, par 2 of the Act, they should make an Action Plan for furthering and establishing gender equality.

5. CASE DESCRIPTION (PRS-01-02/07-04): The Ministry of the Family, Veterans' Affairs and Intergenerational Solidarity has forwarded the Ombudswoman the complaint from D. Š. from Z., in which she alleges that her employer, MD-K Ltd., intended to terminate her work contract having learned that she was pregnant. She claimed that her superior sent her text messages stating that she will lose her job because of her pregnancy.

MEASURES TAKEN: Having examined the employer's statement and inspected the whole documentation, the Ombudswoman has warned the employer that terminating the complainant's work contract during pregnancy or maternity leave, or 15 days following pregnancy or maternity leave, would not only represent a violation of the provisions of art. 77 of the Labour Act, but gender-based discrimination, which is prohibited by the provision in art. 6, para 2 of the Gender Equality Act. Besides, she warned that the complainant's letter to the director of the firm, in which she complains about a superior's behaviour, hadn't been taken into consideration, and advised that, with the aim to protect workers' dignity, in the future she ought to take her employees' complaints about harassment or gender-based discrimination into consideration, notwithstanding the fact that, according to art. 30, para 5 of the Labour Act, the company, which employs only 12 workers, isn't obliged to name a person other than the employer bound to receive and address complaints in order to protect workers' dignity. The State Inspectorate has notified the Ombudswoman that it had issued a demand to initiate offence proceedings against the employers, on account of several breaches of the complainant's labour rights, including her working for 15 days without having been registered for pension and health insurance.

6. CASE DESCRIPTION (PRS-01-02/07-07): Complainant Š. B. B. from Z. has contacted the Ombudswoman because of discrimination at work. She states that for 23 years she had been employed as an engineer in the commercial enterprise T.d.d. from Z., and finds the following to be discrimination: as a woman, she was denied promotion at work, as a single mother of two, she didn't receive adequate protection, she was transferred several times, by changes to her work contract, or even without them. The immediate reason why she contacted the Ombudswoman was her problem with a colleague with whom she shares her workspace, who often comes to work under the influence of alcohol, when he is given to swearing, hurling insults, shouting and disturbing her at work. She states that on several occasions she demanded protection from her superiors, but they took no specific steps. The complainant states that she fears being transferred, as the colleague who harasses her has the protection of the general director (they have known each other since they were students).

MEASURES TAKEN: The Ombudswoman has informed the complainant of the Ombudswoman's jurisdiction and of the rights she has, including procedures for the protection of dignity. Afterwards, the complainant issued a complaint for the protection of dignity to her employer,

also referred to the Ombudswoman, whom she also informed that the employer has transferred the colleague who had harassed her, thus ending contact between them.

7. CASE DESCRIPTION (PRS-01-02/07-11): Complainant B. Š. from Z. made a complaint to the ombudsman, stating that, as state official in a ministry, she was harassed at work by her superiors and discriminated against on the base of her gender.

MEASURES TAKEN: Having acquired and examined the report and other relevant documentation from the ministry, the Ombudswoman has determined that there was no violation of the principles of equality, or gender-based discrimination in that specific case. The Ombudswoman has based that conclusion on the fact arising from the available documentation – that the complainant made her complaints and remonstrations to her superiors because, in her words, she was doing two workers' jobs in her workplace following one official's retirement, due to the unbalanced redistribution of work to other officials in the Department and the Service where she works. Therefore, in the specified case this points to a possible breach of working rights, rather than gender-based discrimination. Besides, the available documentation shows that the Civil Service Tribunal and the Higher Civil Service Tribunal have declared her responsible for refusing to fulfil her work obligations during 2005 and 2006, for refusing a superior's written order.

8. CASE DESCRIPTION (PRS-01-02/07-19): Complainant N. P. from Z. made a written complaint to the Ombudswoman, stating that she was discriminated against based on her sex by the employers of the company where she works, H. P. plc. The employees, following the Corporate Security Service's inspection in the office which she manages, stated in their amendment to the report that the complainant "also doesn't fit the image that a company office manager should have with her appearance and dress". The complainant states that the employers probably made such a statement in their report because she is overweight, from which she assumes that she is discriminated against as a women, as this was an allusion to her physical appearance, and also because this statement of theirs was made available to the public.

MEASURES TAKEN: Having acquired and examined the report and documentation from the employer, the Ombudswoman didn't establish that the complainant had been discriminated against based on her gender. It is visible from the documentation that following the corporate security monitoring of the Office where the complainant is manager, the report clarifies the statement about the unsuitability of the complainant's appearance with the words "This means that she arrived to her workplace looking exceptionally untidy and dishevelled (visibly unwashed hair, stained sweater, official shirt so crumpled that it was definitely not suited for wearing). It is especially important to emphasise, seeing as the Office is situated in a facility which houses various municipal and state services, among them the Ministry with which the company belongs." The available documentation shows that, in the context of monitoring all the company offices, the workers in the Corporate Security Service of the company concerned were obliged to give a general impression of the offices, workers, including their managers. Besides, it was established that the employer, that is, the person authorised to receive and address complaints for the protection of the concerned company's dignity, considered the complaint received from the complainant and, having implemented the procedure and acquired written statements from employers in the complainant's Office, concluded that the complainant wasn't discriminated against based on her sex. In so doing, it was taken into account that the corporate security officers were extremely respectful and professional in monitoring, and didn't use any verbal expressions to insult the complainant, which she herself had confirmed in her written statement. The submitted documentation also shows that the concerned company's corporate security officers' amended report, which contains the problematic statement, wasn't made public as the complainant pointed out in her statement, because it was only delivered to the complainant by registered mail, as well as to the company executive director and his assistant, and also that, regarding its contents, the report is considered confidential.

9. CASE DESCRIPTION (PRS-01-02/07-14): The Ombudswoman received a complaint from A. R. from S. B., working as a cleaning woman in the company R. ltd., about discrimination at work. The complaint states that she was humiliated when doing her work solely because she is a woman. To a large extent, the company where she works employs men. It is because of this situation that she considers her working conditions particularly degrading for a woman, with no designated sanitary facilities and changing room for women.

MEASURES TAKEN: In his report to the Ombudswoman, the employer firmly rejects all the complainant's allegations of gender-based discrimination in the workplace. He highlights and supports with documentation (especially with minutes of meetings which the complainant has herself attended) that an adequate space was arranged for the complainant, complete with women's toilet and changing room, that the complainant was informed of this both orally and in writing, and that she accepted the keys to the rooms. They also mention that they haven't yet made an action plan for promoting and establishing gender equality. Having seen all the available documentation, the Ombudswoman didn't find that the complainant was discriminated against based on her gender.

However, the Ombudswoman warned the employer that discrimination at work can also be seen through the prism of working conditions (including sanitary facilities and women's changing rooms), and recommended they form an action plan for promoting and establishing gender equality.

OUTCOME: The company R. ltd. has informed the Ombudswoman that it has made an action plan for promoting and establishing gender equality, with a copy attached for inspection.

10. CASE DESCRIPTION (PRS-01-02/07-08): A group of workers in the company P. plc. from K. has made an anonymous complaint to the Ombudswoman about their problems with the employer, and about working rights violations. They are resentful about the situation they find themselves in, and set out many irregularities in their firm's functioning, for which they blame the director. They are forced to work overtime without remuneration, they don't receive travel reimbursements and are not allowed to use their annual vacation for 2006. They are under constant pressure from their employer barring them from joining the trade union. She doesn't even shy away from threatening to terminate the work contracts of those who do join a certain trade union, while promising a pay rise for refusing to join the trade union. The workers state that the situation is unbearable and ask for help.

MEASURES TAKEN: Apart from the report and documentation from the problematic firm, the Ombudswoman also requested the State Inspectorate report and minutes on the inspection of the company. In her report to the Ombudswoman, the director of P. plc. dismissed all the allegations in the complaint. The State Inspectorate's reply from 2nd April 2007 states that during 2006 and 2007, there were neither reports nor inspections of the aforementioned employer concerning the occasion of the workers' overtime work and disallowing the use of leave for the year 2006. Concerning withholding payments of overtime wages, the Inspectorate has informed the Ombudswoman that it isn't authorised to address individual workers rights, including paying overtime salaries or any other kind of remuneration, as this falls under the exclusive court jurisdiction. They also have no jurisdiction to act or deliberate in case of possible discrimination. The inspection monitoring that followed the Ombudswoman's memo has established that the employer disallowed a worker to use her leave for 2006 in the duration of a minimum of 12 consecutive days. Therefore, the inspector has issued a request to initiate court proceedings against the employer and responsible person to the competent minor offence court. The Ombudswoman has recommended to P. plc. to guarantee their company workers equal opportunities to realize all their working and work-based rights in the future, which would ensure real gender equality.

11. CASE DESCRIPTION (PRS-01-02/07-20): In her complaint, the complainant J. D. M. from S. accuses her employer, Č. V. ltd., of discriminating against her as a woman and single mother, and that he led to her losing her job. She had been employed in the Č. V. ltd. company since 1992, initially having worked in ticket sales. A serious illness forced her to spend three years on sick leave, and when she returned she faced termination, which, as a single mother, she couldn't accept, so she agreed to accept the job she was offered, bus-cleaner. When she joined the trade union, the complainant came under even more fire, and she was soon transferred to a new workplace, where she did the same job, but in much harder working conditions. She makes special mention of an event that took place on the 24th May 2007, when the driver M. M., also employed by the firm, verbally and physically assaulted her. She highlights that the situation in which she was attacked, and because of which she has suffered health problems, has been used against her, to immediately terminate her work contract. She was shocked by the fact that, although as a woman she was attacked and beaten by a man at her workplace, her employer didn't provide her adequate protection, but further discriminated against her as a victim of violence. In spite of the trade union's opposition, her work contract has been terminated. Thus, the complainant's health and future existence were

imperiled. She is also disheartened by the fact that, through the employer's guilt, her basic health insurance rights based on injuries at work weren't recognised.

MEASURES TAKEN: The employer's statement points out that the complainant's work contract was terminated because her behaviour had disrupted human relations in the firm to such an extent that work could no longer function in her presence. They also point out that their claims were substantiated by the Croatian Health Insurance Institute, which has ruled in the administrative proceedings that the complainant's claim about injury at work is rejected. The employer thinks it important to emphasise that, following the aforementioned events, the complainant has married for the second time, and that it is untrue that she is a single mother. Having examined all the documents, the Ombudswoman issued a warning to the Č. V. Ltd. company. Namely, the report and documentation (especially medical and police documentation), show that the complainant had been physically hurt at work. Unlike her, worker M. M., who had been given notice precisely due to the fact that he had beaten up the complainant, was reinstated pending the legal validity of the ruling in the second instance proceedings. The Ombudswoman also issued a warning to the employer because of the fact that, as a woman, the complainant was physically injured at work, by the hand of another employer – a man, and that the employer has failed to establish this in a special procedure for the protection of workers' dignity based on the Labour Act, and to undertake adequate actions and measures to protect her. It is evident from the employer's report and documentation that he considers the complainant responsible for the injuries inflicted on her, since, allegedly, she herself had taunted her attacker, which means that, in fact, the employer considers that the victim of violence is responsible for the violence. This attitude from the employer led to the Croatian Health Insurance Institute ruling against the complainant, since, according to the provision in art. 5 para 1, an injury caused by the person themselves, or that occurred due to negligent or irresponsible behaviour in the workplace cannot be considered an injury at work. However, this is contradicted by medical documentation which makes it evident that the complainant was physically assaulted, as well as the report to the Municipal State Attorney, charging M. M. with inflicting grievous bodily harm. The CHII ruling, invoked by the employer, is based on allegations by the same employer that fired her, which were later altered, so that he interprets her injury as caused by her own behaviour. The employer's first report pointed to an injury at work. The complainant was a single mother, and the fact that she had recently gotten married for the second time (which the employer thought important to highlight) doesn't change the fact that her children had remained fatherless, that she herself was seriously ill and therefore spent three years on sick leave, or that at the time of her dismissal she had been in work for 34 years and was on sick leave due to physical injuries sustained at the workplace. The employer was warned that the person reported by the police as the perpetrator of the violence against the complainant is still in employment with Č. V. Ltd., while the victim of the violence has lost her job. The employer's duty has always been to conduct the legally specified procedure for the protection of dignity in order to establish the facts, which was not done. The Ombudswoman has especially warned the employer that in his regulations, he didn't establish a worker protection procedure in a clear and adequate way, especially regarding modes of pursuing proceedings.

12. CASE DESCRIPTION (PRS 01-02/07-17): Complainant M. P. from Z., employed in a family shop on the greenmarket D., has turned to the Ombudswoman because she was harassed and sexually harassed at work. The complainant states that she is daily molested by K. C., a renter on the market who had leased the market stall adjacent to hers. As a woman, she is exposed to his daily insults and humiliation, but also threats. She states that K. C. insults her calling her "scum", that she is "rotten", that she doesn't possess "that organ", that she "had sex on the kiosk", he also called her "Milojka-Serb, and also insults her daughter, telling her that she's "a whore", "a chetnik", and that "she'll pay". The complainant also states that all this takes place in front of her customers, and that she had asked for help from the local police constable and the market on several occasions. The greenmarket D. took no effective steps, while the complainant holds that they are obliged to enable the renters to peacefully trade from their rented stall.

MEASURES TAKEN: Having examined the acquired documentation, the Ombudswoman has established that the Police Directorate report has it that a written statement was made to the Branch of the Z. Greenmarkets, in order to take measures such as rearranging market stalls, cancelling leases or other moves that might contribute to an improvement of public order and

peace on the greenmarket, owing to obvious breaches of the code of conduct and market order proscribed by the Market. The reply by the Branch of the Z. Greenmarkets points out that they are registered as lenders of commercial-trading locations on the greenmarkets, and not to resolve internal conflicts among the renters. Therefore, the Ombudswoman issued a warning and a recommendation to the Branch of the Z. Green markets. It is stated in the warning that, as a woman, the complainant suffered verbal violence from another renter, which the Branch of the Z. Greenmarkets was aware of, but it failed to take adequate steps and measures for her protection. The aforementioned renter's conduct may be considered a form of violence against women in terms of the Convention on the Elimination of All Forms of Discrimination against Women, to which the Republic of Croatia is party. Tolerating violence on the Market is a breach of the Z. Markets and Wholesale Markets regulations, and unsettles buyers, which cannot be allowed. Therefore, the Ombudswoman recommended them to send a written warning to all persons behaving disorderly, as well as to submit an adequate report in order to restore order and protection from any kind of violence. It is also pointed out that the rent and regulations do not only create profits, but also duties, which cannot be transferred on to others, as has been stated in the Police Directorate report.

13. CASE DESCRIPTION (PRS-01-03/07-04): The association MMP from Z. made a complaint to the Ombudswoman, stating that a retired university professor was denied equality of opportunities because her Faculty hadn't forwarded her candidacy for the honorary title of *professor emeritus* to the University Rectorate, the more so for the fact that she was the only woman professor in her Faculty who went into retirement that year.

MEASURES TAKEN: The Ombudswoman asked the Association for a written consent from the professor to proceed against the Faculty. Considering the fact that the Ombudswoman's memos twice couldn't be delivered to the Association at the address given in the complaint, the Ombudswoman couldn't act further in the specific case.

14. CASE DESCRIPTION (PRS-01-03/07-07): Complainant dr. V.S.S. from O. made a complaint to the Ombudswoman regarding discrimination at work in a health institution in O. In the complaint, she puts forward her problems with the department manager, which had been going on for eight years, having started after she had arrived at the department, when the same department manager sexually harassed her. When she objected that such behaviour is inappropriate, she was transferred to the Intensive Care Unit, where the same person insulted, humiliated, pressured and threatened her, all of which reached a culmination when, following the insults and the threats, he physically assaulted and injured her. Besides, the complainant states that the overall treatment she received, that is, discrimination, held her from progressing in her career.

MEASURES TAKEN: Having examined the documentation, the Ombudswoman has concluded that in the specific case, the employer didn't proceed according to the current regulations, and therefore warned him that he didn't conduct the procedure to protect the complainant's dignity, that he made no arrangements for a procedure and measures of protection of workers' dignity, as well as that he didn't name the person authorised to receive and address complaints related to the protection of workers' dignity. The employer didn't inform the Ombudswoman about the measures undertaken regarding all the allegations from the complaint, and especially regarding possible sexual harassment of the complainant and limiting her career advancement, both of which happened before the complainant was physically assaulted. Therefore, the Ombudswoman recommended that, notwithstanding the fact that the Governing Committee had relieved of duty the department manager, who had been issued a warning of breach of work contract duties, they should examine whether the ex-superior department manager had harassed and sexually harassed the complainant before the physical assault, arrange a procedure and measures of protection of workers' dignity, and inform the Ombudswoman about the measures that have been undertaken in accordance with the recommendations. By the end of the reporting period, the employer didn't inform the Ombudswoman about the measures taken.

15. CASE DESCRIPTION (PRS-01-03/07-08): Complainant Z. S. from S., a professor employed at an educational institution in Z., made a complaint to the Ombudswoman regarding discrimination at work by her employer. She states in the complaint that without foundation, the employer terminated her work contract. This was preceded by long-term harassment at work, all with the aim of personally discrediting her, as an expert and a woman. The complainant states that the problems started to appear several years ago, and are linked

to preventing her from advancing her career. The complainant states that the systematic harassment at the workplace has repeatedly forced her into a state of severe traumatization and temporary incapacity for work.

MEASURES TAKEN: Having examined the documentation, the Ombudswoman concluded that in the specific case, the complainant hadn't been discriminated against on the base of her sex. Namely, the complainant's work contract was terminated when she was reported by the parents for having mistreated their juvenile child, and unfair treatment of other children and employers. Regarding the complainant's allegations that she was prohibited from advancing her career, the employer has stated that the complainant didn't fulfill the required professional conditions for progressing, and attached a copy of the Republic of Croatia Institute for Education memo substantiating the employer's allegations.

16. CASE DESCRIPTION (PRS-01-01/07-05): Complainant M. K. from R. addressed the Ombudswoman through a written complaint regarding gender-based harassment by her superior, the director of the company C. O. plc. in R. Namely, while the regular work was being laid out for the day, he suddenly asked her: "Did your husband f... you last night?" The complainant states that this took place in front of the newly-appointed chief of sales, whom the complainant was supposed to introduce to his job on the superior director's order. The complainant, left dumbfounded and ashamed, gave a negative answer to the question, and left the office after the business documents had been signed. She notes that this wasn't the first time that her superior director had acted as described, but that this had been periodically occurring for the 14 years that she had been working for the same employer. She states that she doesn't wish to lose the job she loves, but that the situation is unbearable for her, because it imperils her work and health.

MEASURES TAKEN: The Ombudswoman informed the complainant about Ombudswoman's jurisdiction and her rights, including the procedure for the protection of dignity. The complainant resolved the problem in discussion with the superior director, who apologised and promised never to treat her inappropriately again. She stated that further action by the Ombudswoman is therefore not needed.

17. CASE DESCRIPTION (PRS-01-03/07-10): Complainant M. K. from V. made a complaint to the Ombudswoman regarding discrimination by her employer B. ltd. in V. In it, she states that she worked for the employer on the base of a number of fixed-term work contracts, and that on the 28th February 2007, while she was pregnant, her job was illegally terminated, when she was taken off pension insurance. The complainant states that, due to complications with her pregnancy, she was ordered by the doctor to rest. When the complainant wished to hear what are the reasons for the termination of her employment, she turned to her superiors, including the general director, but they showed no understanding, and she never received a concrete response. She therefore believes that her work contract wasn't extended because her employer learned of her pregnancy.

MEASURES TAKEN: The Ombudswoman warned the employer that the complainant's employment was terminated during her pregnancy, that is, during her sick leave due to complications with her pregnancy and the need to protect it; it was done to avoid the statutory change of the definite into an indefinite-term contract with the complainant, that is, only 8 days before the final fixed-term contract was supposed to "grow" into an indefinite-term work contract. Regarding the employer's assertion that he didn't know that the complainant was pregnant when she wasn't offered a new fixed-term work contract, the Ombudswoman has concluded that the employer did know that the complainant was pregnant, because the documentation that was made available shows that she was on the list of workers using sick leave for complications with their pregnancies. She therefore recommended her employer to question his treatment of the complainant, in order to achieve gender equality and the prevention of gender-based discrimination.

OUTCOME OF THE CASE: In response to the warning and recommendation, the employer sent the Ombudswoman a memo in which he states that, although her warning and recommendation were wholly accepted, they couldn't re-employ the complainant. Namely, from 1st March 2007 until the 12th June 2007, the complainant had been receiving Employees' Fund reimbursement for complications in pregnancy. However, although they wanted to re-employ her following this period, it couldn't be done, since the complainant was scheduled to give birth in the beginning of August, and they cannot employ a person who is due to give

birth in 45 days, as she would be incapable of work. In the employer's name, the general director personally offered the complainant work following the expiration of her maternity leave.

18. CASE DESCRIPTION (PRS-01-03/07-03): The Ministry of the Family, Veterans' Affairs and Intergenerational Solidarity forwarded an application by M. S. from D. S. to the Ombudswoman, concerning discrimination at work. The complainant states that she was working on a fixed-term contract as a cleaning lady in the B. K. primary school in Z., and that her employment was terminated near the end of her maternity leave, while another person, Z. V., was accepted for her job.

MEASURES TAKEN: The report from the B. K. primary school in Z. states that a new work contract wasn't agreed with the complainant, M. S., not because she was on maternity leave and had a small child, but because Z. V. seemed a better option for the school. It also states that the Ministry of Science, Education and Sports Directorate for Inspection Affairs and Administrative Supervision has confirmed that, in the given case, the school acted in accordance with the law. Having received the report and documentation, the Ombudswoman warned the B. K. primary school that it is evident that the complainant's employment had ended during her maternity leave, and that it can be assumed that an indefinite-term work contract would have been agreed with the complainant had she not been using her maternity leave. She specifically highlighted that in this particular case, the school didn't do enough to pay heed to the provisions on the protection of maternity, as well as to the fact that women are often put in an unfavourable position when using maternal leave and other rights. Therefore, she recommended that the school reconsider its treatment of the complainant.

19. CASE DESCRIPTION (PRS-01-03/07-22): The State and Local Government Employees' Union addressed the Ombudswoman on behalf of its member T. M. from K., and forwarded her complaint regarding discrimination in the field of employment and work. The complainant is a skilled saleswoman, employed as a state clerk in the ministry on the job of supervisor of the food storage in B. She lives in K. with her husband and two minor children. Her problems began following her return from obligatory maternity leave. Until maternity leave, she had been appointed to the post of third class medium expertise clerk, as administrative assistant in K. Soon after she had returned from maternity leave, she was handed a notice of her termination. She asked for an explanation for such an act, and got the answer that all workers who were on long-term sick leave got the same treatment. The complainant's remark that she wasn't on sick, but maternity leave, was ignored with the comment that it is all the same. She considers this kind of treatment to be discriminatory towards her both as a woman and as a mother. After she made the complaint, the notice of termination was reversed, and she addressed her first superior to help her find an appropriate job. His only comment was: "Your greatest mistake was being born at the wrong time." She was offered a new job, not in the town of her residence, but in B., more than 100 km away. Having no other choice, she accepted this job. She was frequently forced to take sick leave, as it was impossible to balance family responsibilities, primarily care for two minor children. Such a hopeless situation pushed her into a state of depression, which was confirmed by the doctors, and for which she received treatment. She doesn't understand why no transfer or reassignment options were found for her, as she had demanded on several occasions.

MEASURES TAKEN: A statement by the competent authority notes that the process of assigning officials and employees included scored assessments, and that the complainant's score didn't meet the required level for her to be transferred to the facility in K. They also emphasise that, at the moment of her dismissal (which was later rescinded), the complainant wasn't on maternal leave. All workers whose work status hadn't yet been resolved were offered a free job to which they could be transferred according to their professional qualifications and occupations, which is how the job of food storage manager in B. was offered to the complainant, which she accepted. The response also states that new selection and assignment of officials and employees in accordance with the new criteria and scoring systems is being planned, so it will be possible to reconsider the possibility of re-assigning the complainant nearer her place of residence. Having examined the report and documentation, the Ombudswoman has issued a warning and recommendation to the competent ministry. In the warning, the Ombudswoman has stated that she believes the Ministry didn't make use of the options made available by art. 79 para 2/b of the Civil Servants Act (OG No. 92/05, 142/06, 77/07, and 107/07) and grant the complainant a transfer to a different workplace on family

grounds. It isn't possible to achieve gender equality if women don't have the option of balancing professional and family obligations. Therefore, the Ombudswoman also issued a recommendation to the Ministry that it should promptly reexamine the possibility of re-assigning the complainant nearer her place of residence, that is, in K., and inform the Ombudswoman thereof.

OUTCOME: T. M. was temporarily transferred to K. as replacement for a worker whose service was terminated by her retirement. She is due to remain there until she is re-assigned according to the new system, to be based on finding legal options that would spell the best outcome for the complainant.

1.3. NATIONAL ACTION PLAN FOR EMPLOYMENT FOR THE PERIOD FROM THE YEAR 2005 TO 2008, RESULTS OF THE MEASURES IN THE ANNUAL PLAN TO STIMULATE EMPLOYMENT IN THE YEAR 2007

1.3.1 RESULTS OF MEASURES IN THE ANNUAL PLAN TO STIMULATE EMPLOYMENT IN THE YEAR 2007

Based on the National Action Plan for Employment for the period from the year 2005 to 2008, adopted with the Conclusion of the Government of the Republic of Croatia of 2 December 2004, an interdepartmental task force drafted a plan to stimulate employment for the year 2007. In the 16 March 2007 session, the Government of the Republic of Croatia adopted the Annual Plan to Stimulate Employment for the year 2007 with measures for implementation (hereinafter: Annual Plan).

While the implementation measures in the Annual Plan are based on the National Action Plan for Employment, and on the guidelines and recommendations contained in the European Strategy of Employment, the implementation measures that were planned for 2007 didn't follow all the guidelines¹, including the guideline No. 6, related to gender equality (the EU guideline 6).

The main goal of the Annual Plan is to reduce the unemployment rate; stimulation of employment is amongst the basic goals of the economic and social policies of the Republic of Croatia. In order to monitor the key measures in the Annual Plan, the Ombudswoman for gender equality demanded from the Croatian Employment Institute, the Ministry of Economy, Labour and Entrepreneurship, and the Ministry of Family, Veterans' affairs, and Intergenerational Solidarity to provide data on the approved and implemented measures for employment, sorted by county, based on the beneficiaries' gender (for the purpose of gender analysis of beneficiaries).

¹ Measures planned for 2007 did not follow the guidelines no. 5, 6 and 8 of the aforementioned National Action Plan of Employment.

Croatian Employment Institute

The measures within the competences of the Croatian Employment Institute were aimed to **stimulate employment** of young persons, persons who had been unemployed for prolonged periods of time, elderly persons, and particular groups of unemployed persons from the **registry of the unemployed** on the open labour market, on the condition that employment incentive support be available for employers who meet the criteria of implementation according to the number of the employed and the total annual turnover, divided into three categories (small, medium, and big).

The results of the implementation of active policy measures within the realm of competence of the Croatian Employment Institute from 16th March to 31st December 2007 are the following: **8,494** persons employed (or included in education), out of which **4,346** or **51.2 %** are **women**. By measures the results are distributed as follows:

- *On the basis of guideline 1, Active and preventive measures for the unemployed and inactive:*

Measure 1 – Co-financing of employment of young people without work experience: 1,226 or 14.4 % (including 588 or 47.96 % women).

Measure 2 – Co-financing of employment of the long-term unemployed: 1,693 or 19.9 % (including 1,083 or 63.96 % women).

Measure 3 – Co-financing of employment of women above 45 and men above 50 years of age: 837 or 9.9 % (including 515 or 61.52 % women).

- *On the basis of guideline 7, Promotion of integration and combating discrimination of persons in a disadvantaged position on the labour market:*

Measure 4 – Co-financing employment of particular groups of the unemployed: 455 or 5.4 % (including 69 or 15.16 % women).

- *On the basis of guideline 4, Promotion of development of human capital and lifelong learning:*

Measure 5 – Co-financing of education for a known employer: 792 or 9.3 % (including 269 or 33.96 % women).

Measure 6 – Co-financing of education for an unknown employer: 2,960 or 34.8 % (including 1,713 or 57.87 % women).

- *On the basis of guideline 7, Promotion of integration and combating against discrimination of persons in a disadvantaged position on the labour market:*

Measure 7 – Public works: 531 or 6.3 % (including 109 or 20.52 % women).

In the *table 2 – The employed and those active in education according to active policy measures from the Annual Plan to stimulate employment in the year 2007 (until the 31st December 2007)*² data on the implementation of active policy measures are distributed by counties on the basis of beneficiaries' gender the.

Most of the employed and those included in education on the basis of the Annual Plan were in the City of Zagreb: 1,214 (including 718 or 59.14 % women), followed by the Split-Dalmatian County: 992 (including 484 or 48.79 % women), while the smallest number was in the Lika-Senj County: 34 (including 22, or 64.71 % women) and the Istrian County: 94 (including 62, or 65.96 % women).

The data in *table 3* are additionally analysed with regard to the **Measure 4 – Co-financing of employment of particular groups of the unemployed** (Guideline 7 - Promotion of integration and combating discrimination against persons in a disadvantaged position on labour market); the data are sorted based on the gender of the employed within the target groups.

² Table 2 - The employed and those included in education according to active policy measures from the Annual Plan to stimulate employment in the year 2007 (until the 31st December 2007).

Table 3. Survey of persons employed under the Measure 4 - Co-financing of employment of particular groups of unemployed persons on the basis of the Annual Plan to Stimulate Employment for the year 2007 (31st December 2007)

Survey of persons employed under the Measure 4 - Co-financing of employment of particular groups of unemployed persons on the basis of the Annual Plan to Stimulate Employment for the year 2007 (31st December 2007)		
Status of co-financed persons	Measure 4 – co-financing of employment of particular groups of unemployed persons	
	total	women
Croatian war veterans and spouses and children of dead or missing Croatian war veterans	303	15
treated addicts	11	0
persons with disabilities	74	21
single parents	10	10
parents with four or more minor children	18	5
women victims of violence	6	6
victims of trafficking in human beings	0	0
former prisoners	2	0
other	31	12
total:	455	69

Specifically, the co-financing of the employment of all persons incapable of competing on an equal footing on the labour market due to illness or other characteristics encompasses two target groups, which include:

- in the *first group*: unemployed Croatian war veterans, children and spouses of dead or missing Croatian war veterans, persons with a lower degree of employability according to a career orientation evaluation, **unemployed single parents of minor children**, unemployed women who were beneficiaries of prolonged maternity leave for the third and each subsequent child, parents of four or more minor children, provided that they have been registered at the CEI (Croatian Employment Institute) for at least six months;
- in the *second group*: persons with disabilities, treated addicts, **women victims of violence**, women victims of trafficking in human beings, asylum beneficiaries, former prisoners regardless of how long they have been registered as unemployed.

In the target groups *unemployed single parents of minor children* and *women victims of violence*, only women were employed.

Ministry of Economy, Labour and Entrepreneurship – measures from the Annual Plan

On the 22nd March 2007, the Government of the Republic of Croatia adopted the Conclusion with which it approved the Operative Plan for Stimulating Small and Medium Entrepreneurship in the year 2007 (hereinafter: the Operative Plan), drawn up by the Ministry of Economy, Labour and Entrepreneurship. The measures that fall under the competence of the Ministry of Economy, Labour and Entrepreneurship aimed to **stimulate the continued growth of employment and self-employment, strengthening competitiveness, rise in exports and balanced regional development of Croatia**; the measures are related to the *guideline 2 – Opening jobs and development of entrepreneurship*.

The Operative Plan included nine programmes, or 30 projects in total. The Ministry provided the Ombudswoman with data for: four projects from the "Competitiveness" Programme and one project from the "Target Groups' Entrepreneurship " Programme. The results of the implementation of the active policy measures within the competence of the Ministry of

Economy, Labour and Entrepreneurship, by number of submitted³ and approved requests, are sorted by programme and project, in which the ministry was able to sort their beneficiaries by gender and by counties:

- **Programme "Competitiveness" – Project "Marketing activities"**: 770 requests approved, 578 men (75.06 %), 192 women (24.94 %).

The requests made by men were approved in all counties and the City of Zagreb, and by women in 17 counties⁴ and the City of Zagreb.

In the *table 5: the Marketing Activity Project in 2007, women*⁵ and the *table 6: the Project of Marketing Activities for 2007, men*⁶, the data presented are sorted by county on the basis of the beneficiaries' gender .

- **Programme "Competitiveness" – Project "Technical Adjustment"**: 437 requests approved, 344 by men (78.72 %), 93 by women (21.28 %).

The requests by men were approved in all counties and the City of Zagreb, and by women in 16 counties⁷ and the City of Zagreb.

In the *table 7, Technical Adjustment in 2007*⁸, the data presented are sorted by county, on the basis of the beneficiaries' gender .

- **Programme "Competitiveness" – Project "Innovation and Innovative Production Cluster"**: 155 requests approved, 138 by men (89.03 %), 17 by women (10.97 %).

18 counties and the City of Zagreb have implemented the project (it was not implemented in the Lika-Senj and the Zadar counties) where the requests submitted by men were approved; requests by women were approved only in seven counties and the City of Zagreb.⁹

In the *table 8, Innovation and the Innovative Production Cluster*¹⁰, the data presented are sorted by county on the basis of the beneficiaries' gender.

- **Programme "Competitiveness" – Project "Competitive production"**: 1,055 requests approved, 893 by men (84.64 %), 162 by women (15.36 %).

While both men's and women's requests were approved in all counties and the City of Zagreb, in six counties only one request made by women was approved in each county. The Ministry of Economy, Labour and Entrepreneurship only gave the Ombudswoman for gender equality the aggregate data for this project, including data on the number of requests received:

- The total of 1,605 requests: 1,328 by men (82.74 %), 277 by women (17.26 %).
- 435 requests made by men were rejected (32.75 %)
- 115 requests by women were rejected (41.52 %).

In the *table 9, Project "Competitive production"*, the data presented are sorted by county, on the basis of the beneficiaries' gender.

³ The Ombudswoman only received the data on the number of the requests submitted for the Project of Competitive Production from the Ministry of Economy, Labour and Entrepreneurship (table 9).

⁴ For the "Competitiveness" Programme, the "Marketing Activities" project, women's requests were not approved in the following counties: Lika-Senj, Virovitica-Podravina, Šibenik-Knin (Ministry of Economy, Labour and Entrepreneurship).

⁵ Table 5. The Project of Marketing Activities in 2007, women (Ministry of Economy, Labour and Entrepreneurship).

⁶ Table 6. The Project of Marketing Activities in 2007, men (Ministry of Economy, Labour and Entrepreneurship).

⁷ For the "Competitiveness" Programme, project "Technical Adjustment", no requests made by women were approved in the following counties: Sisak-Moslavina, Bjelovar-Bilogora, Lika-Senj, and Vukovar-Sirmium (Ministry of Economy, Labour and Entrepreneurship).

⁸ Table 7. Technical Adjustment in 2007, number of subsidies approved by gender and counties (Ministry of Economy, Labour and Entrepreneurship).

⁹ For the "Competitiveness" Programme, project "Innovation and Innovative Production Cluster", no women's requests were approved in the following counties: Sisak-Moslavina, Varaždin, Koprivnica-Križevci, Bjelovar-Bilogora, Primorje-Goranska, Virovitica-Podravina, Osijek-Baranja, Šibenik-Knin, Istrian, Dubrovnik-Neretva, and Međimurje, apart from the Lika-Senj and Zadar counties, where the project was not implemented at all (Ministry of Economy, Labour and Entrepreneurship).

¹⁰ Table 8. Project Innovation and the Innovative Production Cluster – in the year 2007 (Ministry of Economy, Labour and Entrepreneurship).

In total, in the "Competitiveness" Programme (in four projects: "Marketing Activities", "Technical Adjustment", "Innovations and Innovative Production Cluster" and "Competitive Production") **2,417** requests were approved, of which 1,953 were by **men (80.80%)** and 464 by **women (19.20 %)**.

By projects, men's requests were approved in all counties; women's requests were not approved in some counties:

- three counties in the project "Marketing Activities",
- four counties in the project "Technical Adjustment",
- one county in the project "Innovation and Innovative Production Cluster".

At the same time, only in the Lika-Senj county were no women's projects approved in any of the projects listed.

- Programme "Entrepreneurship of Target Groups" – Project "Women's Entrepreneurship"

This measure aims at **higher involvement of women in entrepreneurship**, the beneficiaries of the project being small and medium enterprises, crafts, and cooperatives with majority (51 % and more) private ownership by women citizens of the Republic of Croatia. The delivered data were not sorted by county but by year:

- 2004, 353 requests, amount 3,500,000.00 kn
- 2005, 217 requests, amount 2,893,788.00 kn
- 2006, 210 requests, amount 2,221,483.00 kn
- 2007, 877 requests 4,509,958.00 kn.

Ministry of the Family, Veterans' Affairs, and Intergenerational Solidarity

Measures within the competence of the Ministry of the Family, Veterans' Affairs, and Intergenerational Solidarity were related to the guideline 2 *Opening new jobs and development of entrepreneurship* and guideline 4 *Promotion of development of human capital and lifelong learning*.

The Ministry of The Family, Veterans' Affairs, and Intergenerational Solidarity has implemented programmes of professional education and self-employment for Croatian homeland war veterans and children of deceased, detained and missing Croatian homeland war veterans ; the data about them are sorted in the *table 10: Number of women-beneficiaries of the measures in the Programme in 2007*; the comparison with the data from previous years is presented in the *table 11: Number of women-beneficiaries of the measures in the Programme compared to the previous years*.

table 10: NUMBER OF WOMEN-BENEFICIARIES OF THE MEASURES IN THE PROGRAMME IN 2007

	TOTAL NUMBER APPROVED	WOMEN-BENEFICIARIES OF INCENTIVES
<i>measure: professional education for an unknown employer</i>	355	44
<i>measure: self-employment</i>	348	9
<i>measure: incentives to establish cooperatives of Croatian war-veterans</i>	71	5
<i>measure: support for individual projects</i>	6	0
TOTAL:	780	58

table 11: NUMBER OF WOMEN-BENEFICIARIES OF THE PROGRAMME IN COMPARISON WITH PREVIOUS YEARS

	2005	2006	2007
<i>measure: professional education for a known employer</i>	5	(not implemented)	(not implemented)
<i>measure: professional education for an unknown employer</i>	101	55	44
<i>measure: self-employment</i>	123	18	9
<i>measure: credits for small and medium entrepreneurship</i>	0	5	(new requests not received, obligations from previous years are monitored)
<i>measure: incentives to establish Croatian war-veterans' cooperatives</i>	3	4 (managers of cooperatives)	5 (managers of cooperatives)

	2005	2006	2007
measure: support for individual projects	7	2	0
TOTAL:	239	84	58

1.3.2 UNEMPLOYMENT – SITUATION AND DEVELOPMENTS

At the end of December 2007, 254,484 unemployed persons were registered with the Croatian Employment Institute - 38,669 persons, or 13.2 % less than in December 2006.

The total number of the unemployed in December 2007 included **156,708 unemployed women**, which is **11.8 % less** than in December **2006**.

However, the **women's share** in registered unemployed for the period in question has **increased from 60.6 % to 61.6 %**.

In the *table 12 – Unemployed persons by age and gender in late December 2007*¹¹ the data are sorted by county on the basis of the gender of the unemployed. The data were published by the Croatian Employment Institute in its Monthly Statistical Bulletin No. 12/2007. Using the data from the aforementioned table, the Office of the Ombudswoman for Gender Equality has calculated the percentage of unemployed women by age groups, in relation to the total number of the unemployed.

The total number of 156,798 unemployed women (61.6 %) is distributed by age groups as follows:

table 12

7,078 between 15 and 19 years of age	2,78 %
20,166 between 20 and 24 years	7,92 %
21,148 between 25 and 29 years	8,31 %
18,301 between 30 and 34 years	7,19 %
17,297 between 35 and 39 years	6,80 %
17,654 between 40 and 44 years	6,94 %
18,754 between 45 and 49 years	7,37 %
25,454 between 50 and 54 years	10,00 %
9,975 between 55 and 59 years	3,92 %
881 women of 60 and more	0,35 %

In late December 2007, according to data from the Croatian Employment Institute and data from the analysis carried out by the Office of the Ombudswoman for Gender Equality, the **highest percentage of unemployed women (10.00 %) is found in the age group from 50 to 54 years**.

Apart from the data cited in the *table 13, Unemployment and employment from 1987 to 2007*¹², the data are sorted by gender.

1.3.3 THE ANNUAL PLAN TO STIMULATE EMPLOYMENT IN THE YEAR 2007 – THE MEASURE OF CO-FINANCING EMPLOYMENT OF SPECIFIC GROUPS OF UNEMPLOYED PERSONS

The measures which are understood as state support for employment and higher professional training according to the Annual Plan to stimulate employment in 2007 include, among others,

¹¹ Table 12, Unemployed persons by age and gender at the end of December 2007.

¹² Table 13, Unemployment and employment from 1987 to 2007.

the measure of co-financing employment of specific groups of unemployed persons (measure No. 4), which also includes **women victims of violence**.

According to data provided by the institution responsible for the implementation of the measure, i.e. the Croatian Employment Institute, out of the 351 persons included in the measure No. 4 in 2007, employment of 54 women was co-financed, which constitutes only 15 %. Since it was not stated how many women victims of violence were included, the Ombudswoman sent a request to all Regional Offices of the Croatian Employment Institute (21) to provide data, sorted by year, on the number of women victims of violence who were employed thanks to this measure; how many of them were employed through each of the local offices under their purview; and how they promoted among employers the measure of co-financing employment of **women victims of violence** as a particular group of the unemployed.

Based on the data received, we found that the measure of co-financing employment of specific groups resulted in the employment of six women victims of violence in 2007: two women in the area of the Regional Office Varaždin, one in the area of the Regional Office Sisak, and three in the area of the Regional Office Osijek.

Regarding the methods of promoting the co-financing of employment of women victims of violence, the most frequently used are media presentations, informing employers through direct contacts, and by promotional materials. Cooperation with centres for social care and shelters for women victims of violence in promoting this measure of employing women victims of violence is very rare. One of the problems pointed out by the regional offices is the fact that on employment, women do not wish to identify themselves as victims of violence; they can also be included in this measure as single mothers of minor children.

Given that the measure of co-financing employment of special groups of unemployed persons also includes unemployed Croatian war veterans, children and spouses of the deceased or missing Croatian war veterans, persons with a lower degree of employability according to career orientation evaluation, unemployed single parents of minor children, unemployed women who are former beneficiaries of maternity leave for a third child and onwards, parents with four or more minor children, persons with disabilities, treated addicts, women victims of violence, victims of trafficking in human beings, beneficiaries of asylum, and former prisoners, the number of the employed by this measure should be presented in distinct categories of groups, which would provide more detailed data on persons employed by gender in each of the categories listed.

1.3.4 SALARY COMPENSATION FOR MANDATORY MATERNITY LEAVE

It should be particularly emphasised that the Act on Amendments to the Act on Compulsory Health Insurance (Official Gazette No. 111/07), which came into force on the 1st January 2008, changed the 3rd paragraph of article 46 of the Act on Compulsory Health Insurance (Official Gazette No. 85/06, 105/06 – correction, 118/06, and 77/07 – hereinafter: the Act) so that the limit from art. 46, paragraph 3 of the Act no longer applies to salary compensation for **mandatory maternity leave** for six months after childbirth. The to salary compensations cap has now been removed for cases of mandatory maternity leave where the basis for compensation is higher than 4,257.28 kn per month. It can be realistically expected that unrestricted compensation will have impact on family planning and contribute to the success of the National Population Policy (Official Gazette No. 132/06).

1.3.5 MEMBERSHIP IN STEERING COMMITTEES OF THE TOP 20 SUCCESSFUL COMPANIES BY GENDER

According to the data by the State Institute for Statistics, the steering committees of the 20 top successful companies by turnover at the Zagreb Stock Exchange in the first half of the year 2007 included 87 % men (62) and 13 % women (9).

The State Institute for Statistics calculated the percentages on the basis of the companies' records of financial reports, for the purpose of filling out the United Nations gender statistics questionnaire.

The work of both the State Institute for Statistics and other bodies is more difficult in the absence of necessary data recorded by gender.

1.3.6 ROMA WOMEN

1.3.6.1 The Croatian Employment Institute – measures from the Annual Plan according to the National Programme for the Roma and the Action Plan of the Decade for the Inclusion of the Roma 2005-2015

The implementation of the National Programme for the Roma / the Action Plan of the Decade for the Inclusion of the Roma 2005-2015 in the year 2007 included altogether 216 persons of Roma ethnicity, including 50 women, or 23.1 % (*guideline 7, Promotion of integration and combating discrimination against persons in a disadvantaged position on the labour market*).

The measures were implemented in the City of Zagreb and eight counties: Sisak-Moslavina, Varaždin, Koprivnica-Križevci, Bjelovar-Bilogora, Virovitica-Podravina, Brod-Posavina, Osijek-Baranja, and Međimurje.

In the table 4, *The employed and those involved in education according to the measures from the National Programme for the Roma / Action Plan of the Decade for the Inclusion of the Roma 2005-2015 in the year 2007*¹³, the data on the implementation of active policy measures in the year 2007 are sorted by county on the basis of the beneficiaries' gender .

1.3.6.2 National Policy for the Promotion of Gender Equality 2006-2010 (Official Gazette No. 114/06)

In the implementation of measures related to the improvement of the position of women members of ethnic minorities and **eliminating discrimination against Roma women**, the Government of the Republic of Croatia Office for Gender Equality and Office for Ethnic Minorities will start preparations to establish a task force to collect data on women members of ethnic minorities and draw up an action programme for improvement of their position (measure 1.4.4).

The Office for Ethnic Minorities lent its support to the research project "Employment of members of the Roma ethnic minority in the Republic of Croatia, with particular attention to the employment of Roma Women: gauging the existing situation, assessing needs and the recommendations given (measure 1.4.2). According to their data, the results of the research project show a positive shift in the approach to the Roma issue, the living problems of the Roma and their inclusion into the social processes in the Republic of Croatia.

1.3.7 ANALYSES OF JOB VACANCY ADVERTISEMENTS

For the purpose of monitoring the implementation of art. 13, para. 2 of the Gender Equality Act (Official Gazette 116/03), hereinafter: GEA, which stipulates that *"in announcing a job vacancy, the advertisement should clearly state that persons of both genders may apply for the announced job"*, the Ombudswoman has monitored and analysed job vacancy announcements in competitions publicised in the daily press and the Official Gazette ("Narodne novine").

Assuming that gender discrimination on the labour market begins with discrimination at the first step, on the occasion of announcing a job vacancy, the Ombudswoman uses her legal authority, as is her duty, to issue warnings to turn the advertisers' attention to the provisions of art. 13, para 2 of the GEA.

During 2007, the Ombudswoman issued altogether 325 warnings to state bodies, bodies of local and regional administration and self-government, to educational and health-care institutions and other legal and natural persons that did not abide by the abovementioned provision of the GEA.

¹³ Table 4, The Employed and included in education by the measures from the National Programme for Roma / Action Plan of the Decade for Roma Inclusion 2005-2015 in the year 2007.

Analysis for the period April-June 2007

The Ombudswoman analysed advertisements for job vacancies printed in the Official Gazette in the period from 4th April to 4th June 2007. The total number of 431 job announcements was analysed in 17 issues of the Official Gazette.

During this period, the Ombudswoman has sent 119 written warnings regarding violations of art. 13, paragraph 2 of the Gender Equality Act.

Having received the warning, most of the advertisers contacted by the Office of the Ombudswoman claimed that the fact they did not clearly indicate that the jobs were equally available to both sexes did not indicate gender-based discrimination; as proof they cited: a higher number of female than male applicants; a higher number of women than men already working for the employer in question, etc. In telephone contacts, a number of advertisers even pointed out that they consider women more valuable among their workers, because they put more effort in their work and their knowledge is superior.

Compared to the period a year ago, the percentage of those who explicitly state in their job advertisements that both men and women may apply on equal footing is higher than the percentage of those who do not.

Since there is a very low number of those who respond to the warnings of the Office of the Ombudswoman in a rude or negative way, persisting on the position that they do not break the law by not stating explicitly that the advertised jobs are equally available to both sexes, the Office considers them to be exceptions, which find their last resort in the still valid, but gender-insensitive National Classification of Professions.

However, the Act on Service in the Armed Forces of the Republic of Croatia (Official Gazette 33/02) stipulates in article 15 that "rank titles for women shall be used in the feminine gender form".

Conclusion

1. In the total number of job vacancy advertisements, the percentage of advertisers who were in breach of the provision in the Gender Equality Act on advertising job vacancies in the period of observation and in the monitored issues of official publications was 27.61 %.

2. Direct contacts after the warnings were sent provide grounds for the conclusion that there are still many of those who do not know about this provision of the Gender Equality Act, and who state, after having been warned by the Ombudswoman, that they will abide by the provision in future job advertisements.

3. It is necessary as soon as possible to adopt the National Classification of Professions in accordance with the Gender Equality Act. Namely, the existing National Classification of Professions (Official Gazette 111/98) only provides the masculine gender form for most job titles. Professions like nurse, midwife, secretary, flight attendant, embroider, house cleaner, washerwoman, ironing lady, ship chambermaid, hotel chambermaid, nanny, cleaner, and charwoman are only listed in the female gender form.

Although the National Policy for the Promotion of Gender Equality 2006-2010, in chapter 2, *Equal Opportunities on the Labour Market*, paragraph 2.2.2, foresees a measure of harmonisation of the National Classification of Professions with the Constitution of the Republic of Croatia and the Gender Equality Act, so that all professions be stated both in female and male versions of titles, the **measure has not been implemented**, although the deadline of implementation was the year 2007.

The paragraph 2.2.4 of the National Policy for the Promotion of Gender Equality requires the adoption of a **Decree of the Government of the Republic of Croatia on the Classification of State Employees' Jobs**, which will stipulate using both the feminine and masculine gender forms in the nomenclature of state employees and their occupations. The **Decree was adopted in July 2007** (Official Gazette 77/07). The language it is written in is gender-insensitive, with only the masculine gender form used for the nomenclature of state employees and their occupations, and it does not include an article prescribing the use of both the feminine and masculine gender forms in the nomenclature of state employees. However, such a provision is included in the **Ordinance on the overall standards and criteria for the determination of titles and descriptions of work positions in the civil service** (Official

Gazette 116/07); in article 4, there is the following provision: "In deciding on assignments to work positions and other decisions regarding the rights and duties of state employees, the title of the work position shall be used in the masculine or feminine gender form."

4. Compliance with provisions from the Gender Equality Act depends on the knowledge thereof, but also on the will to set the given provisions as the principle of action. For example, neither the gender-insensitive National Classification of Professions nor other laws or bylaws to which some of the advertisers had referred prevent the Office of the President of RC or the General Affairs Office of the Croatian Parliament and the Government of the Republic of Croatia, or any of the ministries, as well as many other legal entities to emphasize in their job competitions that persons of either gender can apply for the vacancies, thereby complying with the provision of GEA. When it announced a job vacancy in the Official Gazette No. 45 (page 15), the Constitutional Court used both gender versions in the job titles of adviser and junior adviser at the Constitutional Court.

Analysis for the period from the 1st to 30th September 2007

In the period from the 1st to 30th September 2007, the Ombudswoman was monitoring the advertising of job vacancies in daily newspapers – *Vjesnik*, *Večernji list*, and *Jutarnji list*. The total number of vacancies announced was: **444**.

This number includes:

1. 131 announcements **without a clear indication** that the advertised job is equally available to persons of either gender (30 %). The Ombudswoman issued warnings to all responsible for them in accordance with the article 13, paragraph 2 of the Gender Equality Act.
2. In 313 job competitions, the **provision on clearly stating** that persons of both genders may apply for the announced jobs (70 %) **was implemented**.

- **The 131 competitions for employment which did not comply with the provision of the article 13, paragraph 2 of the Gender Equality Act** are divided into groups of advertisers:

table 14. 131 competitions for employment which did not comply with the provision of the article 13, paragraph 2 of the GEA

group	number of advertisements	percentage
legal and natural persons (joint stock companies, limited liability companies, banks, attorneys' offices, small trades)	74	56 %
governmental bodies and institutions, local (regional) administration and self-government (ministries, institutions, agencies, institutes, national parks, tourist boards, public health institutes, cities, counties, social care centres, theatres)	23	18 %
educational institutions of the category I (elementary schools, high schools, education centres, vocational schools, music schools, kindergartens)	22	17 %
medical institutions (hospitals, polyclinics, health centres)	10	8 %
educational institutions of the category II (polytechnics, universities, colleges)	2	1 %
total	131	100 %

- the **313 vacancy announcements which were in accordance with the article 13, paragraph 22 of the Gender Equality Act**, clearly stating that persons of either gender may apply for the announced jobs are divided into groups of advertisers:

table 15. 313 employment competitions which were in accordance with the article 13, paragraph 2 of the GEA

group	number of advertisements	percentage
legal and natural persons (joint stock companies, limited liability companies, banks, attorney at law offices, small trades)	180	58 %
educational institutions of the category I (elementary schools, high schools, education centres, vocational schools, music schools, kindergartens)	63	20 %
governmental bodies and institutions, local (regional) administration and self-government (ministries, institutions, agencies, institutes, national parks, tourist boards, public health institutes, cities, counties, social care centres, theatres)	39	12 %
educational institutions of the category II (polytechnics, universities, colleges)	26	8 %
medical institutions (hospitals, polyclinics, health centres)	5	2 %
total	313	100 %

- **ranking by percentage of violations of, or compliance with, article 13, paragraph 2 of the Gender Equality Act, by different groups of advertisers (table 16)**

table 16.

group of advertisers	total number of competitions	violated the law (table 14)	in compliance with the law (table 15)
medical institutions (hospitals, polyclinics, health centres)	15	67%	33 %
governmental bodies and institutions, local (regional) administration and self-government (ministries, institutions, agencies, institutes, national parks, tourist boards, public health institutes, cities, counties, social care centres, theatres)	62	37 %	63 %
legal and natural persons (joint stock companies, limited liability companies, banks, attorney at law offices, small trades)	254	29 %	71 %
educational institutions of the category I (elementary schools, high schools, education centres, vocational schools, music schools, kindergartens)	85	26 %	74 %
educational institutions of the category II (polytechnics, universities, colleges)	28	7 %	93 %
total	444		

Results of the analysis of the 444 competitions show that in 70 % of the vacancy announcements it was clearly stated that persons of both sexes may apply for the announced jobs. The analysis of competitions in the same newspapers in September 2006 showed that there were only 40 % such competitions.

In the total number of job vacancies announced, both those that complied with the GEA and those that did not, the majority of advertisers belong to the group of legal and natural persons. Thus, this group is at the top of both the ranking list of those who do or do not abide by the Act respectively, while the medical institutions are in the bottom of the lists. However, if we look at the percentages showing compliance or non-compliance with the Act in the total number of competitions announced by each of the groups, we see that the two top positions are held precisely by health institutions, which violate the law in 67 % cases, and governmental bodies and institutions, and local (regional) administration and self-government, which break the law in 37 % cases. In the year 2006 too, the medical institutions were one of the two groups that violated GEA most frequently in competitions for employment. While medical institutions are in the leading position of the ranking list of those with the highest percentage of breaches of the GEA provision on employment, the category II educational institutions, which last year shared with them the leading position of GEA violators, is in the top of the list of those who respect the law this year.

The significant positive change, in comparison with the same period last year, occurred in the group of educational institutions in categories I and II.

In the year 2006, educational institutions in category I violated the Act in 63 % of all competitions they announced, and educational institutions in category II did it in as many as 96 % competitions. In September 2007, both of these groups are at the very top of those that abide by the legal provision requiring clear indication that the jobs announced are available to both sexes. Thus, the educational group I (which includes elementary schools, kindergartens, vocational schools, grammar schools, boarding schools) announce competitions for job vacancies in accordance with the Act in 74 % cases, and the educational group II (which includes colleges, universities and polytechnics) in 93 % cases. We could say that they now abide by the legal provision of the Gender Equality Act in almost the same percentage in which they used to breach it in the previous year.

table 17

group	2006		2007	
	"-"	"+"	"-"	"+"
educational institutions of the category I (elementary schools, high schools, education centres, vocational schools, music schools, kindergartens)	63 %	37 %	26 %	74 %
educational institutions of the category II (polytechnics, universities, colleges)	96 %	4 %	7 %	93 %
medical institutions (hospitals, polyclinics, health centres)	92 %	8 %	67%	33 %
governmental bodies and institutions, local (regional) administration and self-government (ministries, institutions, agencies, institutes, national parks, tourist boards, public health institutes, cities, counties, social care centres, theatres)	44 %	56 %	37 %	63 %

The table shows **comparative percentages** of groups of advertisers wherein changes occurred **in comparison with the same period of the previous year**. The "-" column designates the violations of the 2nd paragraph of the article 13 of the Gender Equality Act requiring explicit indication of availability of jobs announced to persons of either sex. The "+" sign means that the competitions complied with this legal provision.

In one month of monitoring announcements, there were only two of them where it was explicitly stated that **exclusively male, or exclusively female persons** were sought. In one of the cases, a laboratory of physical metrology from Zagreb pointed out that *male persons up*

to 30 years of age are sought for the announced jobs of the deputy manager of the laboratory and a metrologist in the laboratory.

Likewise, apart from not complying with GEA, there are two confusing announcements, which sought male or female persons respectively for jobs for which there were absolutely no reasons to seek workers of a particular gender. In these announcements, the employers are not specified; interested parties can only apply to telephone numbers. From the announcements published we can infer that the advertiser deems that solely men are suitable or qualified to *"collect customers' carts"* in a shopping mall, while women only are suitable for *"washing trays in restaurants"* in another shopping mall.

In competitions for job vacancies which were, until recently, announcing jobs of "business secretary" in the feminine gender form, there is a growing frequency of competitions advertising job vacancies of "business secretaries" in both the feminine and masculine gender form.

After the warnings the Ombudswoman for gender equality issued last year, one of the biggest construction companies added the "m/w" indication to its competition seeking workers to work in Germany at positions of *construction works manager, crane operator, carpenter, and mason*.

For every 100 warnings related to job competitions, the Office of the Ombudswoman makes on its own discretion, an average of around 10 phone calls to advertisers who had announced job vacancies. Among the comments on the warning by the Ombudswoman, the most frequent are: *"we did not state in the announcement that we were looking for a male worker, which means by implication that it pertains to women as well"; "in our firm, or office, much more women are employed than men "* and *"anyway, we sought and hired a woman"*.

As for the excuses cited, the expression "gender equality in rights" is typically equalised with women's rights, rather than with a balanced representation of both genders in any given area. When the Ombudswoman issues a warning to those who announce competitions for jobs described exclusively in the feminine gender form, they respond asking why they received the warning when the announce clearly said they sought a *woman*. Equally, for example, when a kindergarten receives a warning because it announced a job vacancy of an "educator" (in the masculine gender form), without indicating that both women and men may apply, they commented that the warning was unnecessary because they would hire a woman educator ("teta"). Warnings of the Ombudswoman for Gender Equality are mistaken as interventions exclusively to protect women's rights.

Conclusion

1. The percentage of competitions that clearly indicate that the vacant jobs are equally available to both men and women is almost two times higher than in the same period last year:

In as many as 70 % of the announcements published between the 1st and 30th of September 2007, it was clearly indicated that persons of either gender may apply for the announced jobs. Results of the analysis for the same period in 2006 showed only 40 % of such announcements.

2. A significant positive shift in comparison with the same period of the previous year happened in the group of educational institutions of the categories I and II.

In the year 2006, educational institutions of category I violated the Act in 63 % of all the announcements they published, while educational institutions of the category II did it in as many as 93 % of their announcements.

In September 2007, the educational group I (which includes elementary schools, kindergartens, vocational schools, grammar schools, boarding schools) has announced job vacancies in accordance with the Act in 74 % cases, while the educational group II (colleges, universities, and polytechnics) did it in 93 % cases.

* literally: "auntie", the usual term for women educators in kindergartens in Croatia (*translator's note*)

3. Medical institutions (hospitals, polyclinics, health centres) are in the top of the list of those that violate the Act (67 % announcements) regarding job vacancy announcements. Their position deteriorated in relation to the year 2006, when they were in second position, along with those that did not abide by the Act (92 %).

Out of the total of 190 advertisers who published announcements of job vacancies according to GEA, as many as 40 % are advertisers that in the last year received warnings from the Ombudswoman for gender equality, because in previous competitions they did not respect the provisions of GEA. All colleges and universities which received the warnings in the previous period and which announced job vacancies again in September 2007 respected the provisions of GEA; so did institutes and 22 elementary schools, high schools, vocational, and music schools throughout Croatia.

Legal and natural persons to whom the Ombudswoman issues the warnings about their failure to indicate that persons of either gender may apply for the announced jobs also introduced the "m/f" indications next to the job titles in the announcements published in September 2007, or inserted "candidate (male/female) for the job" into the text of the announcement.

All advertisers previously warned by the Ombudswoman about the violation of the provision in article 13, paragraph 2 of GEA, announced job vacancies in the analysed period with clear indications that the jobs announced were available to both women and men.

All of the above testifies to the efficiency of the measures of warning demanding compliance with the principle of equal rights of both sexes as provided by GEA.

Analysis for the period from 1st to 31st December 2007

From 1st to 31st December 2007, the Ombudswoman monitored announcements of job vacancies printed in the Official Gazette of the Republic of Croatia, issues no. 125, 126, 127, 129, 130, 132, 133, and 134.

Employment competitions in figures

The total number of announcements of job vacancies printed in the "Narodne novine" Official Gazette of the Republic of Croatia in the period from 2nd to 31st December 2007 was: **235**.

Within this number,

1. In 73 vacancy announcements (31 %) there was no indication that persons of either gender may apply for the jobs.
2. 162 announcements (69 %) complied with the provision of GEA requiring clear indication that the announced job is open to applications from both sexes.

As a comparison with the same period of the previous year, in the Official Gazette ("Narodne novine") in December 2006, there were 197 vacancy announcements in total, which included 101 cases (51 %) which did not respect the GEA provision, while 96 announcements (49 %) complied with GEA. Therefore, we can infer that the percentage of those who clearly indicate in their announcements that the jobs are available for both genders has increased by 20% in relation to the same period of the previous year.

- **73 announcements of vacancies which did not comply** with the provision in article 13, paragraph 2 of GEA, sorted by groups of advertisers:

table 18 73 announcements of vacancies which did not comply with the provision in article 13, paragraph 2 of GEA

group	number of advertisements	percentage
governmental bodies and institutions, local (regional) administration and self-government (ministries, institutions, agencies, institutes, national parks, tourist boards, public health institutes, cities,	49	67%

counties, social care centres, theatres), and municipal courts		
educational institutions of the category II (polytechnics, universities, colleges, academies)	12	17%
medical institutions (hospitals, polyclinics, health centres)	6	8%
educational institutions of the category I (elementary schools, high schools, education centres, vocational schools, music schools, kindergartens)	6	8%
legal and natural persons	0	0
total	73	100%

In the total number of advertisers, the highest percentage of those that violated the provision of GEA was among governmental bodies and institutions and bodies of local or regional administration and self-government, and municipal courts.

- **162 announcements of job vacancies that were compliant** with article 13, paragraph 2 of GEA, clearly indicating that the announced jobs were available to both genders

table 19 162 announcements of job vacancies that were compliant with the article 13, paragraph 2 of GEA

group	number of advertisements	percentage
governmental bodies and institutions, local (regional) administration and self-government (ministries, institutions, agencies, institutes, national parks, tourist boards, public health institutes, cities, counties, social care centres, theatres), and municipal courts	94	58%
educational institutions of the category II (polytechnics, universities, colleges, academies)	59	36%
educational institutions of the category I (elementary schools, high schools, education centres, vocational schools, music schools, kindergartens)	4	3%
medical institutions (hospitals, polyclinics, health centres)	3	2%
legal and natural persons	2	1%
total	162	100%

Advertisers of job vacancies that belong to the group of governmental bodies and institutions, bodies of local or regional administration and self-government, and municipal courts complied with the provision of GEA to the highest degree.

- **groups of advertisers by number of vacancy advertisements published and percentage of those that complied with or were in breach of article 13, para. 2 of GEA**

table 20 groups of advertisers by number of vacancy advertisements published

groups of advertisers	total number of advertisements	broke the law (table 18)	compliant with the law (table 19)
governmental bodies and institutions, local (regional) administration and self-government (ministries, institutions, agencies, institutes, national parks, tourist boards, public health institutes, cities, counties, social care centres, theatres), and municipal courts	143	34%	66%
educational institutions of the category II (polytechnics, universities, colleges, academies)	71	17%	83%
educational institutions of the category I (elementary schools, high schools, education centres, vocational schools, music schools, kindergartens)	10	60%	40%
medical institutions (hospitals, polyclinics, health centres)	9	66%	33%
legal and natural persons	2	0	100%
total	235	31%	69%

It can be seen that governmental bodies and institutions, as well as bodies of local or regional administration and self-government advertised most of the vacancies – 143, out of which 66 % were in accordance with GEA, and 34 % were not. In the same period of the previous year, this group of advertisers was just about evenly divided between those breaking or abiding by the provision in GEA (50 % : 50 %).

The biggest positive shift can be observed in the group II of educational institutions (polytechnics, universities, colleges, academies); in December 2006, they broke the provision in GEA in 70 % of job vacancy advertisements, and only in 30 % cases respected it. Now the situation is almost reversed: the same group of advertisers abides by the provision in GEA in 83 % cases, and breaks it in 17 %.

The Ombudswoman's Warnings

As shown in the analysis of the Office of the Ombudswoman for Gender Equality in September 2007, the percentage of announcements in which it was clearly indicated that persons of either gender may apply for the announced jobs was almost double in comparison with the same period of the previous year – in September 2006 there were 40 % of them, and a year later 70 %.

It was noticed that, in the analysed period, all advertisers to whom the Ombudswoman had sent her warnings because they were in breach of the provision in art. 13, para. 2 of GEA, now announced their job vacancies with clear indications that both sexes may apply for the announced jobs.

Among those to whom the Ombudswoman sent warnings throughout the year 2007 – 325 in total – the majority does not contact the Ombudswoman's Office after receiving the warning, but it was noticed that in the announcements that they published after the warning, they clearly indicate that persons of either gender may apply for the announced jobs. This is

precisely the case with universities and colleges, which are now among the advertisers that break the provision of GEA only in rare cases.

While most advertisers, having been warned by the Ombudswoman, respect the provision in GEA in each following announcement of job vacancies, there is a number of those who refer to the National Classification of Professions (Official Gazette 111/98).

On the other hand, the **Act on Academic and Professional Titles and the Academic Degree** (NN 107/07) **was passed**, stipulating the obligation to use gender-sensitive academic and professional titles and defines sanctions for those who do not do that; however, there are still announcements in which academic titles are only used in the masculine gender form. Some of the institutions persistently refuse to abide by the legal provision on announcing job vacancies. A scientific institution from S. is among them; the Ombudswoman warned them four times because of their disrespect to the provision in GEA regarding job vacancy announcements. After each warning, the director of the institution in question sends the Ombudswoman a reply with the same content: *"in the text of the announcement, our unambiguous wording opened a possibility of competition to all interested candidates regardless of their gender; in the opposite case, if the wording were different, it could be discrimination."* The fact is, however, that what they *unambiguously* put in their announcements is the masculine gender form: "junior researcher at the position of assistant", "candidates", "scientific associate", an "academic degree doctor of science diploma ". They do not consider this either as discrimination by gender or as violation of two legal acts: the Act on Gender Equality and the Act on Academic and Professional Titles and the Academic Degree.

In November 2007, regional newspapers carried an article titled *"Persons of 'both genders' called for the office of the Glass Museum manager!?"* and sub-title *"A scandalous announcement of the Ministry of Culture of RC"*. The journalist (the name signed under the article did not reveal his/her gender) was astonished by the sentence in the announcement: "both sexes may apply for the job", which he/she considered disgraceful, although such indication has been a legal obligation for four years now and it is precisely the wording that has been used by the majority of governmental bodies and institutions, as well as bodies of local and regional administration and self-government, educational and medical institutions, and courts. The journalist claimed that such an indication did not exist in other announcements, which is the opposite to what could be found by careful monitoring and analyses carried out by the Office of the Ombudswoman. Such insights show quite the opposite picture: approximately 70 % of the advertisers of job vacancies nowadays include clear indications that persons of both genders may apply for the announced jobs, either the quoted wording, or by indication M/F, or by using the masculine and feminine form of the job titles, or by calls to *candidates of both genders*.

The journalist thought that *"it was understood that it was a normal thing that persons of both genders may apply for the announced jobs"* and that *"it is not necessary nowadays to emphasize that women too are allowed to apply"*.

Given that most jobs in the National Classification of Professions are still listed exclusively in the masculine gender form, and that in practicality most women refer to their profession/occupation and job in masculine word forms, it is not a surprise that this journalist considers such practice *normal* in job announcements too. It is true that women apply for jobs that were advertised only in the masculine gender form, because they need a job and they do not pay attention to the obvious and unnecessary discrimination by gender, due to which the feminine gender form, which is immanent in the Croatian language, is ignored in announcements of job vacancies.

MEASURES TAKEN: The Ombudswoman sent a letter to the editor of the regional weekly, reminding her of the legal provisions on advertising job vacancies and pointing out that it is a duty of the media to promote awareness raising on equality of rights of women and men; precisely owing to the fact that "we do not live in a time when women did not have the right to vote", as the journalist wrote, gender equality in rights is not a matter of assumption but of clearly defined and legally protected rights. As it is in the labour market that women are still discriminated against the most, starting from the moment of getting a job, it is at least hard to understand that a person working in the media should consider the legal protection of equal opportunities scandalous or disgraceful.

Conclusion

1) The percentage of those who make it clear in their announcements that persons of either gender may apply for announced jobs has increased by 20 % in announcements printed in the Official Gazette in comparison with the same period of the previous year.

2) The greatest positive shift was achieved in the group II of educational institutions (polytechnics, universities, colleges, academies). In December 2006, the total number of 70 announcements of job vacancies included only 30 % of those that complied with the legal provision in GEA regarding employment, while 70 % violated it. Now the same group of advertisers abides by the provision of GEA in 83 % of cases and breaks it in 17 %.

The Ombudswoman's conclusion is based on all analyses of advertisements of job vacancies.

Since the Gender Equality Act does not include sanctions against those that do not respect art. 13, para 2 on job vacancy announcements, the Ombudswoman deems that the significant shift in the percentage of advertisers who clearly indicate that the announced jobs are available to both sexes, which has grown from 40 % in 2006 to 70 % in 2007, is a result of the efficiency of the warnings which the Ombudswoman has issued.

The Ombudswoman's Recommendations

The measure 2.2.2, envisaged by the National Policy for the Promotion of Gender Equality for the period 2006-2010, should be implemented urgently. The deadline for its implementation was the year 2007. The subject matter of the measure was the change in the National Classification of Professions.

1.3.8 WOMEN AND HEALTH

According to international documents, which Croatia has ratified and by which it is thereby legally bound (the Convention on the Elimination of All Forms of Discrimination against Women, the Beijing Declaration and Platform for Action), as well as according to national documents regarding gender equality, the government is obliged to *"reaffirm the right to the enjoyment of the highest attainable standards of physical and mental health"* and *"establish and/or strengthen programmes and services, including media campaigns, that address the prevention, early detection and treatment of breast, cervical and other cancers of the reproductive system"*.

The Ombudswoman monitors the application of the UN Convention on the Elimination of All Forms of Discrimination against Women in the Republic of Croatia, as well as other regulations relevant to women's health.

In Chapter 6, **Women and Health**, the **National Policy for the Promotion of Gender Equality for the Period 2006-2010** (NN 114/06) identifies the Ministry of Health and Social Welfare as the relevant authority for the measures, with the implementation deadline in 2007:

Measure 6.2.3 Develop a programme of screening and registry of high-risk groups in the female population; enable monitoring and free regular medical examinations on the basis of the data.

Measure 6.2.6 Organise printing and distribution of the revised brochure "Early Detection of Breast Cancer" within the National Programme against Breast Cancer.

Measure 6.3.2 Develop a comprehensive programme of humanisation of childbirth, which will include developing and adopting guidelines for natural childbirth, promotion of physiological childbirth, and education of women and medical personnel on the rights of patients, in order to increase participation of women in decision-making on childbirth.

Measure 6.2.3 is implemented through the National Programme of Early Detection of Breast Cancer. During the year 2007, the implementation of the Programme of Early Detection of Breast Cancer (hereinafter: the Programme) was continued in accordance with the terms of the National Strategy of Prevention and Early Detection of Cancer, which is a component of the National Strategy of Health Care Development for the Years 2006-2011 (Official Gazette 72/06). The relevant authority for the Programme is the Ministry of Health and Social Welfare of the RC. According to the information from the Croatian Journal for Public

Health (Hrvatski časopis za javno zdravstvo, Vol 3, No. 13, 7 January 2008), the responsible body for the monitoring of the Programme is the Commission for the Organisation, Expert Monitoring and Quality Control of the Programme of Mammographic Screening of the Ministry of Health and Social Welfare. The Commission involves prominent radiologists, because mammography is used as a test for screening, following a EU recommendation¹⁴; it is implemented every two years for women between 50 and 69.

There are approximately 560,000 women in Croatia of the age 50-69. The results of the first year of implementation of the programme are the following: By the 11th December 2007, the total number of 339,011 women from the high-risk group were invited to a free mammographic examination. The average proportion of women who responded and were examined was 52.5 % for the years of birth that were completely processed by the abovementioned date (1937, 1954 and 1955). The number of suspicious mammographic results was 1,409, or 1.16 %. The number of cancer cases detected up till now was 414, and changes every day.

The measure 6.2.6 was implemented. According to the data on the web page of the Ministry of Health and Social Welfare, for the purpose of prevention and early detection of cancer, the ministry composed and printed educational brochures for the general population. The brochures on the early detection of breast cancer were distributed to the primary level of health protection through County Institutes for Public Health and the Institute for Public Health of the City of Zagreb.

The measure 6.3.2 was not implemented, but according to the information the Ombudswoman received from the Ministry of Health and Social Welfare, the implementation of activities foreseen by this measure is planned.

CASE DESCRIPTION (PRS 03-05/07-08): On the 17th April 2007, an article appeared in a national weekly with information that patients diagnosed with breast cancer (which entails the removal of the breast) have to buy the implants used for breast reconstruction themselves, and before the operation they have to sign a statement that they insisted on buying the implant and donating it to the Clinical Hospital Centre (KBC) in R. With this statement they lost the right to reimbursement from the HZZO (Croatian Institute for Health Insurance), because HZZO cannot cover the costs of a donation.

MEASURES TAKEN: The Ombudswoman sent a letter to the responsible regional office of HZZO (on the 10th May 2007) and requested a statement on whether patients suffering from breast cancer approached them for reimbursement of the costs of the implants which they purchased themselves, enclosing the signed statement on donating the breast implant to the Clinical Hospital Centre (KBC) in R. KBC in R. was asked to respond whether the patients suffering from breast cancer were obliged to purchase the implants and sign the statements on donating the breast implants to the KBC, and what were the grounds for the introduction and implementation of the policy of using such statements. On 21 May 2007, the KBC responded that specialist physicians have precise instructions that they must not direct patients to purchase either medicines or auxiliary equipment, and particularly not in specified pharmacies. Furthermore, according to the reply from KBC, the implantation of implants provided and handed to a doctor by patients themselves is forbidden by a decision of the Expert Council. The letter from KBC states that they did not give patients the statements on donations, nor did they suggest to them that they should purchase the implants themselves. However, the documentation that the Ombudswoman acquired from the regional office of HZZO in R. included a copy of a statement from one of the patients, addressed to KBC, who did purchase the prosthetic for breast reconstruction by herself; the documentation also included a letter which clearly showed that the patient signed the statement on the purchase and donation of the prosthetic to KBC in agreement with the physicians from KBC. Examining the complete documentation received from the regional office of HZZO and KBC, the Ombudswoman found that in the case in question, the physicians in KBC knowingly agreed with the patient that she should purchase the prosthetic herself and sign the statement donating it to KBC. Therefore, the Ombudswoman issued a warning to KBC because of the practice that obviously existed there in 2006, as evidenced by the available documentation. She also expressed her approval for the steps that the Expert Council took in 2007, warning the medical personnel to strictly

¹⁴ Council Recommendation 2003/878/EZ of 2 December 2003 on screening cancer.

abide by article 10 of the Contract concluded between HZZO and KBC in R. on the implementation of clinical and specialist-consiliary health protection of patients suffering from acute illnesses for the period from 2007 to 2009, which prohibits such practice.

On 19 September 2007 the Agency for Pharmaceuticals and Medical Products of the RC approved the application of a vaccine against four types of human papilloma virus (hereinafter: the HPV vaccine), in order to prevent the development of grave pre-stages of cervical cancer. It was recommended that women in the age of 9 to 26 be vaccinated. The vaccine should be charged for and is applied in three doses. The vaccination started on 1 October 2007, and all interested can apply to the county institutes of public health. As announced by the head of the City Office for Health, the City of Zagreb should subsidise all three doses of the vaccine for all interested adolescents from socially disadvantaged families. For the time being, the vaccine was not nominated for inclusion in the Programme of Free Vaccines. By the end of the period covered by this report, no statistical data have been publicised on vaccination with the HPV vaccine.

In order to sensitise the public and encourage women to care about early detection of the illness, the Government of the RC decided on its session of 30th march 2007 to proclaim the 7th of November the National Day of Struggle against Breast Cancer (Official Gazette 37/07).

2. FAMILY

2.1 FAMILY VIOLENCE

In 2007, the Ombudswoman received more complaints concerning family violence than in previous years. In most cases the complainants were women, alleging in their complaints that as victims of violence that they were exposed to violence by their current or former husbands, or common-law partners. Apart from that, in some complaints women allege that they were exposed to violence by partners with whom they were in a relationship for less than three years, which is not considered a common-law partnership under the Family Act, unless there were children born in such a relationship (the Act on Protection Against Family Violence, however, only provides protection to common-law partners, but not to those not considered partners in the sense of the Family Act).

In many complaints, women allege that not only they, but also their children were exposed to violence, or that the children witnessed the violence; in a slightly smaller number of complaints, they allege that other family members were also exposed to violence.

In a great number of cases, the violence goes on for a prolonged period of time; most often the violence is continuous, going on for many years, with varied intensity. Based on the complaints, it can be inferred that in most cases, family violence is a behavioural pattern of the marital or common-law partner, rather than an isolated incident. In many cases it takes long before the violence is reported for the first time; during that period more severe forms of violence are committed, such as physical violence causing bodily harm. However, looking at the complaints received, that is, specific cases, one can come to the conclusion that women decide to report to the police their exposure to family violence more frequently than in previous years. In cases where a family is already in treatment at a centre for social care, it is the centre to which the exposure to violence is reported.

Nevertheless, in their approaches to the Ombudswoman, women reveal that they had been exposed to family violence for many years, without reporting it out of fear for their safety; they still cannot make the decision to report the violence to the responsible institutions.

As in previous periods, in a much smaller proportion of complaints women say that they are exposed to violence by other members of the family. Some complaints are submitted on women's behalf by the associations for the protection of women's rights, or by other members of their families.

Regarding the conduct of the police and/or social care centres, complaints include claims that those institutions did not provide specific protection to women victims of violence, that they did not work on preventing new acts of violence and that they failed to inform the women about the measures taken.

Furthermore, some of the complaints express discontent with the work of the judicial bodies, particularly of minor offence courts, as well as discontent with the treatment of victims in judicial procedures.

The Ombudswoman's appraisal of the conduct of the police and centres for social care is exclusively based on the complaints received in 2007 and reports obtained and inspection of documents conducted in relation with each specific case. The Ombudswoman primarily monitored the practical implementation of the Rules of Procedure in Cases of Family Violence (hereinafter: Rules), because it is the basic purpose and aim of the Rules to provide the conditions for the institutions in charge to be able to work efficiently and comprehensively in order to improve the protection of, and assistance to victims of family violence.

As in the previous reporting periods, the evaluation of the conduct of the police and the social care centres is based on complaints considered, i.e. on specific cases.

I. Appraisal of police conduct in cases of complaints made to the Ombudswoman

Further progress can generally be noticed in the by and large good conduct of the police; in the period covered by the current report, the police continued to promptly intervene in each case where violence was reported, and in most cases they acted in accordance with the Rules.

The positive results of the Ombudswoman's action should also be pointed out. When the Ombudswoman is approached by a person with a complaint about police conduct or the outcome of their action, or by a person with a complaint about not having been properly informed about the outcome of police action, the Ombudswoman approaches the General Police Directorate – The Crime Police Directorate (hereinafter: General Police Directorate), demanding a report on the case in question. Acting on the Ombudswoman's request, the General Police Directorate, as a supervising body which supervises the activities of the lower organisational units (such as police departments and police stations), proceeds by analysing all previous actions of the police, particularly those that are the subject-matter of the complaints. In case the General Police Directorate notices flaws, obscurities or irregularities in the conduct of the police, it immediately responds and takes specific steps or issues directions to the relevant police department or police station, in order to eliminate the flaws, obscurities and irregularities by corrective action. Furthermore, there are often orders that the officers of the police station in question go through education. It should be noted that in most cases, the subsequent actions of the police lead to outcomes that are satisfactory for the complainants.

In cases where the General Police Directorate takes the position that police officers of the responsible department or station took all measures in accordance with the applicable regulations and practices, while the Ombudswoman, on the contrary, believes that there were failings in police conduct, or that the police did not proceed in accordance with the Rules, the Ombudswoman issues a warning and recommendation through the General Police Directorate to the department or station in question.

It was noticed, however, that in some cases police officers only collect information related to a specific case in which intervention was requested, instead of taking into consideration all the facts relevant to the duration and frequency of violence, the overall relation between the perpetrator and the victim of violence, and the history of family violence – as required by the Rules. As stated above, in many cases the violence in question has been going on for several years, including grave acts of abuse, which had not been previously reported.

Victims of violence often complain that they are unable to learn what to expect during minor offence or criminal procedures, how a procedure will unfold, and what kind of sentence the perpetrator of violence can expect to be handed; nor do they know what will happen when the perpetrator of violence is released after having served the prison sentence.

Having filed a request to initiate a minor offence procedure, police officers do not take active part in the procedure, except by bringing the perpetrator to the minor offence court; they do not participate actively as representatives of the institution which requested the initiation of the minor offence procedure by taking part in the court hearing and advocating their request for minor offence procedure. If the victim of violence is not represented by an attorney, she is in a very fragile position, because giving testimony is a traumatic experience for a victim of violence, which often contributes to secondary victimisation. Therefore, the presence of a police officer at a court hearing would considerably alleviate the anxiety and stress of the victim of violence. A further consequence of the absence of police officers from court hearings could be a failure by the victim to prove that violence took place. Upon receiving the court decision, the police very rarely appeal the decision. All this can result in the victims of violence giving up reporting family violence.

II. Appraisal of the conduct of centres of social care in specific cases:

Although in this reporting period, centres for social care reported on family violence or on violence they found out about performing their duty more often than before, there are still cases where, for various reasons, they do not report to the police or the state attorney all information or suspicion that an act of violence was committed in a family. The uneven practice of individual centres for social care certainly contributes to the fact that their findings on violence or information they get about family violence do not become written reports to the police. It can be noticed that, when women victims of family violence report their exposure to violence to social workers in a social care centre, the centres direct the victims to report it to the police themselves, which is against the Rules.

Regarding the social care centres' practice concerning improving the protection of victims of family violence and prevention of new violence in families, no progress was found. Awareness about family violence is not advanced and victims of violence do not receive adequate support and protection. Victims do not receive appropriate information and support during court

proceedings, accommodation and stay in shelters that would enable them to gain self-confidence and confidence in the system, in order for them to become empowered and for their decisions to be respected. There is no awareness that access to protection measures is difficult for many victims of violence and that they need comprehensive support from social workers in the social care centres to confront a violent husband or to separate from him. One must keep in mind that without some elements of support, a victim of violence is left to cope alone with the consequences of the legal steps taken.

Particularly outstanding is the problem of women victims of violence accommodated in shelters for victims of violence, who do not receive necessary support because certain social workers from centres for social care think that those victims of violence were not as threatened and were not in such danger from the perpetrators of violence to make it necessary for them to be put in the shelter. In some severe cases of family violence, centres for social care did not act carefully enough, and perpetrators of violence found out where the victims were accommodated. Therefore it is necessary to make an additional effort to increase the safety of victims of violence and establish standards to protect the data regarding the victims of violence. It is necessary to work systematically on preventing family violence; thus, apart from victims of violence, including children, it is also necessary to work with perpetrators of violence.

It can still be noticed that, when taking measures within their competence, certain centres for social care do not take into account who is the victim and who is the perpetrator of violence in the family. Moreover, it is not taken into account that women victims of violence also need financial aid in cases where they do not have their own income and are financially dependent on the perpetrator (economic violence).

It is important to point out that prevention of violence was one of the reasons for the adoption of the new Arms Act, which came into force on September 1, 2007 (Official Gazette No. 63/07).

The new Act introduced more stringent conditions that an owner of weapons has to meet, stipulated in the 10th article of the Act. The approval to obtain a weapon cannot now be given to a person who was inter alia sentenced for criminal acts that included elements of violence, which are also contained in criminal acts against marriage, the family, and youth, as well as against sexual freedom and sexual decency; these limits also apply to acts of the same kind undergoing criminal procedure. The same condition also applies to all who are sentenced, or undergoing procedure, for offences in the area of family violence, as well as those under protective measures caused by family violence.

2.1.1 STATISTICAL DATA ON FAMILY VIOLENCE

The General Police Directorate provided the Ombudswoman with the data on offences and criminal acts related to family violence for the period from 1st January to 31st December 2007:

a) overview of state and changes in the number of registered interventions and measures or actions taken

- in the period from 1st January to 31st December 2007, the police registered 17,848 requests by citizens for police intervention to protect them from family violence, which is 8.61 % higher than in 2006, when there were 16,433 requests for police intervention;
- in 17,848 cases the intervention was provided as requested;
- in order to protect the victim or due to concerns regarding possible resumption of violence, the measure of detention in police premises was taken against 6,131 persons, which is 2.54 % more cases than in 2006, when there were 5,979 detention measures taken;
- 17,391 persons were reported to minor offence courts for offences under art. 18, in connection with art. 4 of the Act on Protection Against Family Violence, i.e. 13.84 % more than in 2006, when the respective figure was 15,277 persons;
- in the year 2007, the police proposed 11,099 protective measures in total, i.e. 12.25 % more in comparison with 2006, when 9,888 protective measures were proposed;

- 1,798 criminal acts of Violent Behaviour in the Family (article 215 of the Criminal Code) were registered in 2007, which is 9.42 % lower than in 2006, when 1,985 criminal acts were registered;
- out of 11,099 proposed protective measures, the police implemented 609 measures, which fall under its jurisdiction according to the Act on Protection against Family Violence; this is an increase of 79.65 % in comparison with the year 2006, when the police carried out 339 such measures;
- 22,158 persons suffered damages caused by offences of violent behaviour, including 2,940 children, 1,247 minors, 12,171 adult women, and 5,800 adult men.

b) implementation of the provision in article 18 in connection with art. 4 of the Act on Protection Against Family Violence

The analysis of data related exclusively to the offence of violent behaviour clearly shows that in the period from 1st January to 31st December 2007, the police in the Republic of Croatia reported 17,391 perpetrators of the offence of violent behaviour in families, out of which 7,032, or 40.43 %, were brought before the minor offence court, while 6,161 or 35.25 % were detained in the police premises, in accordance with articles 145 and 147 of the Minor Offences Act.

The police lodged 120 complaints regarding the rulings of the magistrate judges – a 140 % increase compared to 2006, when 50 complaints were lodged.

22,158 persons suffered damages by the offence of family violence, for which the perpetrators were reported for minor offences (the total number of the persons who were harmed includes 4,187 or 18.90 % minors, out of which 2,940 children, and 17,971 adults, out of which 12,171 or 67.72 % adult women).

Regarding the gender of those harmed, 14,409 are women (both minors and adults), or 65.03 % of the total number of persons affected by violent behaviour in the family.

Looking at the relation between the perpetrator and the victim, the most common perpetrators of violent behaviour in the family in 2007 were: husband against his wife in 6,261 or 28.26 % cases; father in 4,185 or 18.89 % cases; son against parent in 2,889 or 13.04% cases; common-law husband against wife in 1,160 or 5.24 % cases; wife against husband in 1,258 or 5.68 % cases, etc.

c) implementation of provisions of the Minor Offences Act and the Act on Protection Against Family Violence

In the period from 1st January to 31st December 2007, the police proposed to the minor offence courts to decide on 11,099 protective measures regarding offences of family violence:

- 4,936 measures of mandatory psycho-social treatment;
- 1,128 restraining orders;
- 402 measures of prohibition of disturbing or stalking the person exposed to violence;
- 583 measures of removal from apartment, house or another residential space;
- 15 measures of securing the protection of persons exposed to violence;
- 3,618 measures of mandatory treatment of addiction;
- 417 measures of confiscation of objects intended or used to commit the offence.

Out of the 11,099 protective measures proposed, the police implemented 609 protective measures which the Act on Protection against Family Violence has placed within their realm of competence:

- 379 measures of prohibition of approaching the victim of violence;
- 102 measures of prohibition of disturbing or stalking the person exposed to violence;
- 128 measures of removal from apartment, house or another residential space;

d) implementation of the provisions of art. 215 a of the Criminal Code: "violent behaviour in the family"

Analysis of the data related to the perpetration of criminal acts of "violent behaviour in the family" under art. 215 a of the Criminal Code in the period from 1st January to 31st December 2007 shows that the police found and lodged criminal charges against 612 persons for committing 1,798 criminal acts. 1,914 persons were harmed by these criminal acts, out of which 1,482 were women, which is a proportion of 77.43 % of the total number of persons harmed. Regarding the age of the harmed, there were 51 children and minors, which is 2.66 % of all those who were harmed by this criminal act.

The Office for Gender Equality of the Government of the Republic of Croatia provided data on the implementation of the measure No. 5.2.2 of the National Policy for the Promotion of Gender Equality from 2006 to 2010 (Official Gazette No. 114/06), which provides for the establishment of a Task Force to carry out an analysis and draft an action plan for the prevention of all forms of violence against women. In July 2007, the Office for Gender Equality appointed the Task Force, which drew up the Draft Proposal of the Rules of Procedure in Cases of Sexual Violence.

2.1.2. COMPLAINTS SUBMITTED TO THE OMBUDSWOMAN

1. CASE DESCRIPTION (PRS-03-01/07-02): The complainant N. Đ. from P. lodged a complaint alleging that she was a victim of family violence perpetrated by her former husband, that he threatened her with a pistol which he owns illegally, that he constantly harasses her at her workplace, telling her that he is not the father of their under-aged daughter; she further alleges that he does not pay alimony for the child, that she approached the police and the social centre in charge asking for help, but they did not do anything to stop the violence.

MEASURES TAKEN: After obtaining the reports and relevant documentation from the General Police Directorate – Crime Police Department, and the relevant social centre, the Ombudswoman inferred that the officers of the relevant police station did not act in accordance with their duty under the Rules of Procedure in Cases of Family Violence. That is, they failed to treat the actions of the former husband (stalking and harassing the complainant in her tailors shop) as family violence. Instead, in the report on the intervention they established that they did not find any elements of an offence or criminal act. Therefore, the Ombudswoman issued a warning to the relevant police station through the General Police Directorate – Crime Police Department, highlighting the failure to act in accordance with the Rules of Procedure in Cases of Family Violence, because the case in question did include family violence (harassment and stalking). The Ombudswoman also issued a recommendation to the police station to treat stalking and all other methods of harassment as family violence, in these specific cases as well as in all other similar cases.

Subsequently, the General Police Directorate – Crime Police Department notified the Ombudswoman that their analysis of the case found that the police officers of the ZB police station failed to recognise harassment and stalking as violent behaviour in the family. The PD in charge issued written directions to the police station in question to strictly follow and implement the Act on Protection against Family Violence and the Rules of Procedure in Cases of Family Violence. The police also informed the municipal Public Prosecutor in charge of young people in Z. to make a prosecutorial decision.

2. CASE DESCRIPTION (PRS-03-02/07-01): The complainant B. P. M. from Z. lodged a complaint with the Ombudswoman, alleging that she was exposed to psychological abuse by her husband, and that she reported family violence on several occasions. The complainant particularly emphasized the event of 19 April 2006, when she called the police when her husband threw their radio from the house and aggressively harassed her while she was watching a TV show. The complainant alleges that neither the police nor the Social Centre lodged a minor offence report of family violence, although she approached them several times, reporting psychological and economic maltreatment. Furthermore, the complainant informs that there was a divorce procedure going on before the municipal court of jurisdiction, which she had initiated in late 2005. According to the complainant, only two hearings were held: 13 January 2006 and 6 June 2006; the third hearing was never scheduled. The complainant thinks that the court needlessly protracts the procedure and informs that she filed a request to the court to speed up the procedure.

MEASURES TAKEN: Based on the report from the General Police Directorate and the report and documentation of the Centre, the Ombudswoman came to the conclusion that police officers and social workers of the Centre took all actions and measures required by the Rules of Procedure in Cases of Family Violence. Namely, police officers obtained the data and collected the information necessary to investigate and prove a minor offence or a criminal act, and communicated them to the responsible municipal state attorney to make the decision. Regarding the conduct of officers of the Centre, it could be seen among other things that the complainant and her husband were directed to a family counselling centre. In addition to that, the Ombudswoman notified the Ministry of Justice about the part of the complaint regarding the duration of the judicial procedure.

3. CASE DESCRIPTION (PRS-03-02/07-02): Complainant A. P. from N. lodged a complaint to the Ombudswoman because she was exposed for years to family violence by her husband, as well as by his father. Both of them treated her violently with threats and insults. The complainant alleges that in October 2005, she approached the police and asked for protection, and after that approached them on several other occasions, but she thinks there were no specific results, or that she was not appropriately informed about the results of the police interventions. The complainant alleges that the officers of the Centre are informed

about the family violence; underaged children are also exposed to family violence. Being exposed to violence in her family, the complainant constantly lives in fear and insecurity.

MEASURES TAKEN: After examining the documentation, the Ombudswoman determined that the police officers and social workers of the Centre took all actions and measures under the Rules of Procedure in Cases of Family Violence. Namely, the officers of the police station did the following: after the event on the 5th November 2005, when violence in the family occurred, they lodged a Demand for a minor offence procedure against the husband and his father with the minor offence court of jurisdiction. A Demand for a minor offence procedure was also lodged with the minor offence court against the husband because of the event of 18th January 2007, when there was also violence in the family. As it was also found that the husband committed a criminal act of threat, they offered the wife an opportunity to file a proposal for the prosecution of this criminal act for the record, which she refused. Apart from that, they also offered the complainant to file a request for criminal proceedings because of the violent behaviour in the family for the period from 13th August 2005 to 18th January 2007, which she also refused, alleging that there was mutual animosity. On the other hand, the workers of the Centre advised the complainant how to overcome the problems in the marriage and informed her about her rights, especially about the possibilities of housing accommodation, including an appropriate shelter for women victims of family violence.

4. CASE DESCRIPTION (Pov. PRS-03-02/07-03): The complainant D. N. from Z. – temporarily accommodated in a shelter for women victims of family violence – lodged a complaint to the Ombudswoman, stating that she had been exposed to violence for four years, directed from her husband against her and against their underaged children. As to forms of violence, she cited physical assaults (blows to all parts of her body) causing injuries, sexual abuse, verbal attacks, insults, cursing, humiliation, threats with murder, damaging and destroying property, economic violence, abuse during pregnancy, harassment, and other forms of violence. Being afraid for her life and the lives of their children, she did not dare report the violence in the family; she did report it on 22 January 2007 to the police station and the Centre in charge, and asked to be placed in a safe house, together with the underaged children. The complainant says that the police officers and the social workers at the Centre failed to inform her about the measures they would take, measures of protection, the results of her report, and the outcome of the court procedure.

MEASURES TAKEN: On the basis of the obtained reports and documentation from the Centre and the General Police Directorate, the Ombudswoman came to the conclusion that the police officers and the workers at the Centre took actions and measures in accordance with the Rules on Procedure in Cases of Family Violence. Namely, as soon as the officers of the police station received the information (from a social worker at the Centre) on family violence against the complainant, they intervened at the address of the complainant, conducted necessary informative interviews, arrested the husband, established that he did commit family violence, filed a request to initiate the procedure for a minor offence and brought him before the judge of the relevant minor offence court. It was also obvious that the relevant police station completed the preliminary crime processing of the husband due to probable cause to believe that he committed a criminal act of violent behaviour in the family against his wife, under article 215.a of the Criminal Code, and that he committed a criminal act of neglecting and abuse of a child or an underaged person, under article 213 of the Criminal Code. The documentation shows that the Centre informed the police about the family violence as soon as the complainant asked for help, and that, acting on her request, on the same day they placed the complainant and her underaged children into a home for victims of family violence.

5. CASE DESCRIPTION (PRS-03-02/07-04): Complainant N. F. from P. filed a complaint to the Ombudswoman because she was not given protection from family violence and abuse she had been exposed to by her husband for several years. The complainant alleges that she was exposed to physical violence (beating), psychological violence (psychological maltreatment and threats), economic violence (the husband uses the whole family property and forbids her to enter their newly built house), forced sex and other forms of violence and abuse. The complainant says that, when the abuse became unbearable and occurred almost daily (sometimes more than once in a day), her children called the police without her knowledge, and thereafter, in the last two years, they asked for police intervention more and more often because the complainant was forced to protect herself and her children. The complainant says that she is not satisfied with what the police did for her protection.

MEASURES TAKEN: The Ombudswoman drew a conclusion from the report of the General Police Directorate that police officers took all actions and measures according to the Rules of Procedure in Cases of Family Violence. Having established that the husband committed acts of violence against the complainant on five occasions during the period from 12th April 2003 to 16th February 2007, the police officers lodged the Requests for a minor offence procedure with the minor offence court of jurisdiction. On 29th June 2006, criminal charges were lodged at the relevant municipal office of the state attorney against the husband concerning the criminal act of violent behaviour in the family, committed against the complainant, and the criminal act of neglecting and abusing a child or a person of minor age, committed against their children. They also took some pre-investigation steps directed at establishing reasonable suspicion of a criminal act of threat, which the husband may have committed against the complainant. Apart from the steps mentioned above, it follows from the report that the police officers of the police station in charge had also reported the complainant for criminal acts of threat, as well as damaging or destroying other person's property; they also submitted a request to initiate minor offence procedures against her.

6. CASE DESCRIPTION (PRS-03-02/07-08): The complainant S. V. from Z. approached the Ombudswoman as a victim of family violence and abuse by her husband. The complainant alleges that the police, and particularly the workers of the relevant Centre, failed to provide adequate aid to protect her and her underaged children from the family violence to which they had been exposed since 2004. She alleges that she approached the Centre after the police intervention and asked the worker of the Centre and the person responsible for monitoring parental care to place her in a shelter for women victims of violence. Instead of the accommodation which she expected, her children were taken away and entrusted to the paternal grandmother for custody and raising.

MEASURES TAKEN: The Ombudswoman received the report of the General Police Directorate and the report and documentation from the Centre, and some additional documentation later on. She established that all actions and measures were taken in accordance with the Rules of Procedure in Cases of Family Violence. The report of the Centre showed that a divorce procedure was going on at the municipal court, and the court decided to entrust the underaged children to the grandmother for custody and raising; the decision will be in effect until the process has been concluded, or until a different decision was reached by the court. However, keeping in mind the allegations from the complaint and the fact that the complainant does not live with her children, the Ombudswoman suggested the Centre to take all measures to enable the complainant, as a victim of violence, to restore her family unit with her underaged children, and further to observe the complainant's family and take measures to protect the family.

7. CASE DESCRIPTION (PRS 03-02/07-14): The complainant G. M. from O. complained to the Ombudswoman about the conduct of the police, i.e. their failure to provide protection to the complainant as a victim of family violence. The complainant states that the family violence has lasted for several years, that her former husband grew increasingly aggressive and violent with her, but that the problems emerged much earlier, because the husband was alcoholic and neglected the family. He was retired from the military, and diagnosed with PTSD. The complainant particularly highlights the police interventions: In May 2006, the police intervened due to physical violence; the former husband was put in custody for 48 hours, and was only given a fine. Another intervention happened in December 2006, caused by physical violence, expulsion from the house, insults and murder threats; the husband was kept in custody for 24 hours, the house was searched, and he was only given a fine. On 5 March 2007, the police intervened when the former husband was being physically violent, insulted the complainant and threatened her with murder; he acted violently towards the children. Again, he was put in custody and fined. Since the fines were without effect, the complainant insisted that the court issue protective measures of barring access and mandatory treatment for addiction, but the minor offence court of jurisdiction did not accept that.

MEASURES TAKEN: After examining the documentation, the Ombudswoman found that the police officers and the workers at the Centre took all actions and measures in accordance with the Rules of Procedure in Cases of Family Violence. Namely, the police officers did the following against the former husband: on three occasions they submitted Requests for minor offence procedures to the minor offence court of jurisdiction. In two cases, he was taken before the magistrate judge. In one case, a protective measure of mandatory treatment to

cure addiction was suggested to the minor offence court of jurisdiction; in the other, the protective measure of mandatory psycho-social treatment was suggested to the minor offence court of jurisdiction. On two occasions they lodged crime reports with the state attorney concerning violent behaviour in the family; two times they also lodged crime reports for neglecting and abusing a child or a person of minor age. On the basis of these reports, the municipal court ruled on the 21st March 2007 on the precautionary measure of prohibition of approaching the complainant (to the distance of less than two meters) and prohibition of establishing or maintaining contacts with her (by mobile telephone, Internet, mail and other means of communication).

THE OUTCOME OF THE CASE: The complainant informed the Ombudswoman that the family situation improved insofar as the violence stopped, and an agreement was reached with the husband in written form, whereby they regulated their relations regarding the property acquired during the marriage. The agreement also gives her the possibility to use the attic apartment without being disturbed, until the conclusion of the civil procedure in which the proportion of ownership is to be established based on each partner's respective investment in the apartment. She adds that the husband honours the agreement completely. She lives in the part of the house with a separate entrance and the husband lives on the ground floor; he respects the stipulation of the agreement that prohibits him to come to the first floor and disturb her.

8. CASE DESCRIPTION (PRS-03-02/07-23): The complainant J. V. from V. G. lodged the complaint stating that for several years, she had been exposed to family violence committed by her former husband. Owing to the husband's violent behaviour, they divorced in December 2006, after which she and the husband have lived in the same house – the husband on the ground floor and the complainant with their children in the attic, but the husband also uses the attic. The violence continued after the divorce; the complainant had not been reporting the violence to the police or other responsible bodies until 7 June 2007, when the former husband verbally attacked and insulted their underaged child in the attic, and then broke all the cups, glasses and plates that were in the sink. When the complainant returned from work, she asked the former husband why he did break things in the house; he replied that it was his house and he could do whatever he wanted. When she told him that he cannot do that and behave like that, the former husband insulted her and slapped her several times. The complainant called the police, and after they gave their statements they were both taken to the police and then to the minor offence court, where they were both sentenced. The complainant points out that she felt wronged by the overall conduct of the police; she thinks that the officers of the police station did not process the case properly and they failed to protect her and the children. Namely, although the complainant made it clear to the police officers, and did the same at the minor offence court, the police officers did not take into consideration all circumstances of the case – the damage done by the husband, the husband's insults, the violence against the underaged child and all circumstances related to the duration and continuity of the family violence. Furthermore, the complainant alleges that the police officers did not inform her on what further measures they would take, on the protective measures, as well as measures important for her safety and the safety of the children, e.g. what would happen after the husband had served his prison sentence.

MEASURES TAKEN: The report and documentation of the General Police Directorate show that the officers of the relevant police district noticed certain flaws in the proceedings conducted by the officers of the relevant police station in this case. Therefore, due to the errors noted, an order was given to carry out the preliminary criminal investigation of the former husband due to the probable cause of a criminal act of violent behaviour in the family directed against the complainant, under article 215.a of the Criminal Code, and the criminal act of neglecting and abusing a child directed against their children, under article 213 of the Criminal Code. Thus, the proper protection or appropriate measures and actions by the police officers were taken only when the Ombudswoman appealed to the General Police Directorate and after the previous conduct of the police officers was thoroughly scrutinised.

9. CASE DESCRIPTION (PRS 03-02/07-26): The complainant M. G. from S. lodged her complaint to the Ombudswoman as a victim of family violence and abuse committed by her husband. She alleges that she is a victim of her husband's domestic violence that has lasted for several years. Several times she reported the violence to the police, but they failed to take measures to protect her. The complainant says that she first reported the family violence in

the year 2000, when she ended up in a hospital because of her husband's physical assault. During 2006 and 2007, around ten police interventions took place; two times they took a fire weapon away from her husband, but he was never taken to the police station. The husband was fined on several occasions because of his violence in the family, but he was never sentenced to jail. Apart from various forms of family violence, the husband also commits economic violence by not letting the complainant work in their joint catering business, which is officially owned by the husband; twice he forced the complainant from the shop, that is, from her workplace.

MEASURES TAKEN: The report of the General Police Directorate states that the relevant police district found errors made by the police officers of the police station in charge, i.e. that they made an incomplete qualification of the criminal conduct of certain individuals. All operative staff of the unit in question received additional education with regard to the issue. However, after she had filed her complaint with the Ombudswoman, the complainant stated during an interview in the police district that she did not want any further proceeding by the police, the Ombudswoman or other bodies in charge and that she was reconciled with her husband.

10. CASE DESCRIPTION (PRS-03-02/07-29): The complainant H. B. from P. filed a complaint to the Ombudswoman stating that she was a victim of family violence by her former husband and his brother, that she asked for help at the police station, as well as the relevant Centre, where she was advised to seek police assistance by herself.

MEASURES TAKEN: Having examined the documentation, the Ombudswoman established that in this specific case, the police entirely fulfilled their duties under the Rules of Procedure in Cases of Family Violence. However, the Centre failed to inform the police urgently and without delay when it learned about the violence in the complainant's family, as required by the Rules of Procedure in Cases of Family Violence. Namely, as can be seen from the available documentation, in the course of the divorce mediation procedure between the complainant and her husband, as well as after the personal appeal made by the complainant, the Centre was informed about the family violence against the complainant. The Centre also knew that the police were not informed about it. Therefore, the Ombudswoman gave the Centre a warning and recommendation for future conduct in this specific case, as well as in all other cases of the kind; the Centre should act following its obligations under the Rules of Procedure in Cases of Family Violence: to inform the police on family violence urgently and without delay, to record it officially, open a case file and take other actions within its competence in order to protect victims of family violence.

11. CASE DESCRIPTION (PRS-03-02/07-31): The complainant D. T. from V. lodged a complaint to the Ombudswoman as a victim of family violence, because her safety was under threat. The complainant states that she used to live in the town of L. during her marriage, but after her husband made death threats and committed acts of family violence, the complainant has lived with her parents in V. In her complaint, the complainant points out the deficiencies of the system of protection against family violence. Namely, although certain measures were taken against her husband, including several protective measures under the Act on Protection against Family Violence, the complainant is afraid for herself and her family because she is still exposed to threats, disturbing, stalking and restrictions of free movement. She particularly highlights the problem of failure to implement the protective measures according to the ruling of the minor offence court in N.

MEASURES TAKEN: The Ombudswoman obtained the report of the General Police Directorate and the report and documentation from the Centre in N. and Centre in V., which show the following: On the 30th May 2007, the minor offence court in N. and minor offence court in V. pronounced several protective measures against the husband under the Act on Protection against Family Violence, but the protective measures are not implemented because the decisions of the minor offence courts are not final. However, since the General Police Directorate did not comment clearly on the allegations of the complainant (quote: "that he (the husband) has a right to be with the child because the court decision is not final") related to the intervention by the police officers of the police station in R. of 21 July 2007, the Ombudswoman requested an additional statement from the General Police Directorate, particularly with regard to the circumstance that the Municipal Court in V. decided on the protective measure that entrusted the complainant with the custody and raising of the underaged child. An appeal against the protective measures cannot delay their execution. Furthermore, the Ombudswoman required the General Police Directorate to notify her when

the court decisions of the High Court for Minor Offences on protective measures become final and valid. The General Police Directorate delivered an amendment to their report to the Ombudswoman, wherein they state that on 21st July 2007, that is, at the moment of intervention, the officers of the police station in R. did not possess the decision of the Municipal Court in V. of 18th July 2007, since it had not been served to the complainant, which is why she could not present it to the police officers, but instead showed them the decision of the minor offence court in N. of 30th May 2007, pronouncing against the husband the protective measure of the ban of approaching the complainant; the latter, however, was not yet valid. However, as stated in the additional report, on 20 September 2007, the Police Station in V. received the valid decision of the minor offence court in V. with the protective measure prohibiting the husband from approaching his wife to the distance of less than 150 meters; the implementation of the measure is currently ongoing.

12. CASE DESCRIPTION (PRS-03-02/07-38): The complainant S. M. from K. – temporarily accommodated in the shelter for women victims of family violence – submitted a complaint to the Ombudswoman because the police and the relevant Centre failed to provide her with appropriate protection against family violence. The complainant alleges that both before and during the marriage, she was exposed to violence by her husband, who worked in the Police Station in K.; his parents also took part in the violence. As victims of family violence, she and their child were accommodated in the shelter. Regarding the forms of violence, she cited physical violence, murder threats, insults, swearing, humiliation, maltreatment during pregnancy, unlawful detention, restricting freedom of movement, and harassment. The complainant says that she first appealed to the police for help in the year 2005, during her pregnancy, when her husband's father threatened to kill her, insulted her on ethnic grounds and cursed. On that occasion she reported the violence in the police station and described in detail how she was exposed to family violence. Due to violent behaviour of her husband and his family and the husband's deadly threats on 31st July 2007, the complainant asked for police help on 1st August 2007 and gave the chief of the relevant police station detailed information about the specific forms of violence; he told her (quoting) that "... I had to talk to my husband, these are marital problems, it's normal". After the interview with the husband, who admitted in the presence of the police station chief that he hit her, the station chief said (quoting) "... that I should go home and talk with him further at home. I begged him not to send me home because he does not know what would happen when I got there. He did not pay attention." At home, she endured violence again; the police officers intervened by suggesting that she give her statement at the police station. While the complainant was in the police station, giving the statement about the family violence, a social worker from the local Centre approached her, telling her (quoting) "... that there are those women's houses, but they're no use. She told me to find a job and a flat and they won't be able to take my child away from me, told me not to worry, they won't do anything to me. She told me not to report the death threats because he (the husband) would lose his job, and he also has to provide for the child." The complainant also states (quoted): "In the morning, I called D. (the social worker) and told her I did not have a flat, that I was unable to find one. She told me that I no longer had a right to the house, that it was only valid the previous evening, 1st August 2007. She also told me that I might ask my father in law to rent me the first floor, since I have the conditions to live there, while the husband could use the ground floor." Finally, the complainant wrote that her brother took her to a cousin in N. and that she was placed in a shelter on the 6th August 2007.

MEASURES TAKEN: After considering the documentation, the Ombudswoman came to the conclusion that the complainant did not receive the protection against family violence when she directly approached the head of the police station on 1st August 2007; she only got protection afterwards, based on the report by her father, who reported later the same day that the complainant was abused by her husband. Namely, when the complainant reported the family violence, neither were steps taken to establish whether the family violence was committed, nor were the necessary data and information collected to clarify and prove an offence or a criminal act. It was evident that on the same day it was indeed established that violence in the family took place a few hours later, but based on a new report, received from the complainant's father. While the appropriate actions and measures were taken in the subsequent procedure, the Ombudswoman admonished the responsible police station that in this specific case they did not act in timely manner and in accordance with their duties, as stipulated in the Rules of Procedure in Cases of Family Violence. On the other hand, the report

of the Centre shows that, when the police officers informed the Centre about the family violence, the workers of the Centre interviewed the complainant about placing her in a shelter, but the complainant said on the record that she wanted to move in with her cousin and that she was informed about the possibility of accommodation in the shelter for victims of family violence. The statement of the social worker that the Ombudswoman obtained says that she approached the complainant with great sensitivity and expressed her understanding of the family problems that emerged; if she offended the complainant in the conversation, she is sorry.

13. CASE DESCRIPTION (PRS-03-02/07-43): The complainant M. L. from R. lodged a complaint saying that as a victim of family violence she asked help from various institutions, including the Centre in K. (under whose jurisdiction the place of the complainant's permanent residence belongs) and the Centre in R. (with jurisdiction over the place of the complainant's current location), but she did not get adequate assistance. Namely, when she approached the Centre in K. she was told that she cannot get assistance, i.e. realise her rights, unless she lived in the area of the local jurisdiction of the Centre. Due to complex circumstances, the complainant and her four children (the youngest daughter is in kindergarten, two are pupils, and the oldest daughter has diabetes and depends on insulin treatment) temporarily live in a room in the area of the town of R., which they will have to leave soon. Before that, based on the decision of the Centre in N. of 18th June 2007, her right to care outside the family expired, and her accommodation in the House for abused children and adults "R. S." in R was terminated. The complainant asked the Centre in R. for help, but they told her that she was not entitled to any rights there because she did not have permanent residence in the town of R. The complainant also states that she lodged a demand for divorce from her abusive husband, who was in custody due to his threats against her.

MEASURES TAKEN: Having examined the documentation from both Centres, the Ombudswoman concluded that both Centres have taken measures to protect the complainant's family. However, keeping in mind that the R. Centre sent the K. Centre a request for urgent action regarding the recognition of the complainant's family's rights within the system of social welfare, the Ombudswoman sent the K. Centre a recommendation to keep monitoring the complainant's family and to take measures to protect that family, and to inform her immediately on any actions they have taken regarding the recognition of the complainant's family's rights within the system of social welfare, with particular attention given to the fact that the complainant was a victim of family violence and that a failure to act or insufficient action to protect victims results in gender-based discrimination against the victims in the realisation of their rights in various areas of life, given the abundance of data that show that the victims are predominantly women. Following the recommendation, the K. Centre informed the Ombudswoman about the measures taken to protect the family of the complainant.

14. CASE DESCRIPTION (PRS-03-02/07-48): The complainant R. K. from Z. submitted her complaint to the Ombudswoman, wherein she alleged that on 9 August 2007 she reported to the police a physical assault by her husband, but she does not think that the police took adequate action and measures for her protection. The complainant states that the police failed to take measures against her husband, i.e. that they did not take him in to be interviewed, because they said they did not find him and that he was not accessible. Only when the complainant's sister approached the Police Directorate was the husband taken to the police. The Complainant alleges that, apart from physical violence, she was subjected to psychological violence in her marriage from its very beginning, most often in the presence of their child; the husband insulted her, swore, committed physical coercion, humiliation etc. The complainant states that the husband forced her out from the apartment they rented, and she returned to her mother's home to live there.

MEASURES TAKEN: Having examined the documentation, the Ombudswoman concluded that the police officers did take all actions and measures in accordance with the Rules of Procedure in Cases of Family Violence. On 9th August 2007, police officers intervened in the apartment of the complainant's parents, and found that the husband verbally and physically assaulted the complainant. However, since the husband was not found on the spot, nor was he found afterwards, he was declared as wanted by the police. The husband was found and arrested on 9th November 2007 and taken to the magistrate judge, where he was sentenced to 15 days in prison because of family violence. Furthermore, the police officers carried out preliminary crime processing due to the probable cause of a criminal act of violent behaviour in the family

under article 215.a of the Criminal Code, as well as a criminal act of neglecting and abusing a child under article 213 of the Criminal Code. Upon completion of processing, the complete information and documentation was delivered to the relevant municipal state attorney for consideration and decision. Apart from that, since the complainant stated in her complaint that in September 2007, her husband forced her out from their apartment, police officers interviewed her later on regarding the circumstances under which she left the apartment. They forwarded the official record of the interview to the relevant municipal state attorney for consideration and decision, together with other information they had collected.

15. CASE DESCRIPTION (Pov PRS-03-02/07-15): The Ombudswoman received a complaint from B. G. from K., who is in accommodation in the shelter for women victims of family violence in K. together with her underaged son, who attends a special school for children with special needs. The complainant is unemployed and without income, a beneficiary of social welfare assistance. As her right to use the shelter would soon expire, she asked the Ombudswoman to assist her in resolving her housing problem. Her older son had already filed a request for housing accommodation at APN in 2005, which has not yet been resolved.

MEASURES TAKEN: The Ombudswoman issued a recommendation to the Directorate for the Displaced Persons, Returnees and Refugees to provide housing accommodation for B. G. as a victim of family violence on the area of special state concern, because the complainant does not have other housing possibilities and her right to accommodation in the shelter is about to expire.

THE OUTCOME: The response of the Ministry of the Sea, Tourism, Transport, and Development Directorate for the Displaced Persons, Returnees and Refugees confirms that B. G. meets the conditions for housing accommodation according to the legal regulations regarding the competences of the Directorate. Therefore the Directorate sent the motion to the Regional Office in K. to find an appropriate housing unit for the complainant and her family in the area of V. within the legal possibilities and in accordance with the availability of housing objects.

16. CASE DESCRIPTION (Pov PRS-03-02/07-13): The Ombudswoman received a complaint from N. L., accommodated in the shelter for battered women and children in K. with a request for help. Her divorce procedure is ongoing and she has been accommodated in the shelter with her two underaged children since 6th August 2007. She is unemployed, without a home, and she is a temporary beneficiary of social welfare assistance. In January 2008, her maternity leave will end and she is afraid that she would be left without any income. She asked the Ombudswoman to urge the Employment Institute to find her a job that would give her the possibility to provide properly for her children.

MEASURES TAKEN: The Croatian Employment Institute is one of the agencies responsible for the implementation of measures that are considered to be state support to employment and professional training, under the Annual plan for the year 2007. These measures include, among others, co-funding the employment of particular groups of unemployed persons (measure no. 4), which includes women victims of violence and unemployed single parents with underaged children. The Ombudswoman notified the Croatian Employment Institute, Regional Office in K., about the problems the complainant has faced and gave her recommendation to the Institute to provide assistance in the employment of Ms. N. L. within its competence.

THE OUTCOME: The Institute informed the Ombudswoman that as of 3rd December 2007, Ms. N. L. was employed in the D. company.

17. CASE DESCRIPTION (PRS-03-02/06-27): The complainant S. S. from Z. lodged her complaint to the Ombudswoman, stating that the police did not treat her equally as her husband. The complainant alleges that the police did not protect her from family violence perpetrated by her husband, to which she was subjected on 21st May 2006; the husband was violent that day, slamming doors, yelling at her to get lost from the room, told her he would "dispose of" her. As the husband took away their underaged child (two years and four months of age), the complainant asked for police intervention; however, her husband lodged a false report to the police against her, so she was taken to the police station and held there until the next morning, when she was taken to the magistrate judge. In addition to her complaint related to the event of 22nd May 2006, the complainant said: "The same evening, the police came late, after 10:30 pm; the noise awoke my child, but it fell asleep again. Around

midnight, the child got sick and started to vomit, but the policeman told me that I had to go to the police station with him. I asked him whether it was really necessary for me to go, because the child was sick (the child vomited in front of him), and he told me that I had to, and that I should call my parents to take care of the child. It was particularly distressing to me that I had to separate from my sick child, and I demand that this part be investigated in particular. That means that I had no choice and it is not true that I went with them of my own free will, as they allege."

MEASURES TAKEN: Having examined the documentation, the Ombudswoman concluded that the complainant was not treated appropriately, as a person who initiated the intervention and to whom the intervention was supposed to provide protection. Namely, there were much more appropriate ways for the complainant to present all relevant information about the violence that was committed (in her apartment, or in the police station the next day or one of the following days), instead of making her come to the police station immediately and to leave her sick underaged child at home. Therefore the Ombudswoman admonished the police station because they failed to give the complainant proper and clear information about her legal rights, i.e. that without a written summons, she was not obliged to report at the police station to communicate the information relevant to establishing the facts about the violence committed; when asking her to come to the station, they failed to take into consideration the appropriate time and the state of health of the underaged child, as well as the consequences that could ensue for the child because of the separation from the mother; furthermore, they failed to inform the complainant about the measures and actions that are particularly important for her protection (e.g. taking the perpetrator to the police premises, the importance of self-protecting conduct and that the victim have a cooperative attitude in a way that would contribute to her safety). Furthermore, the Ombudswoman gave the recommendation to the police to be more gender-sensitive in their future conduct with victims of family violence.

18. CASE DESCRIPTION (Pov PRS-03-02/07-20): L. M. from L. complained to the Ombudswoman when visiting the Association for the Protection of Family – R., which takes care of the Shelter for Victims of Family Violence, opened on 2007 by the City of R. The complainant is a mother of two underaged children, a victim of family violence committed by her common-law husband R. P. She seeks help with her housing accommodation in an area of special state concern. On 21st June 2007, she and her children were accommodated in the Shelter for Victims of Family Violence in R. The complainant alleges that on 5th February 2003, the Department for Displaced Persons, Returnees and Refugees issued the permission for granting her family housing accommodation by temporarily renting a state-owned house in the area of special state concern in L., where she and her children had lived until they moved to the secret shelter. She also states that her new application for housing accommodation, lodged with the Department, was rejected.

MEASURES TAKEN: The Ombudswoman sent a recommendation to the Ministry of Sea, Tourism, Transport, and Development – Department for Displaced Persons, Returnees and Refugees, to provide new housing accommodation for L. M. in the area of special state concern. The recommendation expressed the opinion that it should be reviewed whether the conditions still exist which were the ground for the previous approval for the housing accommodation of the family of L. M. in the area of special state concern, since three members of the family left the house in 2007, out of fear for their lives and health because of the violent behaviour of I. P. The new situation should be taken into consideration. The only person currently enjoying the housing accommodation is the violent I. P., against whom there are several ongoing criminal procedures, while the rest of his family is in the Shelter.

2.1.3 THE COUNCIL OF EUROPE CAMPAIGN TO COMBAT VIOLENCE AGAINST WOMEN, INCLUDING DOMESTIC VIOLENCE

As a member of the Council of Europe, the Republic of Croatia joined the Council of Europe Campaign to Combat Violence against Women, Including Domestic Violence. According to the Council of Europe plan, the campaign began in Madrid on 27th November 2006; it was conducted throughout the year 2007 and continued till the events on the International Women's Day in 2008 (hereinafter: the Council of Europe Campaign).

Pursuant to the plans and recommendations of the Council of Europe, in order to sensitise the public for the problems of violence, the National Committee for the Implementation of the Council of Europe Campaign was established, presided by the Vice-president of the Government and the Minister of Family, Veterans' Affairs and Intergenerational Solidarity, Ms. Jadranka Kosor. The year 2007 was proclaimed the Year of Combating Violence against Women, including domestic violence.

The slogan of the Campaign to Combat Violence against Women, Including Domestic Violence, in the Republic of Croatia (hereinafter: the National Campaign) was "There is no justification for violence". One of the main goals of the National Campaign was to involve men performing responsible state duties, or those who could help by virtue of their name, attitudes or principles in the struggle against violence against women and family violence. Thus, the Prime Minister, Dr. Ivo Sanader, joined the Council of Europe Campaign on the occasion of the public presentation of the National Campaign on the 25th November 2006.

The Campaign has continued throughout the year 2007 in accordance with the calendar of activities of the national Campaign (<http://www.mobms.hr/>).

The Ombudswoman participated in the visits of members of the National Committee to:

- the president of the Supreme Court, Branko Horvatin (10th January 2007)
- the president of the Administrative Court, Ivica Kujundžić (10th January 2007)
- the President of the Republic, Stjepan Mesić (26th January 2007)
- the speaker of the Croatian Parliament, Vladimir Šeks (8th February 2007)
- the president of the Constitutional Court, Prof. Dr.Sc. Petar Klarić (9th March 2007);

as well as in other activities related to the National Campaign organised by the Ministry of Family, Veterans' Affairs and Intergenerational Solidarity:

- at round-tables: on amendments to the Family Act, on 20th February 2007, and on "Systematic financing of civil society organisations that provide direct protection for victims of family violence" on the occasion of the International Women's Day, 7 March 2007;
- at the celebration of the International Women's Day on 8th March 2007, which the Government of the Republic of Croatia organised for the members of the National Committee for the Implementation of the Council of Europe Campaign to Combat Violence against Women, including Domestic Violence, women members of Parliament, women heads of counties, women mayors, women ambassadors, and representatives of women's nongovernmental organisations that provide assistance and support to women victims of violence;
- at the public presentation of the National Campaign for the Prevention of Gender-based Violence (co-organised by the Centre for Education, Counselling, and Education and O.M.G. – Open Media Group) on 15th March 2007;
- at the international seminar "Active Participation of Men in Combating Domestic Violence" (organised together with the Directorate General of Human Rights and Legal Affairs of the Council of Europe – Department for Gender Equality), 9-10th May 2007;
- at the launch of the Handbook for Media Reporting on Family Violence, 15th May 2007.

Local Programmes of the Council of Europe Campaign

One of the strategic goals of the National Campaign was to actively engage the state and the local and regional self-government and coordinate their activities in the implementation of the National Campaign and encourage development of local programmes within the Campaign to Combat Violence against Women, including Domestic Violence (hereinafter: Local Programmes). Thus, even before the official start of the Council of Europe Campaign, the

Vice-president of the Government and the Minister of Family, Veterans' Affairs and Intergenerational Solidarity, Ms. Jardanka Kosor, sent a memo on 14th September 2006 to all bodies of local administration and self-government, with a request that they develop their own Local Programmes.

Monitoring the implementation of the National Campaign on the level of local self-government, the Ombudswoman sent repeated requests for information to check whether the relevant authorities on the local level (20 counties and 126 cities) adopted their Local Programmes of implementation of the National Campaign. To those that did not make such programmes she issued a total of 140 recommendations to draft the programmes:

- 17 recommendations to the county councils/commissions for gender equality,
- 15 recommendations to heads of counties,
- 108 recommendations to mayors.

The analysis of the participation of counties and cities in the implementation of the National Campaign will help in the evaluation of the realisation of the goals of the National Campaign. The following part contains the report and analysis of the Local Programmes which the Ombudswoman received by 31st December 2007.

By the end of 2007, the Ombudswoman received the Local Programmes from 45 cities, the City of Zagreb, and 12 counties. In the territory of the 12 counties that drafted their Local Programmes, 30 cities also drafted theirs. Fifteen cities drafted their Local Programmes in six counties that did not draft theirs; therefore, two counties were an exception without Local Programmes either on county or city levels.

The analysis of the 58 Local Programmes was structured by the following activities planned to prevent and suppress family violence against women:

1. Information for the general public about the problems of violence and sensitisation of the community by organising round tables, public panels, local media campaigns and street events was planned in 49 Local Programmes (12 counties and 37 cities).
2. In 34 Local Programmes (four counties and 25 cities), cooperation was planned with civil society associations which provide assistance to women victims of violence.
3. Educational activities (for employees in the relevant state and local bodies and for citizens) such as seminars, workshops and public lectures were planned in 30 Local Programmes (5 counties and 25 cities).
4. Establishment or co-establishment of local family centres, counselling services, shelters for women and children victims of family violence or SOS-telephones was planned in 29 Local Programmes (seven counties and 22 cities). Financial support for existing services is also planned.
5. Twenty-five Local Programmes (8 counties and 17 cities) include plans for cooperation with health centres, social care centres and police stations, exchange of experience and development of good practice, collecting and monitoring statistics on family violence during the campaign and afterwards.
6. In 20 Local Programmes it is stated that the funds for their implementation are secured in the local budgets, while only in three cases the account of expenses for the planned activities was part of the Local Programme itself.
7. Twelve Local Programmes include plans to establish committees or commissions for gender equality, which victims of family violence could contact. Two counties plan to stimulate the establishment of committees or commissions for gender equality in cities and municipalities in their territory, and 10 cities plan to establish their committees or commissions for gender equality.
8. Apart from other activities planned in connection with the National Campaign, the City of Zagreb made the City of Zagreb National Strategy of Unique Policy of Protection against Family Violence for the Period from 2008 to 2011 (Official Gazette of the City of Zagreb, No. 16, 20 November 2007).

On the occasion of the National Day for Combating Violence against Women, on the 20th September 2007 in Varaždin, the Ombudswoman participated in the 6th session of the Commission for Gender Equality of the Varaždin County, where the "Report on the Implementation of the Programme of the National Campaign to Combat Violence against Women in the Varaždin County" was revealed; experiences were exchanged on this issue with representatives of the Međimurje and Krapina-Zagorje Counties.

During her stay in the Vukovar-Sirmium County on the 26th October 2007, the Ombudswoman had a meeting with members of the Commission for Gender Equality of the Vukovar-Sirmium County and was informed about the activities of the County in the implementation of the project "Shelter for women and children victims of family violence", as well as about the goals of the implementation of the Local Campaign.

Table 21, "Adoption of Local Programmes for the implementation of the Council of Europe Campaign to Combat Violence against Women, including Domestic Violence", shows the overall and individual account of the data presented above.

2.1.4 RULES ON PROCEDURE IN CASES OF FAMILY VIOLENCE

With the aim of monitoring the implementation of the Rules on Procedure in Cases of Family Violence, the Ombudswoman sent a request for information to the coordinators in state administration offices and to the committees/commissions for gender equality in the counties. The purpose was to find out whether cooperation and data exchange were established between the coordinators in the state administration offices, the committees/commissions in the counties, cities and municipalities, and nongovernmental organisations that implement programmes aiming to protect victims of violence; furthermore, to find who has initiated cooperation and whether the coordinators were drafting reports related to family violence, according to the provisions in Chapter 2 of the Rules on Procedure in Cases of Family Violence.

The request for information was sent to all coordinators in State Administration Offices in the counties (20), as well as to all county committees/commissions for gender equality and the commission of the City of Zagreb.

Sixteen coordinators and nine county committees/commissions replied.

Based on the data received, the Ombudswoman drew the tables showing the comparative data for the years 2006 and 2007 about the practice of the coordinators for gender equality in the State Administration Offices (table No. 22) and the county committees/commissions for gender equality (table No. 23) under the Rules on Procedure in Cases of Family Violence.

It was found that the coordinators for gender equality in the State Administration Offices initiate cooperation, exchange data and keep records of the data obtained through such exchange more often than the committees/commissions in the counties.

As all state bodies have a duty under the Gender Equality Act article 3 to assess and evaluate effects of any decision or action in all phases of planning, decision-making and implementation with regard to the position of women or men, in order to achieve real equality between women and men, it is the task of the coordinators to influence the implementation of this legal provision, as well as implementation of other legal provisions, such as those concerning advertising, statistics, or education, since they are also legally responsible for their implementation.

The practice of the Ombudswoman shows that the coordinators either do not have influence, or they do not perform the duty of coordination for other reasons. The reasons may vary, from a lack of interest, to a lack of time or resources; it is also possible that they lack clear understanding of their role.

2.1.5 PSYCHOSOCIAL TREATMENT

Overview of the work of the Ministry of Justice Expert Commission for the implementation of psychosocial treatment of perpetrators of domestic violence, for the period 2006-2007

The president of the Expert Commission, Dr.Sc. Dean Ajduković, sent the Ombudswoman the overview of the work. Inter alia, it includes the following:

The Ministry of Justice Expert Commission for the implementation of psychosocial treatment of perpetrators of domestic violence, which includes seven members, was established according to the provisions of the Act on Protection against Family Violence and commenced its work in March 2006.

The Expert Commission has worked on preparing the materials necessary to develop and introduce the system of implementation of psychosocial treatment of perpetrators of family violence as a protection measure (defined by the *Act on Protection against Family Violence*) and security measure (defined by the *Criminal Code*). Five sessions were held, with the following achievements:

1. The open call for applications to the Ministry of Justice was published for legal entities and natural persons that meet the conditions to acquire the license from the Ministry of Justice to implement psychosocial treatment.

A special task force considered the applications; it checked whether the candidates met the conditions to practice psychosocial treatment. Proposals to issue licences for treatment centres that meet the conditions were forwarded to the Minister of Justice in October 2007. However, the licences had not been signed by the end of the period covered by the current report.

2. The plan of development of a network of treatment centres in the next five years was drafted to secure the prerequisites for the implementation of psychosocial treatment in all counties of the Republic of Croatia in the period from the year 2007 to 2011 in accordance with the standards of the EU. As part of the plan for the development of the network, it was established that there exists a need for the education of experts during the abovementioned period, so that approximately 1,200 perpetrators of family violence could receive psychosocial treatment every year.

The development plan was forwarded to the Minister of Justice in November 2007, but a decision thereupon had not been reached by the end of the period covered by the current report.

The Expert Commission supported education that promotes understanding of the objectives, content, working methods and expected benefits of the implementation of psychosocial treatment of perpetrators of family violence. The Judicial Academy held a series of two-day seminars for approximately 120 participants on the topic of family violence; the programme also included a module on psychosocial treatment. The Society for Psychological Assistance held four one-day workshops for judges of minor offence and municipal courts, municipal public prosecutors and centres for social care, attended in total by approximately 150 participants.

Owing to the efforts of the Expert Commission, the Criminal Law Directorate of the Ministry of Justice asked the Directorate for Financial and Economy Affairs to allocate funds from the State Budget of the Republic of Croatia in 2008 for the implementation of psychosocial treatment.

The request was approved and a new line of expenses was added to the budget for a group of minor offence courts in chapter 75, under the heading of health services, in the fixed amount of HRK 300,000. This was the first time that funds were planned for psychosocial treatment.

The Ombudswoman obtained the data from the Society for Psychological Assistance from Zagreb.

According to the data of the Society for Psychological Assistance from Zagreb, a pilot-project "Psychosocial Treatment of Perpetrators of Domestic Violence" has been implemented in their MODUS Centre for Children, Youth and Family since 2003. During 2004, the treatment was individual, because the number of users was not sufficient to form groups. From the year 2005 on, they have provided both group and individual treatment. The group treatment is

carried out for male perpetrators of family violence, and the individual treatment for women perpetrators of violence.

From late 2003 until the end of 2007, courts and CZSS referred to them a total of 140 users (121 men and 19 women). Minor offence courts (from Zagreb and the Zagreb County) sent 111 users, the CZSS sent 19, and the Municipal Prosecutor's Office 12 users.

In the total number of 140 users sent to the Centre, 16 gave up, 27 users were rejected in the assessment procedure (due to contraindications to the implementation of treatment, such as alcoholism or mental illness), and 53 users completed the treatment (22 group and 31 individual treatments).

In April 2007, they had to stop the implementation of the treatment because the funding was no longer available. They did not yet receive any money from the Ministry of Justice, which was supposed to finance the treatment, and they no longer have funding from other sources. From 2004 to 2006, the treatment was financed from funds received through calls for project proposals for associations (the Ministry of Health and Social Welfare and the National Foundation for Civil Society Development). Through these two calls for project proposals they collected only part of the necessary funds (for approx. 20 users), while the rest was covered by their voluntary work.

In the year 2007 (until April, when the treatment stopped) there were 12 users. After the interruption of treatment, minor offence courts sent them 48 new users, so they hope the funds will be secured soon and the implementation of treatment will be resumed.

Treatment like theirs (the same content, method, and duration) is implemented only in Rijeka, where two colleagues were providing treatment in the Counselling Centre of the CZSS Rijeka from the year 2005 till 1st April 2007, when they moved to the Association for the Protection of the Family – Rijeka and continued to provide treatment, funded by the City of Rijeka.

In late 2006 and early 2007, The Society for Psychological Assistance also held four half-day workshops (in Pula, Osijek, Rijeka, and Zadar) on psychosocial treatment of perpetrators of violence for 150 participants (68 representatives of minor offence and municipal courts and 82 representatives of centres for social care).

2.2 PARENTAL CARE

By way of introduction, it should be pointed out that the **Amendments to the Family Act** (Official Gazette No. 107/07), passed by the Parliament at the session of 3 October 2007, which came into force on 1 January this year, further affirm the principle of gender equality in family relationships. Since the equality of women and men also implies their equality in rights and duties, these amendments will not only improve the position of children, but indirectly also the position of the parent who lives with underaged children. In most cases it is the women, who often experience economic hardship because the other parent does not fulfil his duties (failing to pay due alimony). This is particularly valid for women who belong to the vulnerable group of women victims of family violence. During 2007, women often asked the Ombudswoman questions related to the realisation of rights to child support by former partners. Women accommodated in shelters for women were particularly interested in the issue. Given the great number of persons obliged to pay child support who do not honour their duty, it could be concluded that the problem lay not only in the practical implementation (unavailable data on property, long lasting court procedures, impossibility of collecting the due money by execution of a court order), but also in the unsatisfactory legislative solutions.

The new provisions entail a significantly stricter attitude toward parents who, although equally responsible for raising and supporting their children, evade their duty to pay alimony for children with whom they do not live. The law now sets the minimal amount of child support and increases the role of the centres for social care.

As the jurisprudence until now has not been homogenous in setting the amounts of alimony, and, in some cases, the courts set entirely inappropriate amounts of child support, the minimal monthly amount of child support that has to be paid by the parent who does not live with the child was defined by law for the first time. Moreover, when setting the amount of child support, courts shall take into consideration the complete economic situation, and not only the salary of the parent obliged to support the child.

A child of a parent who does not fulfil their duty to pay the alimony is allowed to demand to be paid the outstanding debt starting from the day the debt was generated, and not the day that charges were first pressed against the parent, which has been the case until now.

The law provides for a much more active role of the centres for social care, which have a duty to litigate to collect the outstanding alimony debt on behalf of the child unless the other parent does that; the centres are also to file criminal charges against the parent and should seek ways of resolving the dispute without litigation. If a parent does not pay the alimony for more than six months, the centres will pay a temporary support compensation for 50% of the minimum alimony set by the court for a single child of a specific age.

One should hope that centres for social care will really use the authority given them (it should be noted that even before, their powers were not negligible), since the amendments to the Family Act from 2006 relieved them from part of their responsibilities, which were transferred to the realm of the competence of the courts.

For the first time, the law provides a possibility for a child or adopted child to meet with, or spend time with its parent's former common-law partner, or with the stepmother or stepfather.

Regarding the complaints directed to the Ombudswoman in relation to the unequal treatment of fathers and mothers in the implementation of parental care, it should be pointed out that many complaints are related to judicial proceedings, which are beyond the competence of the Ombudswoman for gender equality.

Since many such complaints also hint at family violence, the Ombudswoman reviewed the relevant bodies' conduct regarding these parts of the complaints.

In all cases described here, the Ombudswoman, acting in accordance with her legal powers, obtained reports and documentation from employers and from all institutions relevant to each individual case, and examined the existing documentation before considering the complaint.

In order to keep the text short and easy to navigate, the full names of relevant institutions with which the Ombudswoman had contacts to obtain reports and documentation related to the case were omitted in the descriptions of individual cases. Therefore, instead of the full title of "Centre for Social Care", only the "Centre" was used, and the "Police Station" was replaced by the acronym "PS".

1. CASE DESCRIPTION (PRS-03-01/07-08):

The complainant S. E. from B. lodged a complaint about substantial inequality in parental care. The complainant says that she is a mother of three underaged children, one of whom has special needs, and that workers of the relevant Centre discriminate against her as a woman and mother in relation to the children's father. According to the complainant, the subjective and biased attitude of the centre in favour of the father is particularly visible in the conduct of the person who monitors parental care; as a man, he is in friendly relations with the father of the children and he does not objectively present the parents' care for the underaged children. The complainant claims that there was a breach of rules in the appointment of the person to monitor parental care, because each person responsible for monitoring cover a particular area. Furthermore, in the notes attached to the complaint, the complainant said that on 5th December 2006 at 8:15 pm, she called the police and informed them about the mental and physical maltreatment of the child committed by the father.

MEASURES TAKEN: On the basis of the reports and documentation of the Centre and the General Police Directorate – The Crime Police Directorate, the Ombudswoman concluded that the conduct of the relevant Centre did not put the complainant into disadvantage. Namely, the reports and the documentation show that a social pedagogue was entrusted with executing the measure of monitoring the implementation of parental care, and do not indicate any breach of the rules on appointing the person to conduct the monitoring; in this procedure the location of the parents' residence is not relevant, as suggested in the complaint. The report by the Police Directorate says that the police officers of the relevant PS reviewed the complainant's allegations concerning the conduct of the workers of the Centre and collected information to that purpose, including reports of the monitoring. The review did not find elements of breaches or punishable actions.

2. CASE DESCRIPTION (PRS-03-01/07-22): The Women's Coordination of the Croatian Association of Trade Unions (Hrvatska udruga sindikata) lodged a complaint to the Ombudswoman on behalf of their member B. D. from V. As a single mother, Ms. B. D. was unable to enforce the measure of distraint to collect the alimony for her underaged daughter from the salary of her husband. The reason is that the Police Directorate, where her husband is employed, isn't implementing the court decisions on distraint. The complainants believe that the administration of the Police Directorate acts in favour of the former husband, who has a duty to support the child, but has been successfully avoiding paying the alimony for nine years. This was possible because he was allowed to take bank loans, which were covered automatically from his salary, although the alimony should have a priority over other debits from the salary. Therefore, the complainants believe that the relevant police directorate violates the principle of gender equality.

MEASURES TAKEN: Having reviewed the report from the relevant ministry, the Ombudswoman found that the police directorate did not act in a timely manner to implement the court order for distraint given by the Municipal Court in V. on the 20th January 2003; allegedly by mistake, the court order was not immediately delivered to the Department for financial affairs, which should have acted upon it. Since the Department of financial affairs was not aware of the court order for distraint, the enforcement debtor was able to take out a loan with a commercial bank.

The cited report concludes by pointing out that the case does not involve intent to discriminate in favour of the person obliged to pay alimony nor any violation of the principle of gender equality, since it is evident that B. D. had regular legal means available to realise her rights; the Ministry also abides by the law and properly executes received court orders. However, in the course of considering the case, particularly the documentation that was delivered to her, the Ombudswoman concluded that the relevant police directorate, as the employer of the debtor, failed to act upon the receipt of the court order for distraint (received on the record on 30th January 2003) and seize the appropriate part of the debtor's salary, in accordance with the court order for distraint; furthermore, it failed to deposit these amounts in a special account before receiving notification that the court order is final and valid. Therefore, the Ombudswoman issued the following warning to the relevant ministry: Hesitating to act upon the order for distraint given by the Municipal Court in V. on 20th January 2003, i.e. failing to promptly execute the court order, the relevant police directorate put Ms. B. D. into economic and social disadvantage. Namely, according to article 2 of the Family Act, the regulation of family relations is founded upon the principle of equality between women and men, and on

both parents' responsibility to support and raise their child. The principle of equality between women and men, and the principle of the responsibility of both parents to support and raise the child can be violated by intentional and unintentional failings of state bodies, including errors in executing court orders. Following this, the Women's Coordination of the Croatian Association of Trade Unions informed the Ombudswoman that after her intervention, the relevant state bodies hastily took steps to resolve the problem.

3. CASE DESCRIPTION (PRS-03-01/07-13): The complainant S. U. from Z. submitted a complaint to the Ombudswoman, claiming that as a woman she was exposed to family violence, and as such was discriminated against in her treatment by the Centre, which continued in the court proceedings. The complainant says in her complaint that the conduct of the Centre included the following errors: in setting out grounds for their opinion, they did not appropriately evaluate and emphasise the fact of family violence to which the complainant was exposed; for no reason, they delayed making a temporary decision on the custody of the child in the procedure that started in January 2005; they uncritically accepted the findings and opinion of an expert witness, to which the complainant had made many well argued objections, particularly to the stereotypical opinion: "... and to the fact that it is a male child, for whom the identification with the father will be very important in the following formative years... but in the present phase in the boy's development, a greater presence of the father would be more needed". In an update to her complaint, the complainant cites an additional consequence of the errors made by the relevant Centre: that the relevant Municipal Court ruled about the custody of the underaged child, which entirely discriminates against the complainant as a woman and a mother.

MEASURES TAKEN: In considering the case, the Ombudswoman did not find that the actions and conduct of the Centre for Social Care treated the complainant unequally in relation to her husband in the way that she would not enjoy equal opportunities to realise her right to equal parental care. Additionally, the Ombudswoman did not find that the Centre failed to take measures regarding protection from family violence. *Videlicet*, it is evident from the report and the available documentation – also taking into consideration the complexity of the procedure that included psychosocial processing, expertise, and family treatment – that the Centre did not unreasonably delay the decision on the custody of the underaged child before the decision fell under the jurisdiction of the Municipal Court. Regarding the possible discrimination against the complainant before the court, the Ombudswoman pointed out that, under her competences and powers, she could not consider or question the positions of the courts of the first and second instance on which they grounded their decisions, including the position of the second instance court: "keeping in mind thereat the key role of the father in the growing-up of a male child, the court of the first instance correctly implemented the substantive law, when it ruled that the two parties' underaged child shall live with the father".

4. CASE DESCRIPTION (PRS-03-01/07-16): The complainant G. B. from R. G. lodged a complaint to the Ombudswoman wherein he complains about the conduct of the workers of the relevant Centre and believes that as a man, he wasn't treated equally. The complainant alleges that on 30th April 2007, his wife was put in a shelter, with assistance of the workers of the Centre, and that she took with her their child of 12 years. The complainant says that he was never violent toward their underaged children, and before she left, his wife reported him to the police for violent behaviour in the family. The complainant claims that he wasn't given any information about his child since it had been given accommodation in the Centre, nor did the workers of the Centre enable him to have any contact with the child.

MEASURES TAKEN: The reports and the documentation show that the wife, together with the underaged child, was placed in the shelter for victims of violence after she had suffered acts of family violence committed by the complainant. When he visited the Centre, he was informed about the divorce proceedings and the possibility to meet his daughter and socialise with her through the court; he was also informed about the policies of the institution where his wife and daughter were accommodated, due to which encounters and socialising were not possible neither with his daughter nor with his wife. Furthermore, he was informed about how his daughter has settled down and acclimatised to the new school.

5. CASE DESCRIPTION (PRS-03-01/07-17): The complainant I. K. from Z. submitted his complaint to the Ombudswoman, stating that he was dissatisfied with the conduct and passivity of the relevant Centre, which has put him into an unequal position as a father in relation to the mother of the child. The complainant alleged that the mother of their child

(seventh months of age) does not allow him any contact with the child. In April 2007, he lodged a lawsuit with the Municipal Court, requesting a decision concerning the custody of the child. When he received the first invitation from the Centre (his invitation was for 15th June 2007), given that he would have to wait too long, he called the Centre and an earlier appointment was set for 31st May 2007. On his visit to the Centre, he explained that the mother denies him contact with the child and asked the workers of the Centre to help him speed up the procedure. The workers of the Centre told him that they could not do anything and that they would follow the procedure. When the complainant asked what would happen if the child came to live with him without a court decision on custody, they told him that such a situation would be dealt with very quickly. The complainant concludes that this case shows that the workers of the Centre unequally treat mothers and fathers, depending on which one of them lives with the child.

MEASURES TAKEN: Having sent a rush note, the Ombudswoman obtained the report and documentation from the Centre. Examining the case, the Ombudswoman concluded that the actions and conduct of the Centre did not put the complainant into disadvantage. Namely, regarding the court session scheduled for 24th July 2007, the documentation shows that the Centre summoned the complainant and the mother of the child within a reasonable period of time, that the Centre completely accepted the complainant's motions, and accordingly submitted to the court a motion for a temporary measure regarding the encounters with the under-aged child.

6. CASE DESCRIPTION (PRS-03-01/07-32): The Complainant D. Č. from S. B. lodged a complaint to the Ombudswoman, wherein he complains about the conduct of the workers of the Centre; he thinks that as a man, he was treated unequally. The unequal treatment in his view consists in the fact that his wife and the underaged children went to a shelter for women victims of violence, but there was no reason for that because, as he claims, the wife was not exposed to violence by him. In fact, the wife reported the family violence to the police on the same day that she moved to the shelter, but the police did not find that he committed family violence; therefore, he thinks that there is no reason for his wife and children to stay in the shelter. In his view, the biggest problem is that he has not had any possibility to contact their children since they were taken to the shelter. Namely, he did not get any information from the workers of the Centre about the underaged children, nor was he able to make any contact with them, even by telephone. He is worried by the fact that everybody tells him that custody of children after divorce is always given to the mother.

MEASURES TAKEN: Based on the documentation collected, the Ombudswoman concluded that in its actions and procedures, the Centre did not treat the complainant unequally in relation to his wife and that he was not denied an equal opportunity to realise his right to parental care. Namely, the documentation shows the following: when the complainant visited the Centre, he gave a statement for the record, where he expressed his views regarding the situation in which his wife moved to the shelter; he was advised in the Centre as to how the issue of custody of the two partners' underaged children was to be resolved and he was informed that the decision on custody and meetings with underaged children are in the exclusive judicial domain; the complainant lodged a motion to rule on the parental care with the relevant municipal court, but then withdrew the motion, only to lodge a new motion for a ruling on the same issue; the complainant approached the Centre on several occasions, and he was always welcome, heard and advised.

7. CASE DESCRIPTION (PRS-03-01/07-19): The Ombudswoman received a complaint from E. Z. from B., who complained about A. P., a worker at the Centre for Social Care from B. The complainant was seeing the social worker in the Centre, during meetings with her underaged child who lives with the father until the final court decision. She wrote that the worker of the Centre did not do anything and did not make any official note for the record to show that the complainant was a victim of violence by the husband S. P., although that was precisely the reason why she complained to the Centre. She also says that, on top of physical maltreatment, the husband constantly threatens her and insults her and her family. She claims that the worker of the Centre never invited her to have a conversation at her office, but spoke with her only in the lobby or in the presence of her husband; in contrast, she always spoke with the husband in a friendly tone. Additionally, she said that on 4th June 2007, when she arrived for the appointment to see her underaged daughter, she was orally attacked by A.

P., who also threatened to call the police because she allegedly spent more time with the child than she had been given.

MEASURES TAKEN: Based on the report of the Crime Police Directorate, the Ombudswoman found that the police officers of the U. PS acted in accordance with the Rules on Procedure in Cases of Family Violence. However, after reviewing the documentation, the Ombudswoman warned the B. Centre that in the concrete case it did not act in accordance with the point B) the Duties of Competent Bodies in the Rules on Procedure in Cases of Family Violence, related to centres for social care; having learned about the family violence committed by the former husband against the complainant, the Centre failed to immediately open a case file, report the case to the police, regardless of whether another body already did so, and to give the police all information it had received regarding the case and make an official note about that.

8. CASE DESCRIPTION (PRS-03-01/07-28): N. Š. from Z. approached the Ombudswoman with a written complaint wherein she says that there exists a court order which allows her to meet and spend time with her children, as well as a decision of the Ministry of Health and Social Welfare, according to which the relevant Centre has to enable her to see her underaged daughter and spend time with her. However, the Centre has ignored its duty and she never realised her right.

MEASURES TAKEN: Proceeding upon the complaint, the Ombudswoman concluded that in the specific case there are no facts that suggest a conclusion that the complainant was discriminated against on the basis of gender or that the principle of gender equality was violated, because the available documentation shows that the relevant Centre issued an official order banning the complainant from contacting her underaged child or approaching the child without authorisation, that the order was confirmed by the Administrative Court of the Republic of Croatia, and that the Constitutional Court of the Republic of Croatia rejected the complainant's constitutional complaint. Therefore, the former decisions, which allowed the complainant to see her child, were annulled by the later decisions.

9. CASE DESCRIPTION (Pov PRS-03-02/07-17): The Ombudswoman received a complaint from Ms. S. J. from G. S., who stated that the Centre for Social Care in K. treated her in a discriminatory way as a woman and mother. She thinks that the Centre failed to take measures within its competence to allow her the opportunity to see her daughter L. P., who lives with her father. The complainant says that she never sees her daughter and that the decision of the County Court in K., which defines how the mother will contact her child, has not been enforced for years; she adds that the Centre is well informed about the whole issue, because she complained to the Centre several times.

MEASURES TAKEN: After she received the reports and documentation, the Ombudswoman sent a warning and a recommendation to the Centre. In the warning, she points out that, although the Centre established that there was a need for regular encounters between the mother and daughter, the complete documentation shows that the Centre failed to take all available steps to enable the realisation of the encounters between the mother and daughter, as defined by the valid judgment of the County Court in K.

The psychologist's opinion indirectly suggests that the complainant's allegations, that even the relatives of her former husband obstruct her contacts with the child and that the child uses the word "mummy" to address her paternal grandmother, are correct. The fact that the mother was unable to see her child due to complications in pregnancy and because she does not live in K. constitutes a justified reason why, for a certain period, the encounters could not take place as foreseen, but it cannot be interpreted as the lack of the mother's will to see her daughter. In their opinions submitted to the Court, the Centre favoured the father, without asking him to fulfill his duties under article 109 of the Family Act regarding the encounters between the mother and the daughter; in cases when the father ignored such warnings, the Centre failed to implement its powers under article 100 of the Family Act. The principle of gender equality is one of the fundamental principles of the Family Act (articles 2, 87.3, 99.1, as well as art. 93.1). Therefore the Ombudswoman recommended to the Centre to contact the mother and take all necessary steps to make the encounters between the mother and her underaged daughter happen.

2.3 FAMILY – OTHER COMPLAINTS TO THE OMBUDSWOMAN

1. CASE DESCRIPTION (PRS-03-03/07-05): Due to her inability to come to Zagreb and the urgency of her case, the complainant D. T. from V. asked the Ombudswoman to act by telephone. In the telephone conversation, she stated that family violence committed by her husband had caused the break-up of the marital union, so she left her husband and moved back to her parents' home with their child. The husband had already been found guilty of family violence, and the relevant minor offence court pronounced against him, handing him a protective measure of a ban to approach the complainant. Persuaded by the husband, the complainant agreed that their underaged child (3,5 years) spend a few days with him and his parents, primarily because of his parents. The problem emerged when the complainant was supposed to take the child back. In the conversation about the return of the child, the husband insulted the complainant and set conditions to hand over the child (that the complainant personally should come to collect the child, and before doing so she should give the child's passport to the husband's mother, etc.). The complainant accepted all the conditions, that is, a set date and time when she would come to take the child from the husband's mother at the railway station in N. Reckoning that she was still threatened by her husband, and fearing a possible physical assault, she sought assistance from the police officers in the N. PS; she asked for their presence when she takes the child from the grandmother. A police officer she spoke with told her that the police cannot give her protection upon her arrival in N. and that it is not the duty of the police to guard her. If she is in danger, she should call them and they would arrive in two minutes to assist her. Since the police officer did not accept her request, the complainant approached the Ombudswoman.

MEASURES TAKEN: The complainant received assistance after the Ombudswoman talked to the chief of the relevant PS, who was not aware before the conversation that the complainant had asked for police assistance; he promised that the police would help the complainant when she went to take over the child. When they communicated later on, the complainant informed the Ombudswoman that police officers were present at the railway station to protect her if necessary.

3. OTHER AREAS

3.1 VIOLENCE - OTHER

CASE DESCRIPTION (PRS 03-02/07-04): The Ombudswoman has received a memo from the Croatian Parliament Gender Equality Committee, demanding an investigation into all the circumstances of events that took place in the courtyard of a high school in Z. on the 14th of March 2007. The attachment contained an article from the *Jutarnji list*, dated 16th March 2007, concerning the event. The text states that an unidentified young man under the influence of alcohol assaulted a pupil in front of the school, and started to violently touch her intimate parts. The text also states that the school pedagogue, Mr. M. G., declared that no big deal should be made of the event, that today's youth are always joking and feeling each other up, and now that something similar has happened, it is condemned as rape.

MEASURES TAKEN: The Ombudswoman asked the Police Directorate, Crime Police Department for reports on the police intervention and measures taken by police officers regarding the described case. The school was also asked to make a complete report concerning the circumstances around the case in hand, including a specific statement regarding Mr. M. G., the school pedagogue's assertions, which had been published in the press. Furthermore, if it is established that errors had been made, what measures have been undertaken. The school was also asked to deliver all documentation related to the case. The school director notes in the report that all necessary actions were taken, that all who were party to the events were summoned to discuss them, and that they were asked to give written statements, which they did. He also notes that, after the police talked to the school pupils, the attacker's identity was disclosed. He denied everything when interviewed by the police, and the criminal processing was continued at the police station. The Ombudswoman also received the report from the Ministry of Science, Education and Sports Directorate for Inspection Affairs and Administrative Supervision, which states that, in its Annual Plan and Current Year Programme, the School didn't develop a procedure for dealing with violence, which was mandatory by the Protocol on Procedures. It is also mentioned that it didn't appoint a coordinator, nor inform the assaulted pupil's parents, as it was judged that it wasn't an attempted rape, but rough, violent behaviour from an unknown young man. The school also didn't deliver forms with information on the violence to the institutions prescribed by the aforementioned protocol. Because of the said mistakes, the inspector ordered that appropriate measures be taken. The Police Directorate, Crime Police Department report states that, based on the acquired information, it was established that on the day of the event an unknown male person had committed a criminal offence against sexual freedom and sexual propriety, lewd act as described in article 193 of the Criminal Code in the schoolyard, thus harming N. H., a minor. Furthermore, police officers have identified the juvenile man, M. G., who was brought to the investigative magistrate of the County Court in Z. on the reasonable suspicion of having committed the aforementioned criminal act. Having received the report and documentation, the Ombudswoman issued a warning and recommendation to the school. The warning emphasises that not all necessary measures and actions were taken to protect the pupil, who was exposed to a serious form of sexual harassment and violence in the schoolyard. It also states that, in the specific case, the School, and especially the school pedagogue didn't recognise that the specific case is a matter of gender-based violence, although this is evident from the pupil's report, the collected statements by the school pupils who had knowledge of the event, the newspaper article, crime investigation and all the circumstances of the case. Therefore, she recommended the school that, by all means, it should include the aspect of gender into its violence prevention programmes, and inform the Ombudswoman of the measures that were undertaken according to the recommendation.

3.2 DISCRIMINATION AGAINST SEXUAL AND GENDER MINORITIES

With the aim of protecting sexual and gender minority rights, the Republic of Croatia has so far adopted the Gender Equality Act (Official Gazette, No. 116/03), which prohibits discrimination based on sexual orientation, the Same-Sex Civil Union Law, (Official Gazette, No. 116/03), which regulates same-sex civil unions and the legal effects of the existence of such a union, while in 2006, a provision was introduced in the Act on Amendments of the Criminal Code

(Official Gazette, No. 71/06), stipulating that the bases for prosecuting hate crimes as criminal acts include sexual orientation.

In 2007, certain advances in legislation were also made regarding the protection of sexual minority rights.

In 2007, a new Volunteering Act was passed (Official Gazette, No. 58/07), and harmonised with the Gender Equality Act and the Same-Sex Civil Union Law. In art. 9, paras 1 and 2, the Volunteering Act states that the principle of prohibiting discrimination against volunteers and the beneficiaries of volunteering lies in the obligation that volunteers and natural persons who are beneficiaries of volunteering be treated according to the principle of equal opportunities for all, notwithstanding *"age, race, colour of skin, language, religious faith, **sex, sexual orientation**, gender and gender expression, political or other beliefs, national or social origin, wealth, education, social status, **marital status, family obligations**, membership, or lack thereof, in a political party, association or trade union, physical or mental difficulties or illness and other personal characteristics, unless dictated by the nature of the volunteering activity the volunteer's own capability, or unless otherwise regulated by this Act."*

On the 3rd October 2007, the Croatian Parliament enacted the new **Misdemeanour Act** (Official Gazette, No. 107/07), which stipulates in art. 130, para 3 that " Precaution measures cannot limit the defendant's right to own flat, and the right of undisturbed relations with flatmates, marital, extra-marital or ex-marital partner, and the children of each of them, parents, adoptee, foster parent and a person he/she has children with, with a **same-sex partner** that he/she lives together in a life community, **and ex-same-sex partner** he/she lived with in a life community, unless proceedings are conducted on account of misdemeanours connected to family violence."

Violence against members of sexual minorities

The Ombudswoman believes that anti-discrimination legislation isn't sufficient, and that a wider social condemnation of intolerant and homophobic behaviour by individuals is essential. Therefore, the Ombudswoman made a public announcement condemning the physical assault on the Austrian performer A. A., two members of the Austrian group and the organiser of a series of urban club nights and Zagreb singer and host I. P., which took place on the 25th of April 2007 in the close vicinity of a club in Zagreb, as well as the discriminatory and improper messages of a hostile nature that were left in front of the office of the "Kontra" lesbian group on the 23rd of April 2007.

Reminding that the current laws in the Republic of Croatia already do prohibit discrimination based on sexual orientation, the Ombudswoman has emphasised that social condemnation of violence against members of sexual and gender minorities is essential. Concerning this, the Ombudswoman has drawn attention to a resolution that the European Parliament adopted on the 26th of April 2007 as a continuation of the previous resolutions on homophobia¹⁵, with which it sent out a plea for the decriminalisation of homosexuality around the world and called upon the EU member-states to enact laws to suppress discrimination against same-sex couples.

On the 5th of July 2007, the Ombudswoman took part in a special session of the Croatian Parliament Committee for Gender Equality, centring around the issue of "An Analysis of the Rights of Same-Sex Civil Unions in the Republic of Croatia", during which remarks about the existing Same-Sex Civil Union Law and its practical application were given, and in which there was also talk of the still-inadequate degree of tolerance towards sexual minorities and the need for education on furthering tolerance and equality of persons of same-sex orientation, in which the media play an important role.

The Ombudswoman has accepted the invitation by Zagreb Pride organising committee (hereinafter the Procession), which issued a call to the Ombudswoman, to declare her support for the LGBTIQ movement in Croatia.

¹⁵ The 18th January 2006 [Resolution on Homophobia in Europe](#) and the 15th June 2006 [Resolution on the increase in racist and homophobic violence in Europe](#).

During and after the Procession, several cases of violence against the participants of the procession were recorded, as well as other offences, which the police have qualified as misdemeanours.

On the Ombudswoman's request, the Zagreb Police Directorate has reported on the cases of violence linked to the event of the Procession. According to this report, 14 persons who weren't participating in the parade were brought in to be processed for minor offences (9 of the persons were minors). Criminal charges were made against one person, on reasonable doubt that his actions (preparing so-called "Molotov" cocktails to assault the participants of the public gathering) had the characteristics of the criminal offence of gross imperilment of public safety from art. 271, para 1 of the Criminal Code, as well as the criminal offence of endangering lives and property by some publicly dangerous act or publicly dangerous objects defined by the art. 263, paras 1 and 3 of the Criminal Code, in relation to article 33 of the Criminal Code, and the criminal offence of hate crime, from article 89, para 36 of the Criminal Code.

In a total of 3835 texts related to gender equality that the Ombudswoman's Office analysed during 2007, LQGBT community issues were second in frequency of printed press occurrences, with 461 texts (12 %), just behind the subject of domestic violence and violence against women (818 or 21 %). Apart from the violent attack on the Austrian artist in April 2007 and the events related to Zagreb Pride 2007, the majority of articles regarding the LQGBT community concerned the following: the controversies around the Queer Festival posters and the events connected to the festival in May 2007; the "We're not Homophobic, but..." campaign, organised by the associations "Kontra" and "Iskorak"; the first homosexual to out himself in public, a participant on a television reality show; a round table on the rights of sexual and gender minorities in the context of the coming elections.

On average once a month, the press features articles about the personal experiences and testimonies of members of LQGBT communities, and the problems they face in their private lives, within the family, and in public life. Certain public personalities still make statements that are offensive towards members of sexual minorities.

In 2007, within the framework of the Campaign for Reducing Discrimination and Accepting Members of Sexual and Gender Minorities in Croatia, the lesbian organisation LORI from Rijeka started an educational and interactive website "Family without prejudice"¹⁶, aiming to foster greater acceptance of LGBTIQ persons in the family, while on the occasion of the International Women's Day 2007, the Women's Network granted the "Maja Miles" award to the journalist Irena Frlan from the Novi List newspaper, for frequent and fair reporting on sexual minority rights.

The Ombudswoman believes that civil society organisations engaged in the protection of sexual minority rights significantly contribute to raising public awareness, and that their activities influence changes in the legislation as an essential foundation for the protection of all human rights.

3.3 PERSONS WITH DISABILITIES

On the 30th March 2007, in the UN Headquarters, along with representatives of 80 other states, Jadranka Kosor, the Deputy Prime Minister and Minister of family, veterans' affairs and intergenerational solidarity, signed the Convention on the Rights of Persons with Disabilities on behalf of the Government of the Republic of Croatia. Acknowledging the disabled persons' specific needs, the UN Convention provisions commit the signatory states to implement basic human rights in practice. In the article 6, para 1, the UN Convention states that **signatory states recognise that women and girls with disabilities are exposed to multiple discrimination**, and that, they will take measures in this respect to ensure full and equal enjoyment of all their human rights and basic freedoms.

The Ombudswoman therefore welcomes the adopting and implementation of a number of important documents and laws, as well as the realisation of national policy projects and measures in the field of protection of disabled persons' rights.

¹⁶ www.obitelj-bez-predrasuda.info

According to the National Policy for the Promotion of Gender Equality, within the strategic framework for the implementation of gender equality policies and the action plan, the 1st chapter, Women's Human Rights, envisions the following measure for protecting the rights of women with disabilities, whose implementation should be completed in 2007.

1.3.5 – An action programme for the education of women with disabilities about their human rights will be drafted, and public services and the wider public will be informed and educated about the problems facing disabled women.

The measure 1.3.5 has been implemented. According to the information given by the body authorised to carry out the measure, the Republic of Croatia Government, Office for Human Rights, it has published a *Tender for Applying for Financial Support in the Framework of the State Budget for 2007 for Projects by Associations in the Republic of Croatia*, in the field of protecting and furthering the rights of disabled women to implement the measure. 10 projects were approved, aiming to inform women with disabilities about their human rights, to introduce the public to the problems facing women with disabilities, and empowering them to play an active role in the family and society.

In accordance with the UN Convention on the Rights of Persons with Disabilities, on the 5th of June 2007 session, the Government of the Republic of Croatia adopted the National Strategy for Equal Opportunities for Persons with Disabilities from 2007 to 2015 (Official Gazette, No. 63/2007), while on the 3rd October 2007, the Croatian Parliament adopted the Law on Ombudswoman for Disabled Persons (Official Gazette, No. 107/07).

In June 2007, the Act on the Approval of the Convention on the Rights of Persons with Disabilities was adopted, as well as the Optional Protocol to the Convention on the Rights of Persons with Disabilities (Official Gazette, International contracts 06/07).

In 2007, the Ministry for Family, Veterans Affairs and Intergenerational Solidarity continued the pilot-programme called "Introducing Personal Assistants for Persons with the Heaviest Kind and Degree of Disability", initiated in 2006, which aims to involve the most seriously disabled persons in normal life by providing them with personal assistants. In 2007, the Ministry secured funds for a total of 176 beneficiaries, 78 of whom used the services of a personal assistant in 2006, while 98 were new beneficiaries.¹⁷

On the 20th and 21st of September 2007, the top-level European conference was held in Zagreb on the Council of Europe Action plan for furthering rights of persons with disabilities and their complete integration in society and improving disabled persons' lives in Europe from 2006 until 2015, with the subject "National Implementation – from Policy to Practice". The Conference was organised by the Council of Europe and the Ministry for Family, Veterans Affairs and Intergenerational Solidarity.

The City of Zagreb Committee for Persons with Disabilities and the City Office for Health, Labour, Social Welfare and Homeland War Veterans drafted the "Zagreb Strategy for the Equalisation of Opportunities for Persons with Disabilities in the Period Between 2007 and 2010", which was adopted on the 19th of April 2007 session of the Zagreb City Council, and became a document which binds all city offices, institutions and public companies of the City of Zagreb. On the 20th December 2007, the Križevci Town Council has also adopted a strategy for the equalisation of opportunities for persons with disabilities, making Križevci the second town to adopt such a document.

On the 15th of May 2007, the first SOS phone line for disabled women victims of violence was opened for service. The SOS phone line project, as part of the implementation of the Council of Europe Campaign to Combat Violence Against Women, including Domestic Violence, sponsored by the Deputy Prime Minister and Minister for family, veterans affairs and intergenerational solidarity, Jadranka Kosor, who also chairs the Croatian Government Committee for Persons with Disabilities, is the result of the cooperation between the Croatian Union of Physically Disabled Persons Associations and the Disabled Women's Network.

¹⁷ Information from the website of the Croatian Government – www.vlada.hr

4. THE FIELD OF EDUCATION

4.1 LAWS AND REGULATIONS REGARDING GENDER-SENSITIVE EDUCATION

The Ombudswoman regularly monitors the implementation of relevant international documents and national laws and regulations regarding protection and implementation of principles of gender equality in the field of education.

The UN Convention on the Elimination of all Forms of Discrimination against Women – CEDAW (hereinafter: the Convention), which is an international document that is legally binding for all the signatory states, including, since 1991, the Republic of Croatia: Article 10 of this document, concerning education, binds the states party to it to take all appropriate measures in order to eliminate discrimination against women in education.

The Gender Equality Act (Official Gazette, No. 116/03) states in art. 14, para 3 that systematic education and raising awareness on gender equality is binding for all state bodies, legal entities with public powers, especially educational institutions and other legal entities participating in the implementation of furthering and establishing gender equality, and that education on issues of gender equality represents an integral part of the primary-, secondary- and higher-education system, as well as of lifelong learning, including the preparation of both sexes for active and equal participation in all walks of life (art. 14, par. 1). State bodies, legal entities with public authorities, and legal entities owned for the most part by the state, local, and regional self-government are obliged to assess and evaluate the effects of decisions or actions made in all phases of their planning, enacting or implementation, regarding the status of women, or men, in order to achieve actual equality for women and men (art. 3).

National Policy for the Promotion of Gender Equality 2006-2010

The National Policy for the Promotion of Gender Equality for the period between 2006 and 2010 (Official Gazette, No. 114/06)¹⁸ (hereinafter, the National Policy) refers to gender-sensitive education (3rd item) and measures for its implementations as one of the fields covered in the chapter V. *The Strategic Framework for the Implementation of the Gender Equality Policy and the Action Plan* .

A deadline in 2007 has been set for the following measures, for the field of gender-sensitive education:

3.1.1 drafting a Textbooks Standard, following the demands from the Gender Equality Act;

3.1.2 documents for the implementation of the Textbooks Standard will be drafted in accordance with the Act on Primary and Secondary Schools Textbooks, and will be harmonised with the Gender Equality Act;

3.1.3 an expert task force will be set up to draft a programme of professional education and training in the field of gender equality for educators;

3.3.4 extracurricular (gender) education programmes for primary and secondary schools will be introduced.

Monitoring the implementation of the measures from the National Policy regarding gender-sensitive education, whose deadline falls in 2007, the Ombudswoman established the following:

The measure 3.1.1 has been implemented. A new Textbooks Standard has been adopted (Official Gazette, No. 07/07), with which all textbooks must comply. According to the chapter 2.4 *Ethical Requirements*, a textbook "upholds gender equality in an appropriate way, using both noun-genders, especially when mentioning vocations and occupations, while maintaining the level of communication and naturalness of the Croatian language, and prepares both sexes to actively and equally participate in all walks of life" (paragraph 5). According to paragraph 4 of the Ethical Requirements, the textbook "facilitates acquiring knowledge about equality of individuals and social groups and furthers the right to equality."

In paragraph 7, the chapter 2.6. *Design and Graphic Requirements and Standards* introduces this provision: "graphic solutions in the textbook must advance gender equality."

However, while the old Textbooks Standard (Official Gazette, No. 63/03) was uneven in its use of gender-sensitive language, but did use it, the new Textbooks Standard (Official Gazette, No. 07/07) doesn't use both noun-genders in a single example, but exclusively uses masculine gender nouns.

The Measure 3.1.2 hasn't been implemented, that is, the documents for the application of the Textbooks Standard according to the Gender Equality Act haven't been drafted. The Ministry of Science, Education and Sports, which was the implementation subject of this measure, has given the Ombudswoman an explanation why the special documents for the implementation of the Textbooks Standard in accordance with the Gender Equality Act haven't been drafted, because they had judged that *"it is not necessary, as the existing instruments ensure the achievement of the given goal – harmonising textbooks with the postulates of gender-sensitive education"*, and that *"the members of the committee that approved the textbooks were warned that, in order to be approved, the textbook must comply with all the conditions stipulated in the Textbooks Standard, while the textbooks that didn't*

¹⁸ National policy for furthering gender equality for the period between 2006 and 2010 (Official Gazette, No. 114/06) states that "the national priority in the field of education is found in the need to introduce gender-sensitive education in syllabi and curricula, along with the elimination of gender stereotypes and education of educators and teaching staff on gender equality", and that for this purpose, "the introduction of concrete measures to achieve these goals should be hastened" (p. 27).

meet the requirements were either sent to be amended, or rejected altogether, so that schools received only those textbooks that satisfy all ethical requirements and uphold gender equality."

However, the Ombudswoman believes that the relevant ministry ought to have drafted the documents for application of the Textbooks Standard in accordance with the Gender Equality act, and pursuant to the measure 3.1.2 of the National Policy for the Promotion of Gender Equality from 2006-2010.

The Measure 3.1.3 has been implemented. According to the data from the Education and Teacher Training Agency, the main implementation subject of this measure, a nine-member taskforce for drafting the programme of professional education and training for workers in education and teaching in the field of gender equality was formed in December 2007.

Currently ongoing is the drafting of the programme for professional training of workers in education and teaching in the field of gender equality in 2008, for heads of county expert panels. Also involved will be workers in education and training who are conducting educational programmes in schools regarding gender equality, which is in accordance with the measure 3.1.4 of the National Policy, with an implementation deadline between 2006 and 2010.¹⁹

The Education and Teacher Training Agency states that it hasn't been provided funds from the national budget for the expenses of drafting, organising expert panels and publishing the material teachers need to work with, that go into the implementation of the programme of professional training in the field of gender equality.

The measure 3.3.4 has been implemented. Apart from the inclusion of matters regarding gender equality in the Teaching Curriculum for Primary Schools (Ministry of Science, Education and Sports, 2006), there are also extracurricular (gender) educational programmes for primary and secondary schools, in cooperation with civil society associations, approved by the Ministry of Science, Education and Sports.

The Act on Academic and Professional Titles and the Academic Degree (Official Gazette, No. 107/07)

In 2007, The Act on Academic and Professional Titles and the Academic Degree was adopted (Official Gazette, No. 107/07; hereinafter: the Act), regulating academic and professional titles and academic degree, and the manner of their acquisition and use. The Act prescribes the use of academic titles of both genders (Bachelor, engineer, Master, Doctor of Science, etc.).

The Adult Education Act (Official Gazette, No. 17/07)

The Adult Education Act (hereinafter, the Act) was adopted by the Croatian Parliament on the 2nd of February 2007. Although on the 13th of April, the Ombudswoman had already submitted a proposition to the Ministry of Science, Education and Sports (hereinafter, MZOŠ) to introduce the principle of "gender equality" into the Draft Proposal for the Adult Education Act, as that would satisfy international and constitutional provisions on gender equality, and the provisions of the Gender Equality Act, the proposition was not accepted, nor included in the adopted Act. Had it been accepted, such a stipulation would bind all subsequent creators and implementation subjects of adult education programmes to uphold this principle, thus avoiding potential violations of anti-discriminatory provisions of the relevant laws and other acts.

The Adult Education Act doesn't employ gender-sensitive language.

The Students' Union and Other Students' Organisations Act (Official Gazette, No. 71/07)

The Students' Union and Other Students' Organisations Act (hereinafter, the Act) envisages a students' Ombudswoman, appointed by the Students' Union for a mandate of one year (maximum two). One of the Ombudswoman's powers is to receive students' complaints and act as mediator between the complainants and the higher education authorities.

¹⁹ 3.1.4. Systematic education and professional training in the field of gender equality will be conducted for all workers in education and training.

The Act doesn't employ gender-sensitive language. In defining concepts in art. 1, para 2, 1st indent, the Act states: "*Students – all students, male and female, in university and vocational studies in the Republic of Croatia...*", implying that the masculine gender in the first person plural by default implies both genders. However, such an explanation is absent in other articles, in which the Act lists other concepts as exclusively masculine gender, for instance: chairmen of universities (art. 3, para 2), students' ombudsman (art. 1, art. 2, art. 17).

The Act on Amendments to the Preschool Education Act (Official Gazette, No. 107/07) mainly made terminological changes, and the text of the act exclusively utilises masculine gender nouns.

4.2 HIGHER EDUCATION – AN ANALYSIS OF APPROVED SCIENTIFIC PROGRAMMES

In the field of higher education and science, the Ombudswoman has monitored, among other things, whether art. 5 of the Gender Equality Act, specifying that "gender equality means that women and men are equally present in all spheres of public and private life, that they have equal status, equal opportunities to realise all of their rights, as well as equal benefit from the achieved results" is honoured.

The Ombudswoman has actively participated in a roundtable organised by the Centre for Women's Studies on the 15th of March 2007, on the subject of institutionalising women's studies, since it constitutes one of the envisaged measures (3.3.3) in the 3rd chapter of the National Policy for the Promotion of Gender Equality from 2006-2010, Gender Sensitive Education. Other participants came from Slovenia, Serbia, Bosnia and Herzegovina and Croatia.

Analysis of the approved scientific programmes in 2007, by project manager's gender

On the 13th of July 2007, the Ministry of Science, Education and Sports has published a list of accepted scientific programmes on its website.²⁰

Of the sum of 441 applications for scientific programmes, 318 were approved to be contracted.

Wishing to ascertain whether women are as present as men in this area of science, the Ombudswoman has analysed the published list of approved scientific programmes by project manager's gender.

Of the 318 scientific programmes that were approved, women managed 81 (25 %), and men 237 (75 %).

RESULTS

I. The number of scientific programmes by categories for evaluation, and percentage of the total number of approved scientific programmes:

Natural Sciences: 49 programmes (15 %);

Technological Sciences: 65 (20 %);

Biomedical Science: 66 (21 %);

Biotechnical Science: 39 (13 %);

Social Sciences: 49 (15 %);

Humanities: 50 (16 %)

²⁰ <http://zprojekti.mzos.hr/public/c-prosudbene2.asp>

II. Scientific programmes by categories for evaluation and by scientific programme project manager's gender:

Natural Sciences

9 women (11 % of 81) – 40 men (17 % of 237)

Technological Sciences

9 women (11 % of 81) – 56 men (24 % of 237)

Biomedical Science

19 women (23 % of 81) – 47 men (20 % of 237)

Biotechnical Science

10 women (12 % of 81) – 29 men (12 % of 237)

Social Sciences

19 women (23 % of 81) – 30 men (13 % of 237)

Humanities

15 women (19 % of 81) – 35 men (15 % of 237)

There isn't a single category for evaluation of scientific programmes where women and men project managers are equal or similar in number, or where there are more women than men project managers.

Women programme managers are largely underrepresented as managers of scientific programmes. An analysis of the scientific projects approved in 2006 gave very similar results.

The technological science group contained the highest number (and percentage) of men as part of the total number of male science programme managers (56, or 24 % of 237). The social sciences have the lowest number and percentage of men (30, or 13 % of 237). Women are least present in the natural and technological science groups (both 9, and 11 %, respectively, of 81), and most in biomedical and social sciences (19, or 23 % of 81).

The results point to the fact that there are almost no significant changes in the field of science regarding equal representation of both genders. The area in which women are least represented, both as scientists and as students, is the field of technological sciences. Although 27 % of all women students who enrol in university enrol in technological faculties, and nearly the same percentage graduate there (26 % of the total sum of graduates in the academic year 2005/2006 – data from the State Institute for Statistics), the number of women students in technological faculties is still too low, which reflects on the highest under-representation of women in technological sciences.

Success, or lack thereof, of studying in technological faculties isn't the reason why women students enrol in such faculties in such small numbers. To establish gender equality in all areas of education and science, it will be essential to systematically stimulate and direct girls towards technological subject groups from an early age. It is precisely the subject of one of the conclusions the Committee on the Elimination of Discrimination against Women (hereinafter, the Committee), which oversees the application of the Convention on the Elimination of All Forms of Discrimination against Women reached following the Republic of Croatia's 2nd and 3rd periodic report on the implementation of the Convention.

"The Committee is concerned by (...) the fact that girls and women in secondary schools and at universities still continue to choose the fields of education that are traditionally considered 'feminine fields', and by their underrepresentation in science." (measure 33)

"The Committee (...) calls on the State party to keep encouraging the introduction of diversity in boys' and girls' choices of education, as well as in higher education, including temporary special measures in accordance with art. 4 and para 1²¹, with the aim of recruiting more women into the field of science and technology." (measure 34)

21 Adoption by States Parties of temporary special measures aimed at accelerating de facto equality between men and women shall not be considered discrimination as defined in the present Convention, but shall in no way entail as a consequence the maintenance of unequal or separate standards; these measures shall be discontinued when the objectives of equality of

opportunity and treatment have been achieved. (Convention on the Elimination of All Forms of Discrimination Against Women, art. 4, par. 1)

4.3 INTRODUCING EXPERIMENTAL HEALTH EDUCATION AND TRAINING IN PRIMARY AND SECONDARY SCHOOLS

(PRS 02-02/07-01) Having received for inspection the Experimental Programmes of Health Education and Training for Secondary Schools (Final Draft), by the GROZD association – Parent's Voice for Children, and the Forum for Freedom in Education, the Ombudswoman for gender equality has evaluated elements from the Programme that might put in question the constitutional principle of gender equality and point to discrimination based on sex, marital or family status and sexual orientation. On the 12th of February 2007, she submitted her judgement to the Minister of the Ministry of Science, Education and Sports, emphasising the following:

- Gender equality and extra-marital union are categories in constitutional law. Gender Equality Act expressly prohibits not only sex-based discrimination, but also discrimination on the basis of marital or family status and sexual orientation (art. 6).
- Children aren't only born within marriage, but also outside marriage, and outside the extra-marital union (which may, and frequently does, constitute one of the forms of single-parent families).
- Divorce is legally permitted.
- The Family Law (Official Gazette, No. 116/03) stipulates that the organisation of family relations is also based on the principle of gender equality. Equality among spouses is one of the personal rights and duties of spouses, even when the marriage is childless; the marriage is also legal when it is childless, as well as an extra-marital union within which no children were born, while the law also highlights equality among parents.

Within such a constitutional and legal framework, in such a reality, the Ombudswoman believes that it is unacceptable to "*foster notions*" that sexual intercourse only attains its real meaning within marriage (p. 49): "*... to foster notions that sexual intercourse is a physical mark of surrendering ones own person to another, and that it gains its true meaning only within a wholesome relationship, based on love between a man and a woman within a permanent faithful communion (marriage)*", and that it is also unacceptable that the Programme doesn't make a single word's mention of gender equality (the GROZD association's programme).

Such criteria, as well as the practice that would follow (if the GROZD Programme were to be implemented in schools), are intolerant and discriminatory towards persons who do not live, and do not wish to live, in wedlock, as well as towards children born outside marriage, towards divorced persons, and they lead to social exclusion of such persons (including children), contrary to the aforementioned constitutional and legal norms.

Furthermore, the Same-Sex Civil Union Law, which recognises the legal effect of the existence of same-sex unions, specifies that a same-sex union is a life union between two persons of the same sex (hereinafter: partners). The Same-Sex Civil Union Law prohibits "... all discrimination, direct or indirect, based on a same-sex civil union, as well as the fact of homosexual orientation." (art. 21, para 1), and emphasises that indirect discrimination "... exists when (...) a criterion or practice actually or potentially puts a person who is member of a same-sex union at a disadvantage in relation to other persons, on the basis of the fact of his/her being in a same-sex union." (art. 21, para 4).

Therefore, having in mind the fact that the Croatian Parliament adopted an act which recognises same-sex civil unions, the assumption present in the Grozd Association's Programme, that "*awareness should be raised that homosexual acts are against the very nature of a sexual act*" (p. 46) is discriminatory and contrary to the national laws. Indeed, the opposite applies, that, in the spirit of the law, we are obliged to develop awareness in schools regarding the need to tolerate the other and differing sexual identities within the context of raising awareness of human rights.

The provision in art. 14 of the Gender Equality Act stipulates that systematic education and awareness-raising concerning gender equality is binding for all state bodies and other legal entities involved in the implementation of promotion and establishing gender equality (para 3), and that the relevant state body for education and institutions in the field of education is to

implement special measures, especially relating to, among other things, the preparation, adopting and implementing education programmes (para 4).

The programme doesn't distinguish sexual and gender roles of men and women, which makes it harder to eliminate gender and sexual stereotypes. The Gender Equality Act suggests that new, non-discriminatory knowledge regarding men and women, the elimination of sexual/gender inequality and gender stereotypes in education on all levels, and appreciation for gender aspects in all fields of education and teaching should be encouraged (art. 14).

The programme is also at odds with the National Policy for the Promotion of Gender Equality from 2006 until 2010, which states: *"Since it has been established that the need to introduce gender-sensitive education in teaching plans and curricula, along with the elimination of sexual stereotypes and educating educators and teaching staff on gender equality, is the national priority in the field of education, it is necessary to accelerate the introduction of specific measures to achieve the said causes."*

Subsequently, on the basis of art. 22, para 1 of the Gender Equality Act, the Ombudswoman warned that the segment of the Experimental Programme of Health Education and Training for Secondary Schools (Final Draft), by the GROZD Association – Parents' Voice for Children, which pertains to human sexuality and sexual education, violates the provisions on gender equality and the prohibition of sex-based discrimination, as well as the prohibition of discrimination based on marital or family status and sexual orientation.

An analysis of the Programme by the Forum for Freedom in Education didn't find any discriminatory elements in relation to the national legislation, and they point to gender equality.

The Ombudswoman didn't review other aspects of these programmes, keeping closely to the field of gender equality and discrimination, as mentioned earlier.

In view of the national legislation concerning her sphere of work, on the 21st of March 2007, the Ombudswoman referred her opinion to the Ministry of Science, Education and Sports, regarding the Experimental Programme of Health Education and Training for Secondary Schools (Final Draft) by the GROZD Association – Parents' Voice for Children and the experimental programme of health education and training for three-year secondary schools, by the GROZD Association and the Forum for Freedom in Education.

Following detailed analysis of the opening tenets of the GROZD Association Programme, particularly chapter 1.3.2, Human Sexuality and Elaborations of Programmes for Primary Schools with a List of Modules by Class from chapter 7, the Ombudswoman believes that the Programme doesn't further gender equality – a fundamental value in the constitutional order of the Republic of Croatia – and that it doesn't comply with the Gender Equality Act (Official Gazette 116/03 – hereinafter: the Act), which prohibits discrimination based on marital or family status (art. 6).

Therefore, she warned that, in the segment pertaining to human sexuality and sexual education, the Experimental Programme of Health Education and Training for Secondary Schools (Final Draft) by the GROZD Association – Parents' Voice for Children doesn't promote the principle of gender equality and prohibition of discrimination based on marital or family status, and recommended that the segment of the Experimental Programme of Health Education and Training for Secondary Schools (Final Draft) pertaining to human sexuality and sexual education be adjusted to comply with the provisions of the Act and other anti-discriminatory regulations, and that she be notified of the measures undertaken in relation to the warning and recommendation.

On the 21st March 2007, the Ombudswoman gave her opinion regarding the Experimental Programme of Health Education and Training for Three-Year Secondary Schools (Final Draft) by the GROZD Association and the Forum for Freedom in Education. Following detailed analysis, the Ombudswoman put forth her opinion to the Ministry of Science, Education and Sports, stating that the Final Draft of the Experimental Programme of Health Education and Training for Three-Year Secondary Schools (hereinafter: the Programme), by the GROZD Association – Parents' Voice for Children, is also not in compliance with the Gender Equality Act, which prohibits discrimination based on sex, marital or family status and sexual orientation (art. 6).

The Ombudswoman had other objections, beside those pertaining to the GROZD Association's programme, which she had also expressed in opinions regarding the experimental programme of health education and training for secondary and primary schools. Declining to enter into an analysis of what a *"fascinatingly harmonious"* essence of the nature of the relationship between woman and man is supposed to mean, the Ombudswoman has warned that the 5th module of the Programme for the Third Year of a Three-Year Secondary School states as a pedagogic exercise that: *"awareness will be raised about how means of contraception change the essence of the sexual act, as they do not respect the wholesome nature of the relationship between woman and man, which in its essence is complex, yet fascinatingly harmonious"* (p. 59).

In this regard, she noted that art. 12 of the United Nations Convention on the Elimination of All Forms of Discrimination against Women (hereinafter: the Convention) obliges states to undertake "all appropriate measures" to eliminate discrimination against women in the field of medical care and to ensure the availability of health services based on equality between men and women, including those concerning family planning."

The UN Committee on the Elimination of All Forms of Discrimination against Women has provided a clarification of this stipulation, so that some of the possible measures are the following: education on sexual and reproductive health, availability of contraception and counselling on family planning as a duty shared by both partners in a relationship. Reproductive health is in the interest both of the young, and of the society at large. Therefore, notwithstanding the fact that it has evaluative bearing on the sexual act, and that methods of contraception will be discussed within the Programme, the segment of the Programme in which *"raising awareness that means of contraception change the essence of the sexual act"* (p. 59) is given as a pedagogic exercise may nevertheless suggest the undesirability of using contraception.

Therefore, in this opinion the Ombudswoman also warned that the Experimental Programme of Health Education and Training for Three-Year Secondary Schools (Final Draft), by the Association GROZD – Parents' Voice for Children, in the segment pertaining to human sexuality and sexual education, doesn't further the principle of gender equality, and violates the provision prohibiting discrimination based on marital or family status and sexual orientation, and recommended that the segment of the Experimental Programme of Health Education and Training for Three-Year Secondary Schools (Final Draft) concerning human sexuality and sexual education be harmonised with the provisions of the Act and with other anti-discriminatory regulations, and that she be notified on the measures undertaken regarding the warning and recommendation.

On the 30th October 2007, having examined the amendments to the programme, the Ministry of Health and Social Welfare has endorsed the introduction of these experimental programmes into schools.

In a 14th September 2007 memo to the Ministry of Science, Education and Sports, the Ombudswoman has demanded that the amended programmes be delivered to her, so that she could give her opinion on whether the changes in the text meet the principles of gender equality. Since on the 3rd November 2007, the daily press published news that the programmes were amended in accordance with the recommendations from the Ministry of Health and Social Welfare, and that the Ministry of Science, Education and Sports has entered the phase of signing contracts on the purchase of the programmes, the Ombudswoman sent urgent dispatches on the 7th of November and 11th of December 2007, demanding that the amended programmes be delivered to her for inspection. On the 2nd November 2007, the Ministry of Science, Education and Sports has adopted the Decisions on the Selection of the Drafts of the Experimental Programmes of Health Education and Training in Primary and Secondary Schools. On the 9th December 2007, it signed a contract on the purchase of three programmes by the GROZD association (for primary, and for four-year and three-year secondary schools), while on the 26th November 2007, it signed a contract with the association Forum for Freedom in Education, regarding the purchase of two experimental programmes of health education and training (for four-year and three-year secondary schools).

By the end of 2007, the Ministry of Science, Education and Sports didn't deliver to the Ombudswoman for inspection a single one of the allegedly amended and purchased

programmes for experimental health education and training for primary and secondary schools.

4.4 INTRODUCING THE NATIONAL PROGRAMME OF MEASURES FOR THE INTRODUCTION OF COMPULSORY SECONDARY EDUCATION

On the 16th April 2007, the Ombudswoman received the National Programme for the Introduction of Compulsory Secondary Education (hereinafter: the National Programme) from the Ministry of Science, Education and Sports, so that she could inspect it and give her opinion. The Institute of Social Sciences "Ivo Pilar" and the Institute for Public Finances were involved in the creation of the draft National Programme. Having studied all the stated measures and activities that were envisaged in the National Programme, the Ombudswoman gave her objections and recommendations to the Ministry of Science, Education and Sports (7th July 2007).

The Ombudswoman has positively rated the use of gender-sensitive language throughout the National Programme, as well as the measures of introducing free textbooks for pupils in first years of secondary education, free transport and accommodation in pupil's dormitories (1.1.1), believing that these measures will work towards removing the barriers limiting access to secondary education to less well-off pupils who have an interest and capacity to continue education following the compulsory eight-year schooling, but whose parents cannot support them financially. The Ombudswoman also gave positive marks to the measures that are to be implemented with the aim of arresting the trend of secondary-school drop-outs (1.3), as well as to the measures of modernising methods of teaching (2.2).

However, the Ombudswoman believed that it is essential to secure systematic cooperation with partners in education, as well as timely investigations and multiannual projections of demand and changes on the labour market, so that young people wouldn't be encouraged to attend secondary education without being able to find employment in their profession of choice after schooling, due to, among other things, the oversaturation of the market for this profession. Data that the Croatian Employment Institute released in March 2007 prove that finishing secondary school doesn't guarantee employment, as they show that in the educational structure of unemployed persons, the majority were precisely persons who had completed vocational secondary education up to 3 years in duration, and schools for skilled and highly skilled workers (103,505, or 35.5 %), followed by persons who had completed vocational secondary education of 4 years and more in duration, or gymnasiums (75,707, or 26.0 %). If we add up these two categories, it turns out that 61,5 % of unemployed people are precisely persons who had completed secondary education, while persons who had completed primary education make up 24,7% of the unemployed.

The proposal of measures for the implementation of the National Programme **lacks a measure** for attaining balanced representation of both sexes in enrolment in secondary vocational schools. These measures should effectively stimulate and motivate the involvement of female pupils in traditionally "male areas" – for instance, information and computer science, mathematics, civil engineering, physics; and male pupils' involvement in traditionally "female areas" – for instance, native and foreign languages, pedagogy, and similar. One of the ways in which to motivate pupils is also through measures to remove gender stereotypes from textbooks and curricula and teaching programmes, as well as systematic education on gender equality. The implementation of this measure should also systematically transform the existing imbalance on the labour market and the division between "female" and "male" occupations, that is, professions dominated by one sex.

In her deliberations regarding the introduction of compulsory secondary education, the Ombudswoman has also brought attention to the fact that **a solution still hasn't been found to stop the phenomenon of young people dropping out of the existing primary education**, meaning that illiteracy remains a great problem, which will have to be effectively resolved as a basic condition of all other programmes for adapting pupils to the labour market, social and economic needs, and the harmonisation of the Croatian system of secondary education with the European educational systems.

According to the data found in the publication by the Central Bureau of Statistics, entitled "Women and Men in Croatia in 2006", collected from the 2001 Census, girls account for

49,2%, and boys for 41,2% of illiteracy in the age group in which pupils attending compulsory primary education, between 10 and 14 years of age, belong; whereas the same goes for 40% girls and 26,7% boys in the group of pupils who had completed compulsory primary education, from 15 to 19 years of age (the remainder of the percentages by sex is made up by persons with disabilities, who haven't been taken in account here because of the different reasons they left schooling in relation to healthy persons). The reasons for such a high percentage of illiteracy in the 21st century in Croatia might be found in the premature abandonment of primary education, or in failure to fulfil the basic function of primary education – fostering literacy.

On the 28th of May 2007, the Croatian Government has presented the National Programme of Measures for the Introduction of Compulsory Secondary Education (Official Gazette, No. 71/07) and the "Secondary Education for All" campaign. The Ombudswoman's comments and recommendations weren't included in the final document of the National Programme.

4.5 ANALYSIS OF PRIMARY SCHOOL TEXTBOOKS FOR CROATIAN LANGUAGE AND LITERATURE, FROM A GENDER-BASED PERSPECTIVE

Having in mind the Teaching Plan and Programme for Primary Schools, adopted in 2006 by the Ministry of Science, Education and Sports, which states that "pupils should be given the toolkit for understanding and discovering the world they live in, for understanding the past and present in the natural and social world, in the human relationship towards nature and society, human creative endeavour, material and spiritual values and human relations" (p. 10), and that "teaching Croatian language enables pupils to acquire knowledge, skills, capabilities, views, values and habits that contribute to their personal development and enable them to actively participate in society" (p. 25), the Ombudswoman has conducted a gender-perspective analysis, based on the following international and national documents and acts.

The UN Convention on the Elimination of all Forms of Discrimination against Women

– CEDAW (hereinafter: the Convention), an international document that is legally binding for all signatory states, which have counted the Republic of Croatia among their number since 1991, contains article 10, which concerns education, and obliges state parties to undertake all appropriate measures to eliminate discrimination against women in education. One of the individually listed measures is that of eliminating any stereotyped concept of the roles of men and women *"through a revision of textbooks and school curricula, and by adapting teaching methods"*.²²

Following the Republic of Croatia's 2nd and 3rd periodic reports on the implementation of the Convention, the Committee on the Elimination of Discrimination against Women (hereinafter: the Committee), which oversees the implementation of the Convention in state parties, has reached the following conclusions²³ regarding the Republic of Croatia:

Conclusion No. 33: "The Committee is concerned about the persistence of sex-stereotyping in educational curricula and in textbooks. It is also concerned that girls and women in secondary schools and universities continue to choose study areas traditionally seen as 'female areas' and that they are underrepresented in the sciences."

Conclusion No. 34: "The Committee encourages the State party to intensify its efforts to eliminate gender stereotyping and to strengthen the mainstreaming of gender perspectives in curricula and textbooks. It also requests the State party to enhance the training of teaching staff in regard to gender equality issues."

According to the Gender Equality Act (Official Gazette 116/03), systematic education and awareness-raising on gender equality is mandatory for all state bodies, legal entities with public powers, in particular educational institutions, and other legal entities which participate in the pursuit of furthering and establishing gender equality (art. 14, para 3), and education on issues of gender equality represents an integral part of the system of primary, secondary and higher education, as well as lifelong learning, which involves preparing both sexes to actively and equally participate in all walks of life (art. 14, para 1).

In all phases of planning, adopting and implementing decisions or actions, state bodies, legal entities with public powers, and legal entities predominantly owned by the state and local and regional self-government units are obliged to assess and evaluate the effects these decisions or actions have on women's, or men's, status, in order to achieve real equality between women and men (art. 3 of the Gender Equality Act).

²² State parties shall take all appropriate measures to eliminate discrimination against women in order to ensure to them equal rights with men in the field of education, and in particular to ensure, on a basis of equality of men and women: c) the elimination of any stereotyped concept of the roles of men and women at all levels and in all forms of education by encouraging coeducation and other types of education which will help to achieve this aim and, in particular, by the revision of textbooks and school programmes and the adaptation of teaching methods (CEDAW, Part III, Article 10; "Kratok vodič kroz CEDAW", Biblioteka ONA, Zagreb 2004, p. 40)

²³ Committee on the Elimination of Discrimination against Women, Thirty-second session, 10-28 January 2005, CEDAW /C/CRO/CC/2-3

The ministry that is in charge of education, the Ministry of Science, Education and Sports, is obliged, as a state body, to act in accordance with the art. 3 of the Gender Equality Act.

Art. 5 of the Gender Equality Act defines gender equality as meaning that women and men are nearly equally present in all spheres of public and private life, that they share equal status, equal opportunities to realise their rights, as well as equal benefits from the realised results.

According to the **Act on Textbooks for Primary and Secondary Schools** (Official Gazette, No. 36/06), a textbook "must meet scientific, pedagogic, psychological, didactic-methodical, ethical, linguistic, graphic design and technical requirements established by the textbook standard" (art. 3, para 2), while the same act, in para 3, stipulates that no textbooks will be approved if their contents contravene the Constitution of the Republic of Croatia, and which are inappropriate with regards to human and minority rights, fundamental freedoms and gender-relations, and education for a democratic society.

According to art. 7, the minister shall appoint an expert committee, which drafts a written opinion on textbooks, and recommends textbooks on which it reached a positive opinion to the minister of science, education and sports for approval.

The Textbook Standard (Official Gazette, 07/07), to which all textbooks must be adapted, stipulates in point 5 of chapter 2.4, Ethical Requirements, that a textbook supports gender equality in an appropriate manner by using nouns of both genders, especially when making reference to vocations and occupations while maintaining the communicational level and naturalness of the Croatian language, and prepares both sexes to actively and equally participate in all walks of life. The chapter 2.6, Graphic Design Requirements and Standards, stipulates that graphic solutions in textbooks must promote gender equality (par. 7).

In chapter 3, Gender Sensitive Education, the **National Policy for the Promotion of Gender Equality 2006-2010** (Official Gazette, No. 114/06) states that introducing gender sensitive education on all levels, as well as the implementation of the provisions of the Gender Equality Act are a national priority.

The Development Strategy of the Official Statistics of the Republic of Croatia 2004-2012 (Official Gazette 28/05 – hereinafter: the Strategy), adopted by the Croatian Parliament on the 11th of February 2005, states in chapter 7.10, Gender Statistics, that gender statistics concern statistical data that reflect the reality of women and men in all spheres of life, including gender relations, and that such statistics clearly point to the degree of equality of sexes in the society.

"Managing gender statistics enables the monitoring of the state of gender equality in the Republic of Croatia, needed for decision making, taking measures and governing policies for the realisation of equality. This requires the possibility to compare data on women and men in all spheres of social life."

Therefore, in 2007, the Ombudswoman initiated and implemented the **project of analysing textbooks for Croatian language and literature for primary schools from 5th to 8th grade, from a gender perspective**. The Ombudswoman's office has analysed all Croatian language and literature textbooks from 5th to 8th grade from the Ministry of Science, Education and Sports' (hereinafter: MZOŠ) List of Approved Textbooks which may be used in primary schools in the school year 2007/2008.

On the basis of the Act on Textbooks for Primary and Secondary Schools, the Ministry of Science, Education and Sports has published the List of Approved Textbooks that may be used in primary schools, gymnasiums and secondary vocational schools in the school year 2007/2008 and the Catalogue of Approved Textbooks for primary schools, gymnasiums and secondary vocational schools in the school year 2007/2008.

The goal of the project, which wasn't scientific research, was to draft an analysis of the existing state of affairs in the implementation of the measures set out in the Convention on the Elimination of all Forms of Discrimination against Women, the provisions of the Gender Equality Act (Official Gazette, No. 116/03), the Act on Textbooks for Primary and Secondary Schools (Official Gazette, No. 36/06; 141/06) and the Textbook Standard (Official Gazette, No. 07/07), as well as measures set out in the National Policy for the Promotion of Gender Equality 2006-2010 (Official Gazette, No. 114/06) in textbooks for the Croatian language and literature for primary school senior grades.

To this end, the analysis has focused on:

Statistical indicators by sex for:

1. authorship of textbooks and workbooks
2. authorship of texts and graphic design of the textbook, workbooks and each individual text
3. representation of male and female characters in the texts' graphic design
4. representation of male and female characters in the texts

Statistical indicators for:

1. use of gender-sensitive language in instructions, exercises and examples
2. types of texts and subject matters
3. family status of adult characters
4. mode of representing men and women.

A total of 36 textbooks and 34 associated workbooks for the Croatian language and literature, by 5 publishing houses, intended for primary schools, for pupils attending 5th to 8th grade of primary school were analysed.

Methodology

Three kinds of questionnaires were created and filled out:

- 1. U1** – textbook questionnaire – **36 in total**
- 2. U2** – questionnaire containing 19 questions for each individual text in a textbook, including the graphic design of the text – **2091 in total**
- 3. RB 2** – workbook questionnaire – **34 in total**

I. ANALYSIS**Authorship of textbooks by sex²⁴**

36 Croatian language and literature textbooks for the 5th, 6th, 7th and 8th grades of primary schools are credited to 59 authors²⁵ in total, of whom:

- **49 are women authors (83 %)**
- **10 are male authors (17 %)**

Authorship of the textbook's cover page and graphic design by sex

In all 36 textbooks, illustrations are credited to **13 men and 3 women**, while textbook cover pages were created by **11 men and 3 women**, and a graphic studio. The following people worked on the textbooks:²⁶

- 12 male graphic design editors
- 7 female graphic design editors
- 5 female textbook editors
- 4 male textbook editors.

²⁴ It is symptomatic that in a textbook which appears under the same title in the 5th, 6th, 7th and 8th grade, and is authored by three women and only in the 8th grade textbook by one man, a total of 302 listed authors is comprised, across 4 textbooks, including 88 % men, and four times less, that is, 12 %, women authors of texts.

²⁵ In most cases, the same men and women authors are behind textbooks bearing the same title for primary school grades between 5th and 8th; therefore, we didn't list the total number of authors for all 36 textbooks, but the total number of individual authors.

²⁶ Since not all textbooks list all the data included in the analysis, the aforementioned numbers are the result of an analysis of the data that was available in the textbook itself.

Following text identification (I), the U2 questionnaire, concerning each individual text in each of the 36 textbooks, codes the answers to questions related to:

- II. Graphic design of the text
- III. headlines and text arrangement – instructions, explanations, tasks related to the main text
- IV. Text – type, authorship by sex, subject matter
- V. Characters in the text – the main character's sex, age and occupation
- VI. Side characters in the text – number, sex and age
- VII. Main characters' family status
- VIII. Family roles in which main characters appear.

II. GRAPHIC DESIGN OF THE TEXT

3604 graphics have been found in 36 textbooks, as follows:

type	number	percentage
drawing	1291	(36 %)
photograph	1098	(30 %)
reproduction	613	(17 %)
comic	230	(6 %)
collage	139	(4 %)
caricature	59	(2 %)
other	174	(5 %)
total:	3604	100 %

1396 male, and 257 female authors have been credited with photographs, reproductions, drawings, collages, caricatures and comics in the textbooks. A further 1181 graphics were attributed to authors whose sex is unknown. Individual authors are credited with a number of graphics.

Of the 1653 authors' names credited with the 3604 graphics:

84 % are male (1396)	16 % female (257)
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Who or what is represented in the photographs, drawings, reproductions etc.?

A maximum of three graphics accompanying texts have been coded. The following are results by sex, in cases where only one character appears:

man	woman	boy	girl	baby	Total
775	236	213	107	10	1341
58 %	17 %	16 %	8 %	1 %	100 %

Results by prevalent sex, if there are more than one characters:

M characters prevail	M/F equal	F characters prevail	Total
423	320	113	856
49 %	38 %	13 %	100 %

III. GENDER SENSITIVITY OF LANGUAGE IN HEADLINES AND ARRANGEMENT OF THE MAIN TEXT (instructions, exercises, examples, summaries etc.)

Alongside the main text, accompanying shorter texts, instructions for exercises, summaries, suggestions for further work and thinking, examples illustrating the subject matter in the main text etc. are used in textbooks, grouped in units such as: *literary concept, expression and creation, repeat and memorise, meet the author, interpretation, let's talk about the text, do it yourself, for those who want to know more*, etc.

The use of gender-sensitive language in texts that directly address pupils was analysed in order to establish whether they address pupils of both sexes by using both genders (gender-sensitive language), the male gender exclusively (gender-insensitive language), or neutral verb forms, such as: *write, think, try*, and similar (gender-neutral language).

Examples used for illustration, taken from the textbook "Gifts of Words VIII", Joža Skok, Zvonimir Diklić, Zagreb, 2007:

- of gender-sensitive language in accompanying display copy of the text: "You were present [in male and female forms of the verb] in a comical situation. Recount." (p. 96)
- of gender-insensitive language: "Describe the Sinj Alka competition if you saw [male] it on the TV or attended [male] it." (p. 69)
- of gender-neutral language: "Do you have a pet? Tell about your relationship with it [male]." (p. 56)

Results of an analysis of **gender sensitivity of the language** used in texts and exercises/examples accompanying the main text:

neutral	gender-sensitive	gender-insensitive	Total
1464	443	129	2036
72 %	22 %	6 %	100 %

The majority of texts (72%) use gender-neutral forms, addressing pupils in the second-person singular or plural and the imperative form, as in the example: **"Find the verses that express the poet's yearning for far-away lands – never to be seen again."** (Croatian reader for the 8th grade of primary schools, Ante Bežen and Olga Jambrec, Zagreb 2007, p. 122)

IV. TEXT

Authorship of texts by sex

Sex	Number of texts	Percentage
Male authors	1322	63 %
Female authors	314	15 %
Unknown	455	22 %
Total	2091	100 %

Of 1636 texts whose author's sex is known, 81% were written by men, and 19% by women.

Main topics in the texts

The questionnaire defined 15 groups, within which 1940 topics were coded. For those topics that couldn't be classified, an option – *other* – was left, encompassing additional topics, such as thoughts about death, the space, the Sun and the planets, wisdom, crime stories, TV series, films, travelogues, etc. Each of these topics made very low percentages, and therefore weren't included in the table.

TOPIC	Number of texts	Percentage
1. children's life	393	20 %
2. nature/animals	381	20 %
3. family life	183	10 %
4. romantic	150	8 %
5. patriotic	137	7 %
6. historic	122	6 %
7. art/literature	122	6 %
8. life in the country	102	5 %
9. profession	87	4 %
10. religious	65	3 %
11. war	58	3 %
12. life in the city	53	3 %
13. fun, hobbies	42	2 %
14. human rights, children's rights	30	2 %
15. sports	15	1 %
Total:	1940	100 %

The table shows that the majority of topics in the textbooks concern the life of children (play, school, relations among children) – 393 (20 %) and nature and animals – 381 (19 %), followed by family life – 183 (9 %), romantic topics – 150 (8 %) and patriotic topics – 137 (7 %).

The topics related to the issues of possible discrimination on the basis of sex, faith, nationality, financial means, sexual orientation, family or marital status, discrimination against persons with disabilities and other different individuals or groups are also coded in texts.

There were **29** such texts in total, **a little more than 1 %**.

Several positive examples of texts that speak of the differences between people along various lines:

"You aren't what you wear"²⁷ – a blog on the differences between people based on financial means;

"Differences"²⁸ – excerpt from a play on the significance of differences

²⁷ „Križa riječi“, reader for the fifth grade of primary schools, group of authors, Zagreb 2007, pp. 118-119

²⁸ „Križa riječi“, reader for the fifth grade of primary schools, group of authors, Zagreb 2007, pp. 33-35

"Difference isn't a sin. Difference makes this world a more beautiful place... I love and want to be different from other people!!!"

"Prejudice"²⁹ – on the definition of prejudice, on what prejudices are by means of quiz-questions regarding prejudices about those who are financially less well-off, about members of another race, unusual foods, unknown people. In the final count, those that scored the least were described as follows:

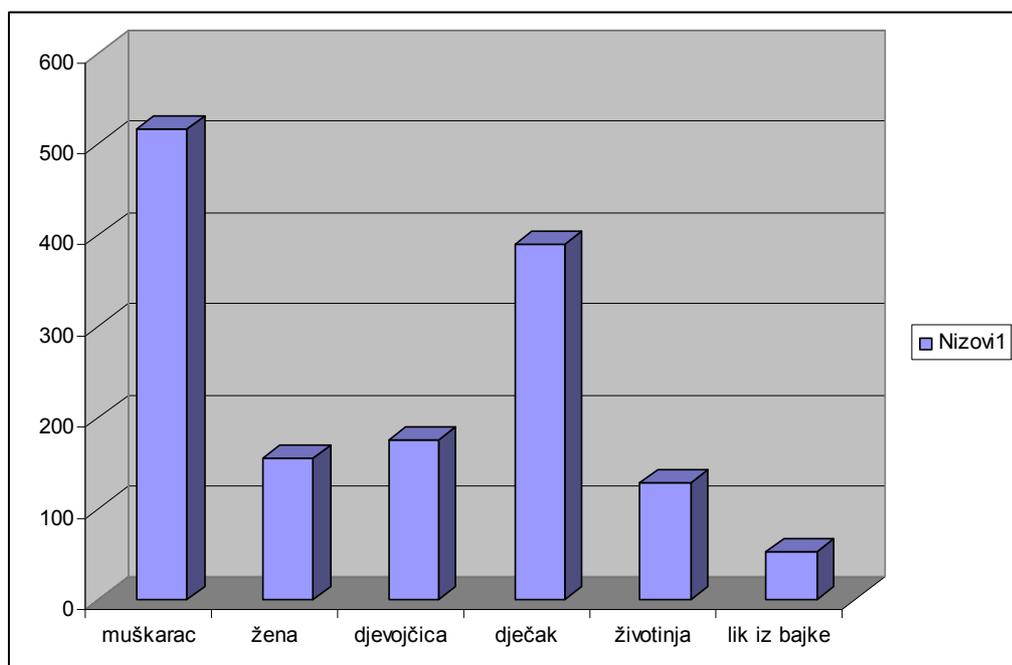
"You're tied head to toe in chains of prejudice: your value judgements are based on others' evaluations. In this way, you deny yourself the joy of uncovering variations in the world, which give it its beauty and its prosperity, and your attitudes often bring injustice to others."

Topics regarding different sexual orientations beside heterosexual – love between a boy and a girl are absent.

V. CHARACTERS

The main character

Of a **total of 1417 texts** in which main characters appear, the distribution by sex is as follows:



²⁹ „Hrvatska jezična škrinjica 6“, Croatian language textbook for the sixth grade of primary schools, Valentina Kamber and Lidija Sykora-Nagy, pp. 67-68

* muškarac = man; žena = woman; djevojčica = girl; dječak = boy; životinja = animal; lik iz bajke = fairy tale character

Male characters (men, old men and boys) appear as main characters in altogether 906 texts (64 %), female characters (women, old women, girls) appear as main characters in 331 texts (23 %), while 13 % of characters are animals and fairytale creatures.

male character	female character	other	total
906 (64 %)	331 (23 %)	180 (13 %)	1417

Main characters' occupations

The main character's profession/occupation isn't mentioned in every text. The following numerical results reflect **the number of main characters' different occupations** mentioned:

5th grade - 10 textbooks		6th grade - 10 textbooks		7th grade - 8 textbooks		8th grade - 8 textbooks	
M	F	M	F	M	F	M	F
24	7	41	5	61	21	37	10

However, the number of occurrences of male or female occupations, respectively, is higher due to multiple mentions of individual occupations in texts in one or more textbooks for the same grade. Therefore, the table displaying the **number of mentions of male or female occupations, respectively**, by grade looks like this:

5th grade - 10 textbooks		6th grade - 10 textbooks		7th grade - 8 textbooks		8th grade - 8 textbooks	
M	F	M	F	M	F	M	F
32	8	56	5	83	31	49	12

The results of numerical analysis of male and female occupation show that **men are four times more likely to be defined by their occupation than women:**

- men's occupations are mentioned 220 times in the texts (80%)
- women's occupations are mentioned 56 times (20%).

Men's occupations aren't only 4 times more numerous, but are also more diverse, distributed along levels of education from the lowest to the highest, while women's occupations are overwhelmingly uniform, stereotyped, and with only a few contemporary exceptions.

The best example can be seen in merely 4 occupations mentioned for **women** – main characters in textbooks for the 6th grade of primary schools: **ballerina, miller, lawyer and harvester.**

Simultaneously, **men** – main characters – are mentioned in 40 different occupations, and on 55 occasions, ranging from: **astronauts, geologists, coachmen, sea captains, shepherds, traffic wardens, travellers/adventurers, fishermen, film and stage directors, soldiers, composers, athletes, carpenters, generals, teachers, masons to scientists.**

VI. SIDE CHARACTERS

In the texts, men appear as side characters 910 times, and women 505 times.

The number of side characters is most frequently limited to 1-2 characters (566 texts), and in most cases they are adult persons (503) and primary school age children (195).

VII. CHARACTERS' FAMILY STATUS

There were 424 (20%) texts in which the adult characters' family status is explicitly mentioned or can be clearly inferred. In 62% cases the families are with children.

family status	total	percentage
families with children	262	62 %
marital communion	72	17 %
single mother	19	4 %
unmarried (male)	17	4 %
unmarried (female)	16	3 %
widower	13	3 %
extramarital communion	8	2 %
widow	8	2 %
divorced (male)	4	1 %
divorced (female)	3	1 %
single father	2	1 %
total:	424	100 %

VIII. FAMILY ROLES

An analysis of family roles has defined in which roles do main female and male characters within the family appear most frequently and most infrequently, and which family relations are most frequently/least frequently represented. In some texts, characters appear in more than one combination.

Family roles in which the female main character appears

daughter	mother	sister	granddaughter	grandmother	other	total
85	45	18	8	5	4	165
52 %	27 %	11 %	5 %	3 %	2 %	100 %

Of 165 female characters whose family roles are clearly defined, 52 % are in the role of daughter, and 27 % in the role of mother. Nieces fall into the category "other".

Family roles in which the male main character appears

son	father	grandson	brother	grandfather	other	total
197	57	44	31	8	4	341
58 %	17 %	13 %	9 %	2 %	1 %	100 %

Of 341 male characters whose family roles are clearly defined, 58% are in the role of son, and 17% in the role of father.

Although the side characters are also mentioned in the texts in some of these family roles, only the family roles of the main male and female characters are listed here.

Primary family relations among characters

family relation	number	percentage
mother-son	158	25 %
father-son	141	23 %

family relation	number	percentage
mother-daughter	62	10 %
father-daughter	62	10 %
grandfather-grandson	38	6 %
brother-sister	32	5 %
grandmother-grandson	31	5 %
brother-brother	23	4 %
husband-wife	18	3 %
parents	18	3 %
grandmother-granddaughter	12	2 %
sister-sister	8	1 %
mother-child	5	1 %
father-child	4	1 %
grandfather-granddaughter	4	1 %
total:	616	100 %

Relationships between one of the parents and sons – mother-son (25%) and father-son (23%) are the majority in a total of 616 primary family relations between main characters. The relationship between a parent and daughters – mother-daughter (10 %) and father-daughter (10 %) make up less than half the percentage in the second place.

If the relations between male and female characters are added up together, the result gained from the total number of texts in which the relations between main characters have been primarily highlighted (616) shows the following percentages of representation of family relations:

father-son	141	70 %
grandfather-grandson	38	19 %
brother-brother	23	11 %
total:	202	100 %

In 33% of the texts (202), the relationship in hand is between male members of the family, of which 70% cases (141) are father-son relationships.

mother-daughter	62	76 %
grandmother-granddaughter	12	15 %
sister-sister	8	9 %
total:	82	100 %

U 13% tekstova (82) govori se o odnosu između ženskih članica obitelji, od čega u 76% slučajeva (62) o odnosu majka-kći.

The topic of gender equality in Croatian language and grammar textbooks

Gender equality is almost inexistent as the subject of a main text or accompanying headlines and text arrangement.

Exceptions can be found in accompanying tasks motivating pupils to discuss, do additional work and reflect, with the main text as the motive, as, for example:

National oral ballad, the "Asan-aginica"

"Kрила riječi 8", group of authors, Zagreb 2007, pp. 165-168

Aside from questions regarding the characters and their relations in this national ballad, in the headlines and arrangement of the text, under the subtitle "In Real Life", **pupils are asked a direct question on equality of men and women today**, and asked to substantiate their assertions. It is stated that the ballad itself portrays "a very patriarchal environment, where men rule and women have no rights at all", and the question arises "Whether there are such patriarchal families in your environment?"

Pupils are invited to participate in a project bearing the name "Code of Behaviour in Modern Families", which asks them to split up into groups and draw up surveys with which to explore their peers' opinions on what are the common rights shared by the mother, father and child (children) in the modern family, and to draft a "code of behaviour in the family that determines every member's rights and obligations".

In the second textbook ("Dveri Riječi 8.", Nada Babić, Dinka Golem, Dunja Jelčić and Ivan Đurić, Zagreb 2007, pp. 95-97), the task following the same text, "Asan-aginica", asks the pupils to write a letter to the main characters, in which they are to speak of how they experienced their treatment of Asan-aginica. The topics for discussion of the work motivate them to consider what would happen to Asan-aginica had she broken the rules of the society and environment of her time, and left the house unaccompanied by her husband.

The same subject matter, but this time, a passage from a play by Milan Ogrizović, "Hasanaginica" ("Dveri riječi 8.", Nada Babić, Dinka Golem, Dunja Jelčić and Ivan Đurić, Zagreb 2007, pp. 220-223) – the task is to write an essay on the topic "I have been unjustly accused", and name "the persons who play certain roles where you live in a marriage ceremony (groom, best man, bridesman and others, and explain their duties".

The text "A Girl from Afghanistan", Deborah Ellis,

"Hrvatska čitanka 7", Ante Bežen, Jure Karakaš, Zagreb 2007, pp. 113-116

In the tasks accompanying the text concerning the status of women under the Taliban, pupils are asked: "What would it look like to you if your mother could only go out in the city covered from head to toe?" The discussion on the text states that "women are denied almost all human rights", and the pupils' task is to write what can be learned from the text regarding "the Afghan women's civil rights".

Women's writing, Lidija Dujčić,

"Dveri riječi 7", Nada Babić, Dinka Golem, Dunja Jelčić, Zagreb 2007, pp. 195-197

A text about Croatian women writers deals with female literary figures past and present. The accompanying text also mentions several women from Croatian history, as well as the legend saying that two sisters, Tuga and Buga, led Croats into their present homeland. The discussion about the text itself also brings new information on the women writers, and is also **a motive for discussion regarding the status and role of women in Croatian society**.

The text itself intends to draw attention to the existence of women writers in Croatian history, and the fact that they are far greater in number than official history has recorded. The reason for this is found in the fact that it was the role of reader and hero of literary works, rather than the role of an author that was meant for women.

However, the only complaint lies in the fact that the text contains remarks on Croatian women writers' family/marital status, which isn't the case with a single male writer, in the short biographies that accompany selected texts from their works, which goes to confirm the current practice of social stereotyping, which, in a great many cases, defines women in relation to their family/marital status, unlike men.

"It is interesting to note that the biographies of our women writers are much alike... they often remain unmarried – without families of their own, they replace the lack of

a family life with pedagogical work – most frequently as school teachers, while they do literary work on the side – most successfully in short forms and with autobiographical material; they are exceptionally long-lived."

It is true that such similarities can be seen in our women writers' biographies, but such emphasising marital, that is, family status has never been noted in any male writers' biographies.

I* was a boy, Vesna Parun

("Kрила riječi 7", group of authors, Zagreb 2007, p. 169)

Poet Vesna Parun's lyric poem speaks of a girl who dreams, among other things, of being a boy, "tossing cries with a sling". The poem serves as **a motive for pupils to write their thoughts on why it's good to be a boy or a girl, respectively, on a paper marked FOR and AGAINST.**

In the tasks that accompany the poem in the textbook ""Žubor riječi 5", Zvonimir Diklić, Joža Skok, Zagreb 2007, p. 28, pupils are asked to write an essay on the topic "My innermost desires and dreams".

"Rainbow", Dinko Šimunović – a girl's yearning to be a boy, which ends in tragedy

("Žetva riječi 7", Joža Skok, Zvonimir Diklić, pp. 63-65 and "Kрила riječi 7", group of authors, Zagreb 2007, pp. 170-172).

"Only the boys, the Čardak youth, were allowed to fry in the sun and cool down in the lukewarm Glibušna water, not waiting for the evening as their sisters do. They had to wait for the fiery sun to set so they could walk with their mothers along the only street in the hamlet, to show off their new, light frocks. Until that time, they had to repose, in order that their small faces remain soft and white, as they should be in highborn girls."

"You ought to preserve your health, because you are no boy. They cannot get hurt. You should take care of yourself... and pray to God", (madam Emilija) would finish with a sigh.

"Boys can eat all they like. They should be big and strong, and you have to be thin and slim." – "And you may not run, as running does not become a girl." "And you might fall and disfigure your face", Serdar and Serdarovica used to say.

The novel "Duga" is an excellent example of how a text describing double standards and the restrictive status of girls/women in the 19th century can be used for a discussion on gender equality, stereotypes, socially imposed behavioural norms that are different for boys and for girls, as well as whether they are justified, and present double standards. The "Žetva riječi 7" textbook takes this chance, and one of the tasks accompanying the text reads: **"Discuss whether girls are treated similarly today, and how is this treatment manifested."**

The "Kрила riječi 7" textbook tackles the diversity of individuals in their environment, and asks the pupils to think of persons who don't seem to belong in the environment in which they live, who substantially differ from other people, and to talk about them and the ways in which such persons are treated in their midst. The project connected to this text is to study the lives of "great people who lived without being accepted by their peers, because their thinking was far ahead of their time."

When mums get jobs, there is a danger that they will "cease" being moms

"My mummily mum", Marina Vidas

("Kрила riječi 6", group of authors, Zagreb 2007, pp. 27-29)

"... Mum got a job in her profession. The following day, she put on a fine little dress and high heel shoes. She was beautiful, but she seemed somehow remote, untouchable to me. As if that was no longer my mummily mum.

* [female]

Days went by, mum's touch was clearly missing around the house. Dad and I were utterly confused.

... Dad laboured to prepare any sort of lunch, and the house was becoming more and more untidy as the days went by.

... In school, bad marks were the order of the day.

... I tried to talk to my mum, but she cut me short in a second because she was awfully nervous.

... I no longer recognised my mum, she was so remote and she no longer had fun with me."

The boy, the main character, realises at the end of the text that his mum is doing a very important job with special needs children, and becomes very proud of her.

A greater part of the text reflects present stereotyped notions of "male" and "female" jobs. Therefore, it is significant that the tasks accompanying the main text have taken the opportunity to motivate pupils to reflect on their anger at their parents when they don't pay them enough attention and to highlight the importance of each family member and show understanding for the work they do.

Besides, the text motivates pupils to seek information on associations that gather parents of children with special needs, in order to learn what the problems that trouble such families are, and how they should behave around persons with special needs without hurting them.

Mother and son

In Croatian language and literature textbooks, mother-son is the best-represented family relation between characters. The relationship between mother and daughter is nearly 2 and a half times less frequent.

RB 2 – QUESTIONNAIRE FOR WORKBOOKS

Authorship of 34 workbooks is credited to altogether 35 different authors, of whom:

- 25 authors are female (71 %)
- 10 authors are male (29 %)

Female and male authors of workbooks are at the same time the authors of the textbooks, since the workbooks are additions for exercise, explanations, examples and supplementing texts from the textbooks.

Gender sensitivity of the language used in workbooks

The use of the masculine and feminine gender nouns was analysed, as well as the use of gender-neutral language. The results of the analysis show that:

- 17 workbooks use gender-neutral language
- in 13 of the workbooks gender-sensitive language prevails
- 3 workbooks use gender-sensitive language throughout
- in only one of the workbooks does gender-insensitive language dominate.

Gender-neutral language is predominantly used in workbooks, and **there are no workbooks that have been entirely written in gender-insensitive language.**

Imagery accompanying texts in workbooks

The issue of graphic design of texts in workbooks was analysed. A total of 1332 pictures were found in 34 workbooks. The results of the analysis:

WHO OR WHAT IS IN THE PICTURE	NUMBER	PERCENTAGE
man	261	20 %

WHO OR WHAT IS IN THE PICTURE	NUMBER	PERCENTAGE
female and male characters together	181	14 %
boy	170	13 %
animals	151	11 %
nature	146	11 %
objects	127	9 %
girl	90	7 %
woman	71	5 %

* 140 pictures depict angels, abstract images, crosswords puzzles, jigsaws, playing cards, ancient Egyptian writing etc.

It is visible in the table that **male characters** (20 % men and 13 % boys) make up the **highest percentage** of the depicted characters, while **female characters** (girls, 7 % and women 5 %) stand at the foot of the table, **in percentages that are lower than the percentages in which nature, animals and things are represented.**

The subject matter of new texts

Beside exercises, instructions for exercises and examples illustrating texts from Croatian language textbooks or readers, the workbooks also feature new texts.

A total of 1073 new characters and topics have been defined in **the new texts** that only appear in workbooks. Although the numbers and percentages only concern the total number of 1073 topics and characters, we have isolated the percentages in the tables to those where characters appear, and those where the topics, rather than characters, are in the fore:

Main characters

Man	145	14 %
Boy	118	11 %
Girl	64	6 %
Woman	43	4 %

Topics

Nature, landscapes	165	15%
Everyday life	140	13%
Children's play, school	129	12%
Animals	65	7%
Family	70	6%

Male characters (man and boy) appear in 263 new texts in the workbooks (25 %), while female characters appear two and a half times less frequently, that is, in 107 (10 %) new texts.

12 % (134) topics related to characters and subjects that we haven't defined here, such as patriotic, religious, historical data, notes on the Croatian language, science, holiday and traditional customs, human relations in general, etc.

female	male	unknown	total
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authors	authors		
149	457	199	805
18 %	57 %	25 %	100 %

New texts in workbooks, analysed by author's sex

A total of 805 new texts that only appear in workbooks were analysed by sex, and the following has been established:

female authors	male authors	unknown	total
149	457	199	805
18 %	57 %	25 %	100 %

Selected new texts in workbooks are as many as three times more frequently credited to men than to women.

Summary of the acquired data

- 36 textbooks for the 5th, 6th, 7th and 8th grade of primary schools is credited to 59 different authors, the majority of whom are female authors: **49 female authors (83 %)** – **10 male authors (17 %)**.
- Authorship of **34 workbooks** is credited to altogether 35 different authors, the majority of whom are female authors (who are also mostly the authors of the corresponding textbooks): **25 women authors (71 %)** – **10 male authors (29 %)**.
- In the **imagery of the workbooks**, the largest percentage is made up by male characters (20% men and 13 % boys), while **female characters** (7% girls and 5% women) are at the bottom of the table, **numbering percentages smaller than percentages in which nature, animals and things are represented**.
- Of 1653 names of authors of the 3604 images in the textbooks, 84 % are men (1396), and 16 % women (257).
- Of 2091 texts in textbooks, 1322 are by male authors (63 %), 314 by female authors (15 %), and 455 (22 %) are by an anonymous author.
- The majority of topics in textbooks concern children's life (play, school, relations among children) – 393 (20 %) and nature and animals – 381 (19 %), followed by family life – 183 (9 %), romantic themes – 150 (8 %) and patriotic themes – 137 (7 %).
- Male characters (men, old men and boys) appear as main characters in a total of 906 texts (64 %), female characters (women, old women, girls) appear in 331 texts (23 %), while 13 % of characters are animals and characters from fairytales.
- The results of numerical analysis of male and female occupations show that men are four times more frequently defined by their occupation than women are.
- In a total of 616 primary family relations between main characters, the relationship between one of the parents with the son predominates – mother-son (25 %) and father-son (23 %). The relationship between a parent and the daughter is in second place, with less than half the percentages – mother-daughter (10 %) and father-daughter (10 %).

CONCLUSION

Considering the aim of the analysis of the existing state of the implementation of measures from the Convention on the Elimination of all Forms of Discrimination against Women, provisions of the Gender Equality Act (Official Gazette, No. 116/03), the Act on Textbooks for Primary and Secondary Schools (Official Gazette, No. 36/06; 141/06) and the Textbook Standard (07/07), as well as measures under the National Policy for the Promotion of Gender

Equality 2006-2010 (Official Gazette, No. 114/06) in textbooks for the Croatian language and literature for the 5th to 8th grades of primary schools:

The Ombudswoman believes that significant progress has been made regarding the use of gender-sensitive language, according to the ethical requirements of the Textbook Standard – 94 % of texts from the headlines of main texts in the textbooks use either gender-neutral or gender-sensitive language, while there isn't a single workbook that uses gender-insensitive language.

However, the Ombudswoman points out that textbooks are still not in accordance with item 7 of the *Graphic design requirements and standards*, as set out in the Textbook Standard (Official Gazette, No. 07/07)³⁰, which is confirmed by the percentages found in the analysis – 74 % of individual characters represented on drawings, photographs and other graphic items accompanying the texts in the textbooks are male. In workbooks too, the highest percentage of graphic design items is comprised by male characters (33 %), while female characters are at the very bottom, represented in 12 % cases, a smaller percentage than that in which nature, animals and objects were represented.

The Ombudswoman believes that more equal visibility of female and male characters in graphic design solutions would help promote gender equality.

Although the Ombudswoman appreciates the fact that the manner of representing women in the majority of texts in textbooks is contingent on the manner of their historic depictions, that is, in older Croatian literature, she believes that opportunities available in additional tasks, exercises and topics for discussion to educate and train for gender equality haven't been sufficiently utilised.

THE OMBUDSWOMAN'S RECOMMENDATIONS

Therefore, with the aim of achieving the goals of gender-sensitive education, the Ombudswoman recommends that:

1. in drafting and approving textbooks, their compliance with the measures from the UN Convention on the Elimination of all Forms of Discrimination against Women, with the Conclusions of the Committee on the Elimination of Discrimination against Women in the Field of Education, the provisions in the Gender Equality Act, the Act on Textbooks for Primary and Secondary Schools and the Textbook Standard, and with the measures for the implementation of gender-sensitive education from the National Policy for the Promotion of Gender Equality 2006-2010 should be carefully considered;
2. professional training in the field of gender equality should be systematically and consistently implemented for all agents of educational and training activities.
3. measure 3.1.2 from the National Policy for the Promotion of Gender Equality 2006-2010 should be implemented, that is, to draft documents for the implementation of the Textbook Standard, in accordance with the Gender Equality Act.

³⁰ "Graphic design solutions in the textbook must promote gender equality", Textbook Standard (Official Gazette, No. 07/07), 2.6, Graphic and technical requirements and standards, item 7.

5. POLITICAL PARTIES

The National Policy for the Promotion of Gender Equality from 2006 to 2010 (Official Gazette 114/06, hereinafter the National Policy) includes the chapter 4: *Equality in the Decision-making Process*.

In order to achieve a balanced representation of men and women in the representative and executive bodies of government on all levels, a deadline in 2007 was set for the implementation of the following measures:

4.1.1 Political institutions and political parties will be informed about the Recommendation Rec(2003)3 of the Committee of Ministers of the Council of Europe to member states on the balanced participation of women and men in political and public decision-making.

4.1.5 Forms in which candidates declare their acceptance of candidatures for inclusion in electoral lists will be brought into line with the Gender Equality Act by introducing feminine forms of nouns, and the same will be done in forms in which members of electoral commissions accept their duties as members of bodies for the administration of elections for representative bodies at all levels, and in the electoral legislation.

The measure 4.1.1 was implemented. The implementation subject, the Office for Gender Equality of the Government of the RC, launched on 29th October 2007 the Council of Europe publication "Recommendation REC(2003)3 of the Committee of Ministers of the Council of Europe to member states on the balanced participation of women and men in political and public decision-making and the Explanatory Memorandum". The office also wrote to the State Electoral Committee, requesting that the feminine forms of nouns be included in the text of the Mandatory Instructions as well as in all other forms for candidacy and elections. The office also sent memos to all political parties to implement the principle of balanced representation of both genders in the elections, in order to increase the proportion of women in the 6th Croatian Parliament.

The measure 4.1.5 was not implemented. The forms used in the elections for Members of the Croatian Parliament of 25th November 2007 were **written only in the masculine gender form**. The only partial departure from this rule is found in the Mandatory Instruction No. III of the State Electoral Committee – *Candidacy procedure in the electoral districts I to XI*, in the chapter titled *Candidates and the content of the nomination*, which includes the following instruction: "*The concept of a candidate implies both male and female candidates*".

The female gender form was not included in the forms related to the bodies for the implementation of elections for Members of the Croatian Parliament, nor in the forms of lists of their members, chairpersons and vice-chairpersons.

Regarding electoral forms, the Office of the Ombudswoman received a complaint from a person who had suffered gender-based discrimination by the State Administration Office in the Karlovac County. The reason of the complaint was the memo from the State Administration Office in the Karlovac County, Department for General Administration, containing her data from the voters' registry sent to her to verify their accuracy. In the field marked "nationality", the nationality was written in the masculine form. Having found that the allegations from the complaint were correct, the Ombudswoman sent a warning to the State Administration Office in the Karlovac County, recommending that the principle of gender equality be respected in the forms.

However, after an additional review, the Ombudswoman found that the Central State Administrative Office for Public Administration did distinguish between the male and female gender in the "Nationality" field in the Voters' Registry.

In the text of the Report on the Implementation of the Elections for the State Electoral Committee, the masculine form is used exclusively (for candidates, MPs etc.); however, at the

* 'kandidati' and 'kandidatkinje'

very end of the report, there is a statistical overview of the gender and age distribution of the elected candidates, i.e. MPs, which are mentioned both in masculine and feminine forms**.

In the Ombudswoman's opinion, the implementation subjects of the measure 4.1.5 of the National Policy, i.e. the State Electoral Committee and the Government of the Republic of Croatia, should have brought all the forms into line with the Gender Equality Act by introducing the feminine forms of nouns.

5.1 ELECTIONS IN 2007

The Ombudswoman monitored the elections in the year 2007 from the standpoint of gender equality as a fundamental value of the constitutional order of the Republic of Croatia. She paid particular attention to the following legal provisions and policies:

- the Act on Election of Representatives to the Croatian Parliament (Official Gazette No. 69/03 – consolidated text)
- according to article 15 of the Law on the Election of Members of the Representative Bodies of Local and Regional Self-Government Units (Official Gazette No. 44/05 – consolidated text), in composing the candidate list, the proposer is obliged to take gender equality into consideration;
- under articles 5 and 15 of the Gender Equality Act (Official Gazette 116/03), gender equality means that women and men are equally present in all areas of public and private life, that they have equal status, equal opportunities to realise their rights, as well as equal benefit from the results accomplished.
- According to the National Policy for the Promotion of Gender Equality and the Implementation Programme of the National Policy for the Promotion of Gender Equality from 2006 to 2010, a balanced representation of men and women in representative and executive bodies of government at all levels of political decision-making should be achieved (area 4, Equality in the decision-making process).

5.1.1 ELECTIONS FOR MEMBERS OF NATIONAL MINORITY COUNCILS

The elections for members of the national minority councils in units of local and regional self-government, i.e. in counties, towns, and municipalities, took place on the 17th June 2007.

At the 9th May 2007 session, the Government of the Republic of Croatia made the decision to hold the elections for members of national minority councils in units of local and regional self-government (Official Gazette No. 49/07).

The elections were held on the basis of provisions of the Constitutional Act on Rights of National Minorities (Official Gazette 155/02) and the Law on the Election of Members of the Representative Bodies of Local and Regional Self-Government Units (Official Gazette No. 33/01, 10/02, 155/02 and 45/03, 43/04, 40/05, and 44/05 – consolidated text, hereinafter: the Law).

In total, the elections were held "for **308 national minority councils**, including **73** councils in counties, **128** councils in towns, and **107** councils in municipalities".³¹

The National Electoral Commission (www.izbori.hr), together with other electoral implementation bodies, carried out elections for electing **members of national minority councils** in altogether **20** counties, **57** towns, and **68** municipalities; the numbers of council members to be elected among members of national minorities was as follows: 10 members per council in municipalities, 15 members per council in towns, and 25 members per council in counties. In some election lists there were fewer candidates than the number of seats in a municipality, town, or county council. In such cases, the number of members elected to the given council was lower than stipulated by the law. In comparison to the total number of elections called for members of national minority councils, the elections did not take place in **10** towns and **25** municipalities, i.e. 16.23 %, because no candidates were nominated.

** 'kandidati' and 'kandidatkinje', 'zastupnici' and 'zastupnice'

³¹ www.izbori.hr

All candidates with valid nominations were listed in the electoral list and the ballot paper in **alphabetical order**, so there was no ground for the Ombudswoman to analyse the order of male and female candidates in the electoral lists.

The Ombudswoman monitored the elections from the call to the publication of the outcomes by

- collecting and analysing electoral lists by gender;
- collecting and analysing electoral outcomes by gender.

Nomination

The Ombudswoman analysed all validly nominated electoral lists (hereinafter: lists) for election of members of national minority councils, i.e. 358 lists.

Therefore she addressed the County Electoral Committees and the Zagreb City Electoral Committee, requesting the electoral lists for the election of members of national minority councils for the counties, as well as for the towns and municipalities where the Committees appointed other electoral committees for the towns and municipalities.

The National Electoral Commission published the Mandatory Instructions for the implementation of elections, including the forms for the nomination procedure; **the Ombudswoman found that the instructions were written in a gender-insensitive language, because only the masculine gender was used.**

Analysis of electoral lists by gender

The electoral lists for members of the national minority councils comprised **5441** candidates, including 4152 men (76.3%) and 1289 women (23.69%):

- 607 women (23.64 %) and 1961 men (76.36 %) for the councils in counties and the City of Zagreb;
- 488 women (26.42 %) and 1359 men (73.58 %) for the councils in towns;
- 194 women (18.91 %) and 832 men (81.09 %) for the councils in municipalities.

Only 23.69 % women were nominated.

The percentage of women nominated was the lowest in municipalities (18.91 %³²).

In the table 24, *Structure of candidates in electoral lists and the outcomes of elections for members of national minority councils 2007*, the data on candidates, as well as on the outcome of elections, are sorted individually and collectively by county, town and municipality on the basis of gender.

A big problem for the analysis is that the election implementation bodies neither processed nor presented the data by gender during the implementation of elections and determining the results thereof. That is a breach of the provision in article 17, paragraph 1 of the GEA that stipulates the duty and method of collecting statistical data, although the candidate's nomination lists must also include data on the candidate's gender. **Therefore, the Ombudswoman collected and analysed data on gender for each electoral list (385).**

Election results

In this phase of collection and processing of data, the Ombudswoman took the data from the Internet pages of the National Electoral Commission. Among 5441 candidates, 952 women (24.18 %) and 2985 men (75.82%) were elected:

- 398 women (23.58 %) and 1290 men (76.42 %) for councils in counties and the City of Zagreb;
- 410 women (27.93 %) and 1058 men (72.07 %) for councils in towns;
- 144 women (18.44 %) and 637 men (81.56 %) for councils in municipalities.

³² There was also a descending trend in the nomination of women for municipalities on the elections held on 15 May 2005 – Gender Equality Ombudsperson – Annual Report for 2005, page 85.

5.1.2. ELECTIONS FOR THE CROATIAN PARLIAMENT 2007

Based on the provisions of article 97, line 1 of the Constitution of the Republic of Croatia, and articles 5, 6, and 80, article 2 of the Act on Election of Representatives to the Croatian Parliament (Official Gazette No. 111/99, 109/00, 53/03, 44/06, and 19/07), the President of the Republic made the decision to call the elections for representatives in the Croatian Parliament, which took place on 25th November 2007.

The electoral lists (258) for Members of the Croatian Parliament in 12 electoral districts comprised 3585 candidates, including 70.1 % men and 29.9 % women.

During the implementation of the elections, the National Electoral Commission published the data on the number of candidates, as well as the election outcomes by gender. There was a total of 153 members of parliament elected, including 32 women (20.9%) and 121 men (79.1%).

The Ombudswoman carried out an additional analysis by gender of all 259 electoral lists in all electoral districts:

- by list holders;
- by the order of candidates in the five top positions in the lists.

There were 38 women list holders (14.2 %) and 217 men list holders (85.8 %).

The number of women in the top five positions on electoral lists was 356 (27.6 %) and 934 men (72.4 %). Among the list holders, two women (5.1 %) and 37 men (94.9 %) were elected.

Conclusion (5.1.1 and 5.1.2)

All the data cited here suggest that, when composing the electoral lists, the proposers did not respect the principle of gender equality and balanced representation of men and women in the lists.³³

³³ Table 25: Election of candidates to the Croatian Parliament 2007, electoral slates – data sorted by gender, slate holders and the order from the 1st to 5th position in the lists.

6. MEDIA

The Ombudswoman regularly monitors the implementation of legal provisions and other regulations on the national level concerning raising awareness on gender equality and the prohibition of public display, advertising and presentation of women and men in offensive, derogatory and humiliating ways, as stated in the Gender Equality Act, Official Gazette No. 116/03 – hereinafter: GEA; in the Media Act, Official Gazette No. 59/04; in the Act on Electronic Media, Official Gazette No. 122/03; and the Act on Amendments to the Act on Electronic Media, Official Gazette No. 79/07.

On the 5th March 2007, the Government's Office for Gender Equality, in cooperation with the nongovernmental sector and the media profession, established the Commission for Monitoring and Evaluation of the Implementation of Gender Equality Policy in the Media, thereby implementing the measure 7.3.3 of the National Policy for the Promotion of Gender Equality 2006-2010 (Official Gazette No. 114/06).

On the occasion of the International Day of Family on the 15th May 2007, the Ministry of Family, Veterans' Affairs, and Intergenerational Solidarity launched the Handbook with Guidelines for Media Reporting on Family Violence; the Office of the Ombudswoman for Gender Equality actively participated in its production.

The Ombudswoman also monitors the implementation of the relevant international instruments that regulate the issues of gender equality in the media, including, for example, the Recommendations of the Committee of Ministers of the Council of Europe³⁴ and the guidelines of the Roadmap for equality between women and men 2006-2010, which the European Commission adopted on 1st March 2006³⁵.

In order to secure transparency of work of the Office of Ombudswoman for Gender Equality, and to provide optimal accessibility to documents, reports and all materials related to gender equality available to the Ombudswoman, as well as information for the public on the ways to contact the Ombudswoman, on her powers and area of competence, a new web-site of the Ombudswoman was created in 2007 – www.prs.hr. During 2007, the internet statistical record showed that there were 59.077 individual visitors, who accessed the Ombudswoman's pages 448.821 times.

³⁴ Recommendation Rec (2002), pt. 17: "encourage the media to promote a non-stereotyped image of women and men based on respect for the human person and human dignity and to avoid programmes associating violence and sex; as far as possible, these criteria should also be taken into account in the field of the new information technologies".

³⁵ "The media have a crucial role to play in combating gender stereotypes. It can contribute to presenting a realistic picture of the skills and potential of women and men in modern society and avoid portraying them in a degrading and offensive manner."

6.1. THE ACT ON AMENDMENTS TO THE ELECTRONIC MEDIA ACT

In its session of 13th July 2007, the Croatian Parliament passed the Act on Amendments to the Electronic Media Act (Official Gazette 79/07). The Act brought two significant changes related to the protection of the principle of gender equality:

Article 15, paragraph 2, subparagraph 1 included **gender** as one of the bases on which it is forbidden to instigate, favour instigation, or spread hatred or discrimination.

An amendment from the Commission for monitoring and implementation of the policy of gender equality in media was also adopted, that "**encouraging the development of the awareness on gender equality**" is to be included among the contents of particular public interest (art. 23 of the Act on Amendments to the Electronic Media Act), which entailed changes to article 57 of the Electronic Media Act (Official Gazette 122/03), which regulates incentives for the production and publication of public interest programming in the electronic media on the local and regional levels, supported by the Fund for the Promotion of Pluralism and Diversity of Electronic Media.

6.2 MEDIA CONTENT

In 2007, the Ombudswoman continued to react in writing to discriminatory media content, with press releases and/or warnings, recommendations and proposals – either on her own initiative, or on the basis of complaints received by the Office of the Ombudswoman.

6.2.1 EXAMPLES OF PRESS RELEASES

1. CASE DESCRIPTION (PRS-05-03/07-01): On 2nd May 2007, the Ombudswoman reacted with a press release to the Zagrebačka pivovara (Zagreb Brewery) commercial advertisement "Žuja* rule No. 11: Men only notice substantial things". The advertisement was broadcast on TV and displayed on posters at the busiest places in the city.

Explanation: The message of the advertisement was that the substantial thing that men notice is not their woman partner, nor the fact that she has brought home (for him) bags full of supplies, but a bottle of beer. The Ombudswoman believes that such a way of picturing the relationship between the sexes directly belittles and discredits women and their role in the common household, and at the same time also offends men who are, in this case, reduced to blunt beer-drinkers with a narrowly limited scope of interest. What was particularly concerning was the fact that such a pattern of gender relations, with the insulting, humiliating and derogatory message, was promoted on the web pages of Zagrebačka pivovara under the heading "the men's law".

Measures taken: In addition to the press release, the Ombudswoman sent memos to Zagrebačka pivovara and HRT (Croatian Radio-Television), warning that the advertisement in question violates art. 16, para 2 of the Gender Equality Act, according to which "*public display and presentation of any person in an insulting, belittling or humiliating manner, as regards his/her gender and sexual orientation, shall be forbidden*", and article 20 para 8 of the Media Act, according to which it is "*not allowed to publish advertisements in which women and men are presented in an offensive or humiliating way with regard to their gender or sexual orientation*". Together with the warning, the Ombudswoman recommended that the disputed advertisement be withdrawn and removed, and that the relevant legal provisions be taken into consideration in the procedure of approval of other advertisements. After the Ombudswoman's press release was published on the most frequented web portals³⁶ and in daily newspapers,³⁷ the Ombudswoman was invited to speak on radio and TV-shows³⁸ about gender discrimination in commercial advertisements, where she had an opportunity to inform the public about the legal provisions that regulate the modes of representing men and women in the media, and about the reasons why advertisements which discriminate on the basis of gender, using harmful and unrealistic stereotypes, are unacceptable regardless of whether some people find them funny and amusing.

* a beer brand

³⁶ www.hina.hr, www.business.net, www.net.hr, www.liderpress.hr, www.javno.hr, www.h-alter.org, www.vecernji.hr, www.jutarnji.hr.

³⁷ *Večernji list*, *Jutarnji list*, *Vjesnik*, *Novi list*, *24 sata*.

³⁸ 22 May – Obiteljski radio (Family Radio), Media Servis; 28 May – HTV1 – Radni ručak; 30 May – Z1.

Outcome: Concerning the great number of calls the Ombudswoman's Office received from viewers who supported the Ombudswoman's reaction to the advertisement in question and also warned about other commercials they deemed offensive or degrading for the female or male gender, it was evident that the audience has become more sensitive to the issues of the relation between the sexes and that they are no longer merely passive consumers of the advertising products. According to the information available to the Office of the Ombudswoman, the broadcasting of the disputed advertisement stopped.

2. CASE DESCRIPTION (PRS-05-06/07-05): In the *Večernji list* daily newspaper of 8 May 2007, in the section for the region of Slavonia, an article appeared wherein the spokesperson of the Ministry of Agriculture, Forestry, and Water Management, M. P., made a discriminatory remark about the member of Parliament Lj. L., making allusions about her private life with the words that "*only those without their own private life comment on the behaviour of others*".

Measures taken: The Ombudswoman immediately reacted with a press release in which she reminded that the Gender Equality Act prohibits discrimination on the basis of civil and family status, which certainly belong to the private sphere and do not constitute conditions for performing certain jobs or public office; thus, nobody should be allowed to discredit anybody in relation to their performance in an office or job on the basis of their civil or family status. She noted that it is still necessary for all of us to combat stereotypes about the role of women in society, and that such statements *inter alia* contribute to women being underrepresented in the public and political life; spokespersons should be particularly responsible for words spoken in public, in media, as they are supposed to know the impact of media on the public, which also applies to spreading various stereotypes about women.

Outcome: The parliamentary faction to which Lj. L. belonged demanded a debate in the Parliamentary Committee for gender equality (hereinafter: the Committee). On 24th May 2007, at its 44th session, the Committee held a debate where members agreed that the public statements of the spokesperson were inappropriate and should be condemned.

Other press releases, warnings, proposals and recommendations by the Ombudswoman in 2007 include public statements concerning: discrimination based on civil status – "Against Stereotypes", *Večernji list*, 9th January 2007 (about the article "Family religion", *Večernji list*, 5th January 2007); physical violence on grounds of sexual orientation – an assault on an Austrian performer and an emcee on 25th April 2007 in the vicinity of the Gjuro II club in Zagreb; discriminatory message left in front of the office of the lesbian group "Kontra" on 23rd April 2007; discrimination and insult against a journalist by a public official in sports, 1st October 2007; representing women in offensive and degrading ways, which also suggested violence against women (concerning a photograph published with the article "Ikea is coming to Croatia" on the internet portal of *Večernji list*, 2nd April 2007); implantation after mastectomy (about the article "Donors", *Nacional* 17th April 2007).

6.2.2 ANALYSIS OF CRIME SECTIONS IN THE NEWSPAPERS

In the period from **1st to 30th April 2007**, the Office of the Ombudswoman for gender equality analysed **875 articles** printed in the crime sections of **70 issues** of *Večernji list*, *Vjesnik*, and *Jutarnji list*.

The **objective** of the analysis of articles in the crime sections was to establish to what extent and in what way family violence and other forms of violence against women are reported in the daily press with highest circulation.³⁹

Family violence – numerical indicators

In the total number of **875 articles** in the crime sections analysed, **family violence was the subject-matter in 41 articles (4.6 %)**, including **33 articles about women as victims of family violence** and **eight articles on women as perpetrators of family violence**.

Ways of reporting family violence

In reports on family violence, headlines often suggest a connection between drunkenness and violence against family members. Although alcohol intoxication of perpetrators of family violence is frequent, it is not the only and exclusive cause of family violence.

³⁹ NOTE: The total number of articles on violence or family violence only refers to articles printed in the crime sections of the newspapers mentioned above.

In the raising of public consciousness about the issue of family violence, it is exceptionally important that media recognise and report on family violence without stereotypes, as long lasting, continuous violent behaviour in a family, manifesting itself in various forms, varying from lighter to graver – from emotional, economic, psychological, to physical abuse – in most cases by one perpetrator against another or more members of the family.

Examples of newspaper stories

A headline in *Večernji list*, 16 April 2007: "Drunken man beat daughters and denied them food", suggests that the cause of the violent behaviour is drunkenness. However, the article presents a detailed history of family violence that has lasted for more than a decade, including almost all forms of family violence – the father's sexual abuse of an underaged daughter, neglecting and failure to provide parental care for children, physical abuse of children, attempted murder of the wife, illegal possession of weapons:

D. Ž. (44), father of two underaged girls, was "under suspicion of *sexual abuse* of his 17-year old daughter when drunk", and he was also reported because he "*neglected and abused* the other daughter, 11 years of age", which lasted for months; additionally, "as established, he also *abused her physically*".

More than a year ago, the mother divorced D. Ž. and *both of them were reported several years ago for neglecting and abusing a child!* "Apart from neglecting the children, D. Ž. was reported around ten years ago for an *attempted murder of his wife*". He is a retired soldier who was hiding a proper arsenal of weapons in his garage, "*more than two thousand pieces of various kinds of ammunition for automatic weapons, 11 TNT bullets, a hand rocket launcher (so-called *zolja*), a cumulative grenade, three instantaneous M62 mines, eight hand grenades, three canisters of tear gas, half a kilo of plastic explosive, fuses etc.*"

Family violence is often connected with the use of (fire) arms. Threats with weapons that were recorded are related to men as perpetrators and women as victims. In individual cases, clumsy handling of weapons was noted, resulting in self-inflicted wounding of the perpetrator.

An article was printed in ***Vjesnik* on 5th April 2007, with the headline "Drunk woman stabbed drunk husband"**, although the alleged perpetrator's blood was taken for testing 26 and a half hours after the fatal event, and alcohol was not found. Why the decision to stress the drunkenness in the headline, although it was not even found by testing? In the text of the article it is suggested that the perpetrator gravely injured her husband's liver, because "*in an instant, obviously she had had enough and she revolted against the constant maltreatment*", which also might suggest the cause of the assault, which cannot be reduced to mere drunkenness. By her own admission, D. S. started drinking after she had left her first husband, who was also violent, "*because alcohol provided at least some consolation*", so she assumed that she "*must have been drunk*", because "*to survive*" in the surrounding where everybody was drinking, she was drinking as well.

Reporting on acts that are rooted in family violence requires the sensitivity of journalists and editors, as well as that they understand the dynamics, causes and forms of family violence, so that they are capable of recognising what is relevant in individual cases without resorting to stereotyped emphases on drunkenness, jealousy, and/or poverty as real, but not sole factors of family violence.

The handbook with guidelines for media reporting on family violence, published by the Ministry of Family, Veterans' Affairs, and Intergeneration Solidarity, is intended for journalists and all those responsible for the creation and publication of texts and broadcasting footage that speak of family violence. Among others, the handbook includes legal regulations of media reporting, a review of the media image of violence against women and family violence in Croatia (examples of good and bad media practice) and a chapter on violence as discrimination. The handbook lists and explains the guidelines for media reporting on family violence:

1. Family violence is not a private family matter.
2. It is the perpetrator, the violent person that is responsible for family violence, not the victim.
3. Avoid sensationalism in reporting on family violence.

4. Protect the victim's identity.
5. Avoid secondary victimisation of the victim.
6. Avoid discrimination and stereotypes.

Articles related to family violence in which the emphasis is put on the perpetrator's state of intoxication by alcohol:

Večernji list, 7th April 2007 - quotes two cases where men were reported for misdemeanour and criminal acts. One of them (60) because he insulted and beat his 59 year old wife in their house when he was *under the influence of alcohol*; the other (53) because he threw out from the house his wife and their underaged daughter while *drunk*;

Večernji list, 21st April 2007 - "*Drunken man stabbed his father in the chest*";

Večernji list, 22nd April 2007 - "*Drunken son threw stones and knife at his mother*";

Večernji list, 15th April 2007 - "*Drunken father assaulted daughter*";

Jutarnji list, 21st April 2007 - "Poured petrol on his mother and watched her burning alive" (*Neighbours thought it was an accident because the son (46), who was prone to alcohol abuse, often fell asleep with a burning cigarette. Namely, crying for help was often heard from the house, because the son was beating his old mother (73)...*)

Positive examples

One of the unusually good headlines is the headline of an article quoted in the Handbook with guidelines for media reporting on family violence: the headline read "**After six years a woman took courage and reported her abusive husband**" (*Jutarnji list*, 5th April 2007).

The headline points out the basic elements related to family violence: long-lasting abuse in the family, the time the victim needed to summon up the courage and report the bully, and calling the bully an abuser – since abuse means prolonged violent behaviour, rather than a one-time occurrence. The specific case involved psychological humiliation and insulting the wife, which the wife reported after another humiliation. Although the report was triggered by the fact that the husband did not allow the wife to use the washing machine, threatening that he would cut the electric cable, after six years of insults and threats, almost anything could serve as the trigger. That is precisely why in cases of family violence it is necessary to recognise the trigger of a certain breach or criminal act, and untangle it from the context of family violence, where the causes or reasons lay. This article is therefore an excellent example, which shows that **family violence is not just physical violence** and it is characterised by longevity of violent behaviour.

Concerning family violence, *Vjesnik* of 7th, 8th, and 9th April 2007 carried a big story with the headline "Growing family violence in Šibenik" with data from the Centre for social care about the increase of family violence in the Šibenik area.

Proportion of other topics in the crime section

- 26 articles on murders (out of the total of 74) where the victim was a woman; in other articles the victims and perpetrators are men;
- 10 articles on prostitution;
- 11 articles on rape;
- 60 articles dealing with misdemeanour and criminal acts related to the use of weapons;
- 35 articles reported on suicide and attempted suicide, including 31 articles about men and four about women.

6.2.3 ANALYSIS OF DAILY/WEEKLY NATIONAL AND REGIONAL PRESS

In the period from **1st January 2007 to 31st December 2007**, the Ombudswoman monitored and analysed articles from the daily and weekly press that she regularly receives through a media monitoring agency⁴⁰, which concern gender equality, including rights of sexual

⁴⁰ The agency service covers the national and regional daily press and national weeklies (*Arena, Bjelovarac, Dnevnik, Dubrovački vjesnik, Dubrovački list, 24 sata, Banka, Cosmopolitan, Extra, Feral Tribune, Fokus, Glas Istre, Glas Slavonije, Glas Podravine i Prigorja, Elle, Globus, Gloria, Gloss, Grazia, Hrvatski narodni list, Jutarnji list, Karlovački list, Karlovački tjednik, Lisa, Međimurske novine, Metro Express, Moby, Nacional, Novi list, Novi sisački tjednik, Osječki dom, Posavska Hrvatska, Poslovni tjednik, Slobodna Dalmacija, Stars, Story, Šibenski list, Varaždinske vijesti, Večernji*

minorities, all forms of discrimination based on sex or sexual orientation, any form of insults and belittling (interviews, statements, reports, etc.) and all thematic fields related to the equality between women and men in the private and public spheres – from legislation and political life, to education, entertainment, arts, labour and employment.

Analysis of the monitored topics

Throughout the year 2007, the total number of **3835 articles** related to gender equality in the abovementioned printed media were analysed.

The hierarchy of topics by percentage of representation:

topic	number of articles	percentage
violence against women and family violence	818	21%
issues of the LQGBT communities	461	12%
women in politics	449	12%
gender equality on the labour market	423	11%
civil associations	316	8%
gender equality in media	257	7%
gender equality in education	221	6%
gender equality - general	183	5%
family (single parent families, alimonies, maternity compensations etc.)	107	3%
health	104	3%
culture and sports	104	3%
trafficking and prostitution	70	1%
International Women's Day	62	1%

The remaining 7 % includes topics concerning the position of women in the world, women with disabilities, women members of national and ethnic minorities, women in the army, women in rural areas, women inside the Catholic Church.

Comparison with the results of press analysis in 2006

If we compare the years 2006 and 2007, we will see that among the analysed topics the violence against women and family violence are still the topics represented in the highest percentages in the printed media (2006 – 28 %; 2007 – 21 %). If we divide the total number of articles on violence and family violence (818) by the number of weeks in a year, we will find that 16 articles per week are dedicated to this topic. This number does not include the news from the crime sections, but only articles that printed media carried to raise awareness of the issues of violence against women and family violence.

Many articles covered cases of family violence of well-known persons and the case of the shelter for women victims of violence in Rovinj.

Printed media are becoming increasingly sensitised in reporting violence against women, and they contribute to a growing extent to raising public awareness about family violence as a public and social, rather than just a private problem; some headlines testify about that:

"It's a women's own fault – the most dangerous fallacy" – *Zadarski list*, 2nd January 2007;

list, Virovitički list, Vita, Vjesnik, Vukovarske novine, Zadarski regional, Zadarski list, Zagreb News, Zaposlena, Zarez); news radio broadcasts: HR1: Dnevne novosti, Dnevnik, Kronika dana; Radio 101: Aktualni 101; Internet portals (Biznis infoforum, Bankamagazine.hr, Bug online, Corner, Hina, Indeks online, Iskon, Izvješća Sabora, Moj htnet, Monitor, www.liderpress.hr, www.business.hr, croatiabiz.com, VIP online, www.h-alter.org, T-portal, Indeks online, www.net.hr).

- "Life after beating" – *Večernji list*, 21st January 2007;
- "One in four women abused in the family" – *Večernji list*, the Podravina and Bilogora regional edition, 9th March 2007;
- "Young people don't think a slap is violence" – *Regionalni tjednik*, 20th March 2007;
- "A bully who kills his wife typically has a thick police record" – *Slavonski dom*, 21st March 2007;
- "Include men in combating violence against women" – *Novi list*, 10th May 2007;
- "Higher sentences for family bullies" – *Slavonski dom*, 16th May 2007;
- "Abused women dependent on alms by authorities" – *Novi list*, 7th July 2007;
- "Group therapy for abused women" – *Posavska Hrvatska*, 21st August 2007
- "No justification for violence" – *Vinkovački list*, 28th August 2007;
- "Bullies won't be able to avoid group therapy" – *Vjesnik*, 6th September 2007;
- "Abusing a woman means being weak and sick" – *Vjesnik*, 24th September 2007;
- "Humaneness against violence" – *Zadarski list*, 23rd November 2007;
- "Remove bullies from families" – *Međimurje*, 20th December 2007.

The year 2007 was also a year when activities of the **Council of Europe Campaign to combat violence against women, including domestic violence** were implemented on the national level. A considerable number of articles were dedicated to following the activities of the Campaign on the national level, with the focus on one of the main goals of the campaign: the inclusion of men. The media also covered the publication of the Handbook with guidelines for media reporting on family violence by the Government of the Republic of Croatia, in whose production the Office of the Ombudswoman for gender equality took part.

While the topic of women in the labour market was in the second place by frequency (16 %) in 2006, it dropped to the fourth position in 2007 (11 %). The higher positions were taken by topics related to the LGBTQ community (12 %) and women in politics (12 %). One of the reasons for the increase in the number of articles on the subject of women in politics was the parliamentary elections in November 2007; the increase in topics related to the LGBTQ community was partly caused by the coverage of the attack against an Austrian transvestite artist in April, the event of the Queer festival in May, and the Zagreb Pride in July 2007, as well as media coverage of events related to the arrest of the attackers on the participants of the Gay Pride Parade and the commencement of the trial against them.

Gender equality in the area of education retained the same percentage (6 %) in comparison with 2006 (the writing was most often about women in science and on the introduction of the experimental curriculum of health education in primary and secondary schools). The percentages of topics covering the work of civil associations (8 %) and maternity also increased in 2007 – the articles mostly dedicated to the abolition of restrictions to maternity compensations (3 %). The percentage of articles on prostitution and trafficking was slightly higher (3 %) than in 2006.

Variations in the number of articles on gender equality by months

The number of articles on topics related to the position and equality of women is still the highest in March (481), September (327), and November (345), on the occasion of dates such as the International Women's Day (the 8th of March), the National Day for the Elimination of Violence against Women (the 22nd of September), and the International Day for the Elimination of Violence against Women (the 25th of November). Apart from the topics narrowly connected to the celebration of these dates, in these months there is a general increase in the number of stories about gender equality in the labour market, about family violence, gender equality in politics etc.

In April and May 2007, there was a large number of articles – 53 in total – about the decision of the Constitutional Court that the age of regular retirement should be equal for women and men.

Topics insufficiently represented in the media

Topics of **gender inequality in rural areas** still appear very seldom in the media. Women in rural areas are mentioned, for instance, only on occasions such as the election of the "queen of wine" or the best rural woman on the 15th of October – the World Rural Women's Day . One of the rare articles that spoke about another aspect of the position of rural women was "Rural women learn to use computers" – *Večernji list*, regional edition for Dalmatia, 11th September 2007.

The **position of Roma women** is also a very rare topic; mostly, it appears in the context of poverty, begging, number of children, or family violence. Although very short, the article "Roma women suffer double discrimination" is a positive example (*Posavska Hrvatska*, 25th May 2007).

During 2007, most of the articles related to the Roma community were about the activities in relation with the state policy for Roma under the National Programme for Roma, then the celebration of the World Roma Day on the 8th of April, and the verdict of the European Court for Human Rights ("Verdict of the European Court – the Croatian State Punished for the Humiliation of Šemso Šečić by the Police " – *Večernji list*, 4th June 2007).

Women with disabilities appear very seldom as a topic in the media, despite many round tables and public events in 2007 where it was spoken about the double discrimination of women with disabilities ("Discriminated both as women and as persons with disabilities" – *Večernji list*, 4th July 2007). Persons with disabilities were a more frequent subject in March, in connection with the pilot-project of the Ministry of Family, Veterans' Affairs, and Intergenerational Solidarity to introduce personal assistants for persons with disabilities, and in May, when the first SOS-telephone for women with disabilities became operational.

Regarding women's health, most articles were dealing with the activities of the National Programme of early detection of breast-cancer and free mammography tests for women of older age, and the introduction of the HPV vaccine.

Approximately 10 articles appeared about women participants of the war for independence, their status and difficulties in their struggle with PTSD.

Gender equality in the election campaign

The printed media monitored by the Office of the Ombudswoman for gender equality regularly carried pre-election opinion polls, interviews, debates between heads and representatives of parties. Occasionally, they also reported about women's NGOs' criticism of parties because of a lack of "women's" issues in party programmes and about their demands for equal and equitable representation of both genders in electoral lists.

The "Confrontations" – a special supplement of *Večernji list*, Media Servis and the RTL television, printed in *Večernji list*, features flash-questions, which gave party candidates the opportunity to express their positions, and contained almost no topics related to the issues of gender equality and the position of women.

Male candidates were in the majority in the "Confrontations" (*Večernji list*, 25th October 2007 – 4 male candidates / 3 female candidates; *Večernji list*, 3rd November 2007 – 4 male candidates / 0 female candidates; *Večernji list*, 6th November 2007 – 3 male candidates / 2 female candidates; *Večernji list*, 8th November 2007 – 5 male candidates / 0 female candidates; *Večernji list*, 10th November – **1 male candidate / 4 female candidates** – an exception; *Večernji list*, 13th November 2007 – 4 male candidates / 1 female candidate; *Večernji list*, 14th November 2007 – 4 male candidates / 1 female candidate; *Večernji list*, 21st November 2007 – 5 male candidates / 1 female candidate).

Among all the topics that were covered in the confrontations, the only cases when the issues of gender equality or the position of women in society were the subject of the candidates' debate were the following:

25th October 2007, *Večernji list* – 4 male candidates / 3 female candidates answered the questions on:

- *the abortion ban* (among the 7 representatives, three men were in favour of the ban, one abstained);

- *same sex marriages / child adoption by same-sex couples* (among the 7 representatives, three men opposed same-sex marriage; all were against the adoption of children by same-sex couples, except one female candidate, who abstained)
- *legalisation of prostitution* (among the 7 representatives, one male and one female candidate were in favour of legalisation, the other 5 were against).

16th October 2007, *Večernji list* – 5 male candidates / 0 female candidates answered the question:

What if your children chose a partner of the same sex?

All the candidates rejected the existence of such a possibility: they stated that they were happy their children already made their (heterosexual) choice, so there were no such "problems", or that the child is still too young to think about that, or that the children received a worldview which precludes such possibility, and if it were to happen, the child would need help (?!).

In the only "Confrontation" where the female candidates were in the majority (10th November 2007 – 4 female candidates and one male candidate), the topics were the traffic, zoning, and financing of the city of Zagreb.

Unlike men, women were mentioned in the election campaign in contexts that did not have so much to do with politics or party programmes; in some cases they became the protagonists of pre-election media reports only indirectly related to their party commitments:

- a pregnant politician from Osijek ("In the campaign in the 7th month of pregnancy" – *Jutarnji list*, 19th October 2007; "She holds the baby and the SDP list" – *Večernji list*, 19th October 2007);
- analysis of support the male and female politicians receive from their wives or husbands, respectively ("Marital partners in the campaign" – *Večernji list*, 7th October 2007);
- an interview with women politicians about their hobbies, care for children, "small pleasures", socialising with friends, housework ("No sacrifice is too hard for us" – *Gloria*, 8th November 2007).

Media on media

There were **257 articles** about printed and other media. We note that the number does not include articles about the private life of public personalities followed by media in 2007 through covering several shady affairs and scandals.

A lot was written about the assault of the member of the HRT Programme Council Dr. Danko Bljajić on another member, Jadranka Kolarević. The articles reporting the assault often ignored the fact that it was an act of violence of a man against a woman, while inappropriate headlines were highlighted, like "High heels – a women's new weapon" (*Večernji list*, 31st March 2007); or the victim and the attacker were made to look equal: "Danko Bljajić and Jadranka Kolarević Fight" (*Novi list*, 27th March 2007 and *Večernji list* 27th March 2007); "Fight in the HRT Council" (*Jutarnji list* 27th March 2007).

Many articles presented the reactions of the Ombudswoman for gender equality and the Commission for the monitoring and assessment of the implementation of the policy of gender equality in the media of the Government of RC to the advertising campaign of Zagrebačka pivovara "Žuja is the law No. 11: Men only notice the substantial" and the discriminatory statement of the spokesperson of the Ministry of Agriculture and Forestry based on the civil and family status, directed at the woman member of Parliament from the HSS party.

Rare positive examples

There is a very small number of articles that break stereotypes of typically male and typically female occupations:

- "I'm used to being called 'barba' / Vera Zec, a woman from Rijeka, commander of a big Italian passenger ship, was not disturbed by male discrimination in her career" – *Novi list*, 2nd January 2007
- "Woman vice-mayor – head of football club" – *Jutarnji list*, 11th January 2007
- "For the first time, a woman commands British Royal Guards / A precedent in 350 years of history", *VIP online*, 17th January 2007
- "State of Israel led by a woman for the first time" – *Večernji list*, 27th January 2007
- "Woman from Opatija became the first woman bodyguard in Croatia" – *Jutarnji list*, 29th May 2007 (*the headline is included as a positive example because of the content, although the headline itself is gender-insensitive**)
- "Christina Fernandez the new president of Argentina" – *Jutarnji list*, 30th October 2007.

* in the Croatian text, the word "bodyguard" (tjelohranitelj) was written in the masculine form (translator's note)

Gender sensitivity of language

The language of articles in printed media, as well as in the news portals on the Internet, indicates that their authors have not found their bearings regarding the issues of gender sensitivity of language. Instead of using the female gender form of nouns that is immanent to the Croatian language, the nouns are left in the masculine form, preceded by the noun "woman"; thus, we get women – night workers, women managers, women accountants, women entrepreneurs. Here are some examples:

- "The first woman in the post of president ['predsjednik' instead of 'predsjednica'] of Harvard" (*Monitor*, 12th February 2007)
- "Women most frequent night workers ['radnici' instead of 'radnice']" (*Slobodna Dalmacija*, 6th March 2007)
- "Women - more than 40 % university professors ['nastavnika' instead of 'nastavnica']" (*Novi list*, 25th March 2007)
- "Women managers ['menadžeri' instead of 'menadžerice'] also go to sleep and wake up with their work" (*Glas Slavonije*, 7th April 2007)
- "Women are better leaders than men" (*Zadarski regional*, 13th April 2007)
- "Fifteen women completed accounting courses ['računovođe' instead of 'računovotkinje']" (*Glas Slavonije*, 5th May 2007)
- "Women entrepreneurs ['poduzetnici' instead of 'poduzetnice'] in Croatia employ 101 thousand people" (*Poslovni tjednik*, 7th November 2007)
- "Any young woman can be a soldier ['vojnika' instead of 'vojnikinja']" (*Jutarnji list*, 30th November 2007)
- "K. Grabar at the conference 'Women Leaders' ['lideri' instead of 'liderice']" (*Večernji list*, 31st May 2007).

There is a second group of words, which are in the feminine gender form, but the word "woman" is nevertheless placed before them, which is entirely redundant in such cases.

Examples:

- "A woman politician [političarka] works double shift" (*Novi tjednik*, 26th January 2007)
- "Women leaders [liderice] in local communities" (*Glas slavonske*, 3rd February 2007).

6.2.4 WWW.PRS.HR – THE NEW INTERNET SITE OF THE OMBUDSWOMAN FOR GENDER EQUALITY

Among the subject matters in media where the principles of equal rights of the sexes are violated, or where men and women are presented in a derogatory, offensive or humiliating way, there are some to which the public has already become sensitised, which is manifest in the growing number of complaints that the viewers, listeners and readers send to the Ombudswoman by email. However, discrimination on the basis of gender or family or civil status is often hard to notice, hidden in comments and statements of public figures ranging from politicians to directors and physicians, often downplayed as harmless jokes.

With the aim of sensitising the public to media content which is inappropriate and unacceptable with regard to the promotion of gender equality, which discriminates against one gender or which directly or indirectly presents women or men in a derogatory, offensive or humiliating way, the Ombudswoman opened the section on "jokes and gender equality" on her web-site. Although most of the jokes are funny precisely because they are based on well-known stereotypes, the stereotypes could be very harmful when used to justify discriminatory attitudes or practice, when they promote offensive, humiliating or derogatory attitudes toward specific groups of people.

Therefore, on the basis of readers' complaints, the Ombudswoman published on her web-site her reactions to such "jokes", because she believes that it is necessary to denounce such "jokes" in the general public, as well as those who make and publicise them:

"Topless nurses will jump into the new swimming pool at the physical therapy infirmary" – *Slobodna Dalmacija*, 22nd July 2007.

The article brought a report on the modernisation of equipment and reconstruction of hospital infirmaries, which should provide a better health care for patients and better working conditions for the medical personnel in a clinical hospital; the editor thought that the headline should highlight a "joke" by the CEO, Dr. D. M., according to whom the opening ceremony would include five topless nurses jumping into the swimming pool. In the text of the article, this quote was followed by the comment of the journalist: "D. jokes, and the nurses roar with laughter". However, the nurses did not find the "joke" funny but offensive, which is manifest in the sharp denouncement by their professional unions. ("Nurses to Marasović: Undress women doctors, not us!" – *Slobodna Dalmacija*, 26th July 2007).

It is the position of the Ombudswoman that a joke is not funny if it is a grave insult to someone. It is inappropriate to put nurses, who perform a particularly demanding, often underestimated job, into the role of those who should contribute to the celebration of the opening of the pool, by nothing less than taking off their bras. That is not a joke and cannot be considered funny. The reaction of nurses, who asked the president of the hospital branch of the Nurses' trade union to "react to that sexist incident, and protect the dignity of the profession", merely confirms that such "jokes" offend those at whom they are directed.

The Ombudswoman for gender equality believes that it is particularly good that nurses reacted in public, rejecting the media presentation of the offensive statement as a "joke". Nobody is supposed to jump topless into the swimming pool of the Physical therapy section at the opening ceremony, neither nurses nor women doctors, because they have important social roles, like their male colleagues, and their reputation should not be degraded by inappropriate and offensive "jokes".

"I saw around 100 thousand of them" – *Slobodna Dalmacija*, 24th February 2007

The e-mail address of the Office of the Ombudswoman for gender equality received vehement reactions of readers of the interview with the retired gynaecologist, Dr. S. Z., printed in *Slobodna Dalmacija* with the headline "I saw around 100 thousand of them". The Commission for the monitoring and evaluation of the implementation of the policy of gender equality in the media of the Government of RC (printed in *Slobodna Dalmacija* 27th March 2007, p. 24) also gave a public reaction to some opinions expressed in the interview. The "100 thousand" in the headline referred to women's genitals. In his public reply, the journalist M. B., who had interviewed the gynaecologist Z., tried to trivialise the critique and ridicule the objections of the Commission (printed in *Slobodna Dalmacija* on 29th March 2007, p. 24), underrating and insulting the president of the Commission and discrediting the work of the Commission.

The basic problem with the disputed interview lies in the fact that two men, both of them obliged by the codes of conduct of the journalist and medical professions, bound also by the Media Act, were ridiculing the most intimate parts of women's lives. For most women, seeing a gynaecologist is stressful and due to the qualms connected with gynaecological examination, a great majority of women do not see their gynaecologists regularly, which is necessary for reproductive health, i.e. early detection of diseases which could be harmful or even deadly for women if they are not detected on time and are left untreated. As long as the mortality due to cervical cancer in Croatia is higher than in the EU countries, and 200 women die of that dangerous disease every year, while more than 300 new cases are discovered annually (according to *Jutarnji list* of 26th January 2007, on the occasion of the conference "Let's prevent cervical cancer"), any "jokes" about the intimate experiences of women who visit gynaecologists should be condemned. Such "jokes" may increase the uneasiness and distrust of women patients who see gynaecologists or should do so. A gynaecologist who sees his patients in any way other than purely medical, and does not hesitate to discuss in public their intimate parts, will discourage many women from visiting their gynaecologist.

The following information is available at the new web-site of the Ombudswoman for gender equality:

- about the Ombudswoman
- about the Office of the Ombudswoman
- office address and the contact information
- information catalogue
- Ethical code of civil servants
- answers to most frequently asked questions to the Ombudswoman
- Ombudswoman's reports to the Croatian Parliament for the years 2003, 2004, 2005, 2006, and 2007
- activities by months
- legislative initiatives
- Ombudswoman's press releases
- topics relevant to the Ombudswoman's area of competence: gender equality – labour and employment, violence and family violence, women's representation in politics, media, education
- national and international instruments for the protection of gender equality, including national legislation
- useful links.

From the 1st January to 31st December 2007, the total figure of 59,077 individual visitors was recorded, accessing the Ombudswoman's site on 448,821 occasions. The highest number of individual visitors was recorded during July, August and September, when the new site and contents were installed.

CONCLUDING REMARKS

The Ombudswoman's report on gender equality in 2007 shows that further work has been done on strengthening anti-discrimination legislation and practice, as well as on adopting new anti-discriminatory policies, but also that the implementation of the Gender Equality Act (hereinafter: the Act) still isn't satisfactory.

The Ombudswoman's evaluation starts with the provision in article 5 of the Act, according to which gender equality means that women are as present as men in all areas of public and private life, that they have equal status, equal opportunities to realise their rights, as well as equal benefit from the achieved results, and is grounded in the analyses by the Ombudswoman's Office, statistics, results of implementation of anti-discriminatory legal provisions and policies, and work on complaints, whose number was increased in 2007.

Thus, an analysis of the results of parliamentary elections, but also elections for national minority councils, shows that there was no increase in the political participation of women. Since local elections are to take place in 2009, the Ombudswoman is appealing for more consistent effort in complying with all the relevant regulations, including art. 15 of the Act, in the deciding on candidates and the preparations that follow.

Women's status in the labour market hasn't undergone significant change either. A high rate of women among the unemployed, clear horizontal and vertical segregation between men and women in the labour market, women's work in underpaid sectors, and gender differences in pay are all constants that remain present. However, the total reduction of unemployment has certainly contributed to the reduction in women's unemployment.

Delimiting child benefits for the first six months of maternity leave is a positive legislative change linked to the improvement of women's status.

The provision in article 13 of the Act, regarding advertising jobs, with the objective to abolish discrimination in employment, is significantly better implemented in practice than had been the case in the past years, as shown by the analyses by the Ombudswoman's Office.

Unions are becoming more sensitive regarding the gender-related side of their functioning, so there is a rise in the number of collective contracts that contribute to the promotion of gender equality by introducing special provisions.

The Ombudswoman's Office also has positive experience cooperating with the State Inspectorate, and holds that the State Inspectorate is making sterling efforts to inform both parties and state bodies on the possibilities of protection in cases of discrimination at work. However, I still believe that it is essential to empower the State Inspectorate, both in terms of capacities and competences, especially with respect to fixed-term work contracts that are being closed in contravention of the Labour Act, but also regarding other violations of labour law, which influence the realisation of gender equality.

In the evaluation of the state of family violence, continued efforts to suppress such violence, especially within the areas of responsibility of the Ministry of Family, Veterans' Affairs and Intergenerational Solidarity and the Ministry of Internal Affairs, have brought visible improvements in the protection of victims of violence, once it has occurred.

The police is doing intense and overall quality work on cases of family violence; for the past few years, the relevant legislation has been more and more consistently implemented and amended; public awareness on this question is rising, thanks to the media and civil society associations, as well as state bodies; thanks to the National Campaign to Combat Family Violence, within the Council of Europe's Campaign, more work is being done at the local level, and there are also efforts in the field of psychosocial treatment of violent offenders, while the number of asylums for women victims of violence rises.

However, statistics show that family violence is ubiquitous. Therefore, the Ombudswoman's opinion on the need for prevention of family violence, from the concluding remarks of the last year's report, remains.

The scope of the violence and its highly cruel manifestations show that only increased prevention can lead to a reduction in such violence, and this includes education for human rights and non-violent communication.

Provisions on the compilation of gender-related statistics are more consistently implemented. The Ombudswoman also calls for an introduction of special statistics regarding all court proceedings in cases of discrimination at work and in employment, but in other areas of life as well, since statistics are also indicators of implementation and effectiveness of anti-discrimination laws and policies.

According to article 3 of the Act, in all phases of planning, adopting and implementing a decision or action, state bodies are obliged to evaluate and assess the effects that this decision or action has on the status of women or men, respectively, with the aim of achieving real equality between women and men.

The inexistence of complete data on the implementation of this legal provision disallows the possibility of a thorough assessment of its effect during the past period of reporting. The data pertaining to the cases of violations of the provision are mainly available through partial statistical data or complaints made to the Ombudswoman, in analyses by the Ombudswoman's Office or various surveys and studies.

Therefore, the Ombudswoman believes it is necessary to strengthen the role of gender equality coordinators, including changes in the law and practice that would make these jobs professional, at least in the ministries, since without pursuing gender-sensitive policies in state bodies as well (which includes the implementation of public policy), legal provisions remain purely declarative, and the implementation of policies within set deadlines is only piecemeal.

The gender aspect is also becoming more and more prominent in the promotion of rights of persons with disabilities.

The Ombudswoman points to the need to develop methodologies of reporting, including comparisons with preceding reporting periods, to aid reporting on the implementation of all policies that promote gender equality, with the aim of creating more effective measures for future policies and strategies.

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