

REPUBLIC OF CROATIA
OMBUDSPERSON
FOR GENDER EQUALITY

REPORT
ON ACTIVITIES
FOR 2009

Zagreb, March 2010

REPORT ON THE ACTIVITIES OF THE OMBUDSPERSON FOR GENDER EQUALITY FOR 2009

The Report on the Activities of the Ombudsperson for Gender Equality for 2009 is the **seventh annual report** the Ombudsperson for Gender Equality has submitted to the Croatian Parliament during her term of office. The Report contains a detailed description of all the activities carried out by the Office of the Ombudsperson for Gender Equality during the reporting year, in line with the authorities and the scope of work of the Ombudsperson for Gender Equality, as specified in the Gender Equality Act (OG 82/08).

Indicators relating to the activities of the Office of the Ombudsperson

During 2009, a **total of 919 cases** were dealt with, **885 of which were opened in 2009**, while **34 cases were carried over** from the previous years.

The number of 919 cases dealt with relates to:

- **308 cases** which were opened following **complaints** filed by citizens (of which there were **274 new cases**, received in 2009, and 34 from previous reporting periods);
- **9 new cases** which were opened in 2009 on the initiative of the Ombudsperson for Gender Equality in connection with violations of the gender equality principle or with gender-based discrimination against individuals;
- **602 new cases** which were opened in 2009 on the initiative of the Ombudsperson for the purpose of monitoring the application of the Gender Equality Act, or following communications received from other institutions, organisations or legal persons.

A total of **885 new cases, opened** in 2009, can be **grouped into categories according to the areas** in which the Ombudsperson for Gender Equality proceeded upon:

Areas of action in 2009	Number of cases
1. Employment and labour	97
2. Vacancy announcements	102
3. Parental care, domestic violence and other violence	169
4. Education	45
5. The media	46
6. Political parties	3
7. State bodies, bodies of units of local (regional) self-government with legal persons, legal persons with public authority	325
8. Civil society	51
9. Statistics	47
TOTAL:	885

During 2009, 842 cases were closed, and 77 pending cases were carried over into 2010, of which 39 related to citizens' complaints.

THE STRUCTURE OF COMPLAINTS

In 2009, the Ombudsperson received **283 new complaints from citizens**, which was **1.7% less than in 2008**.

In the 283 new cases in 2009, **categorised by gender of the injured parties**, the Ombudsperson handled complaints involving:

- women – 195 (68.9%)
- men – 58 (20.5%)
- groups of women – 19 (6.7%)
- groups of men – 2 (0.7%)
- groups of women and men together – 9 (3.2%).

In these **283 cases** the procedure was instituted on the basis of a complaint or upon an initiative of:

- **an injured party – in 216 instances** (women in 159 cases [56.2%] and men in 57 cases [20.1%])
- **other persons on behalf of injured parties – in 67 instances (23.7%)** – in particular, state bodies and other institutions in 34 instances (12.0%), non-governmental organisations in 19 instances (6.6%), individuals in 2 instances (0.8%), upon requests of other persons in 3 instances (1.1%), the **Ombudsperson in 9 instances (3.2%)**.

As in previous years, the Ombudsperson for Gender Equality received complaints from the entire territory of the Republic of Croatia, with the greatest number coming from the City of Zagreb (37.4%), then from the areas of the Istria County (9.9%), the Primorje-Gorski Kotar County (8.0%), the Split-Dalmatia County (7.3%), and other counties.

In 251 complaints (88.7%) gender was alleged as the grounds of discrimination, while 32 complaints (11.3%) were about discrimination on the basis of marital or family status, or sexual orientation.

In comparison to 2008, the number of gender-based complaints fell, whereas the number of those that were based on sexual orientation, marital or family status, or by sexual orientation was on the increase.

The complaints referred to:

- domestic violence – 28.3%
- parental care – 17.0%
- harassment or sexual harassment – 9.5%
- other – 45.2%.

If we look into the **cases relating to the area of employment and labour**, in 2009 the following forms of discrimination were reported:

- harassment – 37.7%

- sexual harassment – 18.8%
- violations of the right to maternity protection – 10.2%
- other – 33.3%.

After proceeding upon complaints, the Ombudsperson issued 31 written cautions, 33 recommendations and 19 proposals, which was altogether less than in 2008, and this was primarily the result of positive developments in the work and procedures of the police and centres of social welfare.

CONCLUSION

Proceeding upon individual complaints and on her own initiative, the Ombudsperson for Gender Equality was actively engaged at all levels of state administration and units of local or regional self-government, and also in dealings with other legal and natural persons and the media.

The Ombudsperson issued 217 written cautions, 33 recommendations and 19 proposals, visited 8 counties, participated in 7 national and 7 international conferences (two of these were held in the Republic of Croatia) and one international workshop, gave 150 statements to the press. She was collecting and analysing statistical data in the areas of employment and labour, education, domestic violence and the media, and also conducted two independent studies on discrimination in the area of labour and one in the area of political participation of women and men. The Ombudsperson and/or representatives of the Office of the Ombudsperson participated in and/or attended 52 round table discussions, seminars and public debates.

ANALYSIS BY AREAS OF WORK

EMPLOYMENT AND LABOUR

In late December 2009, a total of 291,545 unemployed persons were registered at the Croatian Employment Service, 56.6% of whom were women, which was 10.2% more than in December 2008. However, the share of women in total registered unemployment fell from 62.4% to 56.7%¹, evidently due to an increase in the number of unemployed men.

In 2009, there were a total of 118,286 newly employed persons, of which 17,186 or **14.5%** were employed **under open-ended employment contracts**, and 101,100 or **85.5%** were employed **under fixed-term employment contracts**.

The **share of women** in the number of persons employed under open-ended employment contracts was 55.4%, and their share in the group of those hired **on a fixed-term basis was 59.4%**.

According to data from the Croatian Employment Service and information from the analysis carried out by the Office of the Ombudsperson for Gender Equality, **at the end of December 2009 the greatest share of unemployed women could be found in the age group 50-54 (15.3%)**.

¹ For more details see the Analysis of the National Employment Promotion Plan 2009-2010 included in this Report.

An important **positive development on the labour market** is evident from the compliance with the GEA's provisions on **vacancy announcements**², which were aimed at eliminating discrimination on recruitment³. **In comparison to 2006**, the number of those who complied with these legal provisions, according to which job advertisements must clearly state that persons of both gender may apply, has **doubled (for example, in September 2006, only 40% of vacancy announcements were formulated in compliance with this provision of the GEA, while in September 2007 there were 70% such announcements, in September 2008 78%, and in September 2009 88%)**. However, there are still job advertisers failing to respect this provision, and what is in the Ombudsperson's opinion unacceptable is that the **GEA's provisions on vacancy announcements are in the largest percentage breached by educational institutions**, such as kindergartens and primary and secondary schools, which is regrettable as they should set an example.

In 2009, the Ombudsperson carried out **two analyses**: one covering the **period 1 to 31 May 2009**⁴, and the other covering the **period 1 to 30 September 2009**⁵. The integral versions of the analyses carried out in 2009 and their comparison with the analyses carried out in 2008 can be found on the Ombudsperson's official website www.prs.hr.

A deep division of occupations into "male" and "female" at the levels of secondary and higher education is still reflected in the labour market.

As was the case the year before, **the largest percentage of complaints in the area of employment and work referred to harassment and sexual harassment (56.5%)**. Other grounds for discrimination alleged by the complainants in this area included vacancy announcements and recruitment procedures, wage differences, transfers to lower paid jobs or jobs which were not commensurate to the complainant's qualifications, prevention of career advancement, illegal signing of employment contracts, and denial of the right to training.

As in the previous reporting period, the **complaints in the area of employment and work were mostly filed by women**. On the basis of the complaints referring to harassment or sexual harassment in the workplace, the Ombudsperson was in a position to conclude that, before taking their case before the Ombudsperson, women would first turn to their employers to seek protection of their dignity. The employers conducted procedures and appointed an authorised person, but in the majority of cases they would not find any violation of the complainant's dignity or the existence of harassment or sexual harassment. However, the employers to whom the Ombudsperson sent a caution or recommendation would afterwards undertake measures or actions aimed at protecting the dignity of their employees, if they had not already conducted the relevant procedure. Harassment or sexual harassment can only be dealt with after an incident happens, **but employers should develop and apply preventive programmes for preventing harassment and sexual harassment in the workplace**, and take special care of informing workers and raising their awareness about the issues relating to the protection of their dignity, and organise training for those in charge.

² Article 13, paragraph 2 of the Gender Equality Act: "Job vacancies must be advertised in such a way that the advertisement clearly states that persons of both genders may apply for the job."

³ An analysis of vacancy announcements is provided in this Report.

⁴ On the basis of all vacancy announcements published in "Novi list", "Glas Istre", "Glas Slavonije", "Zadarski list" and "Slobodna Dalmacija".

⁵ On the basis of all vacancy announcements published in "Jutarnji list", "Večernji list" and "Vjesnik".

On the basis of the complaints received by the Ombudsperson, it is obvious that **discrimination in the area of work and employment is still underreported**, and the basic **reason** for this is **job insecurity**, i.e. fear of dismissal, downgraded working conditions or adverse consequences on future employment.

Men tend to file complaints of gender discrimination mainly **in connection with vacancy announcements** or recruitment procedures.

Although, having considered the allegations from the complaints of gender discrimination relating to employment, the Ombudsperson did not find that these cases had actually amounted to gender discrimination, it is the fact that, for example, **the absence of male employees in educational institutions** seems to reinforce the stereotypes about female and male occupations and **violate the gender equality principle enshrined in the Constitution and laws**. It would be desirable and in accordance with the measures from the National Policy for Promoting Gender Equality 2006-2010 for the gender composition of the staff of educational institutions (kindergartens, schools) to reflect the fact that both women and men are present in all areas of public and private life.

Equal sharing of parental responsibilities

Although the Maternity and Parental Benefits Act was drawn up with the idea of promoting equal sharing of parental responsibilities, i.e. although this Act defines the **right to parental leave and the right to parental benefits** as personal rights of both parents, **in practice, these rights are most frequently exercised by mothers**.

According to data provided, a **maternity leave that may be granted after the child's 43rd day of life was used by only 0.6% of fathers**, or just 146 fathers, compared to 26,997 mothers. **An extended maternity leave that may be granted for a child born preterm was used by 1.1% or 9 fathers**, compared to 838 mothers.

Labour Act

The Ombudsperson provided parliamentary committees with her **proposals for amendments to the Proposal of the Labour Act** relating to the provisions on fixed-term employment contracts, protection of pregnant women, parents, adoptive parents, breastfeeding women, discrimination, protection of dignity, payment of salaries, calculation of salaries, the content of an employment contract or a written certificate on concluding an employment contract, non-used portion of annual leave on termination of an employment contract, **since these provisions had a potential discriminatory impact on the position of women on the labour market**.

Since the **Ombudsperson's comments were not accepted**, and there is a possibility of new amendments to the Labour Act, the Ombudsperson recommends that her **comments should be taken into account on the occasion of making any new amendments**, especially because the Labour Act does not offer sufficient **protection to pregnant and breastfeeding women** in terms of the security of returning to their job after exercising their rights, and also because she considers that it is necessary to include additional safeguards in the provisions relating to fixed-term employment contracts **to ensure that an open-ended contract is really used as the main form of employment contract**.

Collective agreements

The Office of the Ombudsperson for Gender Equality carried out **an analysis of collective agreements from the perspectives of gender equality, equal opportunities and reconciliation of private and professional life** in order to gain an insight into **the implementation of Article 11, paragraph 6 of the Gender Equality Act**, which provides that, in the course of collective bargaining and in collective agreements at all levels, social partners are obliged to respect the GEA's provisions and measures aimed at establishing gender equality.

The purpose of this analysis was to check whether the GEA's provisions were complied with in collective agreements, but also to identify possible routes to improvement. The analysis also took into account the obligations Croatia will have to meet on acceding to the European Union in which the area of gender equality and protection from discrimination is one of the corner stones. It looked into the current situation in Croatia, based on available statistical data, in an attempt to explore what else can be done in the process of collective bargaining. **A collective agreement is perceived as one of the instruments that can be used to bring about gender equality in the sphere of labour**, in view of the options and responsibilities social partners have when negotiating the provisions of collective agreements.

The first part of the analysis defines the **basic postulates of a collective agreement**, as a legal document which can, amongst other things, regulate gender equality. It is followed by a presentation of the **legal framework governing gender equality and reconciliation of private and professional life**. There is a separate chapter on the **legal matters regulated in the European Union**, with examples from the practice of European social partners.

Those who helped us obtain collective agreements include the Ministry of the Economy, Labour and Entrepreneurship, bodies of state administration on the county level, the Independent Croatian Trade Unions, the Croatian Association of Trade Unions, the Trade Union of Pre-school Education Workers of Croatia, the Trade Union of Workers in Textile, Leather, Footwear and Rubber Industries of Croatia, and the Trade Union of Employees in Agriculture, Food Industry and Water Management Services of Croatia.

Since there are no centralised records of collective agreements, there is no information about the total number of collective agreements in force in Croatia. Practice has shown that some collective agreements have never been properly published. This analysis was made on the basis of the collective agreements which were in force in Croatia at the time when it was carried out (March 2009) or which had been in force until the end of 2008 but continued to be applied in Croatia pursuant to the Labour Act's provisions on the extended application of collective agreements.

The **analysis of a total of 120 Croatian collective agreements** was focussed on gender equality, i.e. the **provisions designed to promote gender equality, either through general commitment to achieving gender equality or through specific measures**, as well as family-friendly **provisions**, i.e. those aimed at reconciliation of private and professional life, inspired by some new solutions introduced by social partners on the basis of their joint commitment to regulate these matters more effectively. The **main goal was to gain an insight into the current situation**, and not to censure anyone, since the collective bargaining mechanism is

very complex and depends on the will of both parties, but also on the characteristics of the industry in question and its economic situation.

Account was taken of the provisions promoting gender equality, protection of dignity and equal pay. As regards gender equality, an **analysis was made of the basic provisions on gender equality and prohibition of discrimination in the entire collective agreement.** The analysis has shown that **21 collective agreements contain general provisions on gender equality, prohibition of discrimination and protection of dignity** – these are mostly provisions on the obligation to protect dignity pursuant to the Labour Act. **Very few of these agreements contain such provisions as part of their fundamental provisions.** The collective agreements which do contain such provisions within their fundamental provisions tend to elaborate further on the issue of dignity protection in other sections of the agreement, by developing some new ideas and systems.

Of the total of **120 analysed collective agreements, 58 regulated these issues in more detail**, by introducing some innovative arrangements. This, in particular, refers to **more detailed regulation of measures to protect workers' dignity**, i.e. to development and regulation of the procedure for obtaining protection, for which the Labour Act itself left the possibility of further elaboration by collective agreements. Another 24 collective agreements have been noted which have approached these matters much more effectively than is typically done in practice today. It should be emphasised that these come from a wide variety of industries (food, hotel, banking and insurance industries, and the public sector, including both public enterprises and institutions or services), but they are more represented in some industries than in others, which is an indicator of the proliferation of such practice within these industries.

The collective agreements which stood out prominently in this sense were those that contained special provisions regulating the procedure, defined in more detail the conduct deemed to constitute harassment or sexual harassment, and specified measures to be applied. **A desire to introduce training in this area, write reports and undertake preventive actions** has also been noted. Among the provisions of collective agreements which may be considered as positive examples are those which prohibit workers from working under the influence of alcohol or other addictive substances, encourage proper behaviour, prevent provocative behaviour, prohibit bringing in or distributing pictures, magazines or video material with erotic or pornographic content, regard insults, threats, foul language and belittlement as inappropriate, as well as sexist behaviour consisting of giving inappropriate names to persons of the other sex or sexual orientation with the aim of highlighting their gender characteristics or sexual orientation, deliberate denial of information needed for work or providing misinformation, or assigning absurd, unsolvable or disparaging tasks, or failure to give any work assignments, which is considered as degradation of dignity. Physical contacts with sexual overtones, inappropriate proposals of sexual or other nature, disturbing telephone calls, the use of improper language or tone in communication, and work assignments placing a worker in a degrading position are considered as particularly inappropriate forms of behaviour. **We should also mention the collective agreements which provide that the employer shall pay special attention to protecting workers' dignity when making decisions on the arrangement of working and toilet areas, choice of work clothing, methods of controlling the workers and the property, etc.**

What is lacking in collective agreements are provisions governing the area of employment, i.e. reference to employment opportunities. Only two collective agreements

provide for prohibition of gender-based discrimination in employment, but they fail to elaborate further on the procedure (with the exception of the collective agreements which mention all grounds for discrimination, as specified in the Labour Act, in their fundamental provisions) and the questions that may be asked, and do not define in what way this area could be regulated and what documents could be used in this regard.

Two collective agreements specifically refer to the names and surnames of the persons authorised to receive and handle complaints relating to protection of dignity. **The agreements that deserve special attention are those prescribing appointment of an authorised person with prior approval of the trade union or workers' council, and providing for the method of publishing this person's name and the procedure he or she is due to conduct.** It is precisely in this area that further changes can be made with the aim of informing workers who were victims of harassment or sexual harassment on how they can seek protection. **Six collective agreements provide for the establishment of a special commission, as the body charged with deciding on protection of workers' dignity**, which is a very small number if we take into account big systems which could indeed be the ones that spread good practice in this area. At this point it should be mentioned that **it is precisely the big systems which seem to show a lack of interest in these issues**, so they sometimes lag behind the smaller ones, which offer much better solutions.

When it comes to the **provisions on equal pay**, we have only found provisions establishing the obligation to ensure equal pay for women and men, drawn up in broad and general terms. **Such provisions exist in only seven collective agreements, and the fact that we are dealing here with a one-digit number indicates that changes need to be made.** In this respect, it is surely necessary to define a mechanism to monitor salaries and the way they are determined, and specify the methods and intervals for analysing salaries. **There is no mechanism whatsoever to monitor whether men's and women's salaries are equal**, and in this regard we significantly lag behind the countries of the European Union.

The **provisions governing reconciliation of private and professional life** are much more elaborated, and this area seems to be **subject to more comprehensive regulation**. The **objects of our research were provisions going beyond the statutory minimum**. In the analysis we took into account **the provisions on weekly rest**, because this issue was left to be regulated by collective agreements negotiated by the social partners, and it has repercussions on family life. **Almost all collective agreements contain** provisions of this kind. The analysis also covered the provisions on **annual leave**, i.e. the grounds for granting additional days of annual leave relating to specific characteristics of family life, thus giving family life additional recognition. These provisions too **can be found in almost all collective agreements**, but the arrangements vary from agreement to agreement, offering countless possibilities and combinations. The **provisions on paid leave** were selected for analysis due to the fact that certain family situations in which family support is especially needed were given special weight, enabling a worker in such a situation to maintain income. **Almost all collective agreements that were analysed also contain provisions on solidarity allowances.**

Twenty-seven collective agreements contain provisions governing part-time work. Given a very low level of use of this form of working arrangement in Croatia, the **issue of part-time work and possible combinations is not regulated in detail, except in the sectors in which it is actually used (public sector).**

In eleven collective agreements we noted **rather detailed provisions governing fixed-term employment contracts**. These provisions mostly prescribed a limited duration of the period for which one or several consecutive fixed-term contracts may be concluded. There were also examples in which an extension of this period was permitted. Anyway, although the situation in this respect reflects to a certain extent the data relating to industries which have higher rates of use of part-time work, there is surely room for continuing improvement. A good example is when a fixed-term employment contract does not expire during the worker's pregnancy or until the child's first birthday. Another good example are arrangements whereby, after one year, the employer must offer an open-ended employment contract to a worker working under a fixed-term employment contract, if the worker meets the prescribed requirements and if the job in question is still needed.

When it comes to **overtime work, there are only four collective agreements which regulated this issue in more detail, offering additional protection to persons who have particular family responsibilities** (e.g. care for a member of the immediate family, a single parent with a child under a certain age must consent to working overtime). In this area, additional efforts need to be made, given the fact that there are workers who work longer hours every day, so the total number of hours they work exceeds the statutory maximum.

In the area of regulating redundancy schemes, **23 of the collective agreements** analysed provide for special attention to be paid to **workers' family responsibilities**, in numerous combinations, thus providing additional protection to persons who need this protection due to their family status.

Only seven collective agreements contain special provisions on work from home. This form of work is obviously not widespread in Croatia, but the ideas put forward in these agreements can be seen as indicative of changes in certain sectors.

One of the general conclusions is that social partners should be made aware of the need to get informed about legal regulations, in particular in the area of anti-discrimination, but also in other areas, since it was noted that collective agreements contain a large number of provisions which may actually give rise to discrimination.

Some of examples of such provisions – granting additional days of annual leave only to mothers of children under a certain age or only to single mothers of children under a certain age, granting solidarity allowance only to the child's mother, consent for transfer to another job is only sought from mothers of children under a certain age, but not from fathers, only mothers of children under a certain age may be allowed to work from home, the established level of rights may be reduced by law or collective agreement in the event of poor business results, the workers' council (trade union) must consent to dismissing a pregnant woman, or a mother or father while on maternity leave, due to business or personal reasons. In view of this fact, a higher level of training in the area of gender equality and discrimination in the process of collective bargaining is found to be an absolute necessity, because the aforesaid provisions of collective agreements are invalid. Even some collective agreements that did have provisions promoting equality were found to contain provisions that might give rise to inequality between men and women. With this in mind, an idea emerged of creating a gender-sensitive manual on how to conduct negotiations, which would provide necessary guidance in this area. Good negotiators should have an idea of what will be the impact of specific provisions. It is especially important to regulate the issue of training, as existing collective agreements do not mention training in this

area, and since social partners themselves lack practice in the field of prevention (there are almost no such provisions in collective agreements), there is a general lack of knowledge among workers, so they tend to agree to certain forms of behaviour due to being uninformed about other possible solutions.

Before adopting certain provisions, it is necessary to foresee their impact, i.e. to determine what relations will be covered by them and, most importantly, what relations will not be covered and whether this was the goal of regulation. Such planning is likely to lead to achieving the ultimate goal. Compared to the European practice described, our practice is such that social partners – management boards and trade unions – lack a genuine commitment to gender equality and equal pay. There are no provisions on training and on the transparency of the entire system, and many collective agreements containing very effective provisions on the protection of workers' dignity very well, seem to have regulated these procedures in an identical way.

The legal framework and situation in the European Union should be used as the benchmark for deciding which direction to take. Many adjustments can be made, but social partners have the duty to respect gender equality. **Many collective agreements refer to the provisions of the Constitution or conventions adopted by the International Labour Organisation, but without referring to those that specifically regulate the area of equality.** A considerable progress can be made by applying positive experiences and good practice in regulating all strands of equality.

An analysis of the implementation of anti-discrimination legal provisions and measures aimed at achieving gender equality through general legal acts of units of local and regional self-government

The Ombudsperson carried out an analysis of the implementation of anti-discrimination legal provisions and measures aimed at achieving gender equality through general legal acts of units of local and regional self-government.⁶ Since **units of local and regional self-government are also employers**, the goal of this analysis was to gain an insight into how they fulfil their statutory obligations⁷ in practice, i.e. **to what extent and in what manner these units include anti-discrimination provisions and measures aimed at achieving gender equality** in their general legal acts, in particular when regulating their relations with their employees.

For this reason, the Office of the Ombudsperson carried out an analysis of general legal acts in twenty counties and four Croatian cities (Osijek, Rijeka, Split and Zagreb). Since the analysis revealed that the **aforsaid legal provisions were not complied with**, the Ombudsperson considers that units of local and regional self-government should be shown how to implement these provisions in future, relying in the first place on the relevant statutory provisions. **One of the Ombudsperson's recommendations was that county equality commissions should not only be charged with external actions**, i.e. the activities carried out by the counties and the City of Zagreb within their respective areas of jurisdiction, but

⁶ The integral text of this Analysis was published on our website: www.prs.hr. The Analysis also provides examples from European Union countries.

⁷ Namely, the Gender Equality Act prescribes in Article 11, paragraph 5 that units of local and regional self-government, legal persons with public authorities and other legal persons, as well as trades and crafts businesses employing more than 20 persons are obliged to include anti-discrimination provisions and measures aimed at achieving gender equality in their general legal acts.

also with internal actions, i.e. the activities concerning the organisation of work and employees of the counties and the City of Zagreb.

Regardless of the subject under consideration, it is necessary to be acquainted with its organisation of work, and every time some new arrangements are planned to be introduced, **their real impact should first be assessed. Bodies of units of local and regional self-government should declare gender equality to be one of their guiding principles**, as an accepted category whose implementation should be constantly supervised. If gender equality is recognised as a guiding principle, it will be possible to create an impact, both at the level of local and regional self-government units in their capacity as employers, and at the level of these units as subjects responsible for implementing policies and providing services within the areas of their jurisdiction.

National Employment Promotion Plan

In this reporting period as well the Ombudsperson for Gender Equality monitored the implementation of key measures from the National Employment Promotion Plan 2009-2010 from the gender equality perspective, and requested data from the Croatian Employment Service, the Ministry of the Economy, Labour and Entrepreneurship, the Ministry of Science, Education and Sports, the Ministry of Public Administration, the Fund for Vocational Rehabilitation and Employment of Persons with Disabilities, the Agency for Mobility and European Union Programmes, the Adult Education Agency, the Croatian Chamber of Trades and Crafts, and the Institute for the Development of Education, on **implementing the measures that were due to be implemented in 2009, disaggregated by county and gender** (to be able to carry out a gender-based analysis of beneficiaries of incentives).

The results of the implementation of the NEPP in 2009 show that **certain measures included less women than men, but the percentage of female applicants was near the percentage of women who became beneficiaries of these measures**. This trend had also been observed in the implementation of the Annual Employment Promotion Plan for 2008. It is noticeable that women **apply to the Croatian Employment Service and other subjects responsible for implementing the activities from the NEPP to a much lesser extent**, and a particular cause for concern is the fact that **in some counties there are no female applicants at all**.

An analysis of the Report on the Activities of the State Inspectorate

The number of complaints filed by workers (both male and female) **due to violations of dignity in the workplace significantly fell in 2009** (13) compared to 2008 (25), as did the **number of complaints concerning discrimination** (Article 2 of the LA) – 6 compared to 19 in 2008.

Women tend to file more complaints concerning violations of dignity in the workplace, while men file considerably more complaints relating to discrimination.

The Ombudsperson considers that a **possible cause for the reduction in the number of these complaints** to the State Inspectorate lies in the **prevalence of fixed-term employment contract** among workers and **employment insecurity** experienced by them, because the practice of the Office of the Ombudsperson for Gender Equality, i.e. the content of complaints and their conversations with complainants, clearly suggests that this possibility is likely.

The information on the grounds for discrimination was not disaggregated by gender, neither were breaches relating to illegal conclusion of fixed-term employment contracts, **so the Ombudsperson recommends that the State Inspectorate should keep records on this basis as well.**

VIOLENCE

In the period 1 January to 31 December 2009 a total of 18,951 **requests for police intervention in incidents involving domestic violence were received from citizens**, which was **12.2% more than in 2008**, when police intervention was sought 16,885 times.

Basing her assessment of police work on police responses to complaints received by the Office in 2009, **the Ombudsperson considers that the police for the most part undertook all necessary and prescribed actions and measures to protect victims. Complaints regarding police work** mostly originated from victims' conviction that they were not protected from domestic violence, but an examination of police procedures conducted by the Ombudsperson revealed that such conviction was partly **due to a lack of information about what happened after police intervention or to the complainant's discontent with the court's decision** (which is outside the Ombudsperson's jurisdiction).

The police responds to every request for intervention and applies measures it is authorised to apply. In particular, in 2009 the police proposed the imposition of 11,752 **protective measures, which was by 19.5% more than in 2008**, when 9,833 protective measures were proposed. The police also lodged more appeals against court decision than had been the case in the years before.

Since it appears from the content of the complaints received and from the conversations held in the Office of the Ombudsperson that domestic violence had been going on for some time before the victim decided to file his or her first report, mostly out of fear for his or her personal safety, it can be presumed that there continue to be **many unreported cases of domestic violence**. The police made an attempt to rectify immediately every omission brought to their attention on the basis of a complaint made to the Ombudsperson in a particular case. What the police lacked was additional training, equipment and inclusion of more policewomen in emergency response teams.

Psycho-social treatment, a therapeutic procedure provided to both women and men with the aim of preventing re-offending, is the measure whose imposition the police most frequently proposes to the court (on 5,471 occasions in 2009), but **we do not have enough experts who could implement this measure, and treatment is not always available in the regions outside Zagreb**. A total of 59 new experts from 17 counties completed training in the provision of psycho-social treatment to perpetrators of domestic violence in 2009.

What we find extremely worrying are data from the Ministry of the Interior showing a **drastic increase in the number of female victims of murder who were killed by their family members**. In 2008 there were 11 such cases, while in 2009 as many as 21 women were killed by a family member. If we put this information into a wider context, that is, if we take into account that **the total number of killings in 2009 was 49** (which was a decrease compared to 2008, when there were 67 killings), the fact that as many as **21 women were killed by a family member (in other words, 43% of all victims of murder were women killed by their family members)** is particularly alarming. Therefore, effective action aimed at

preventing domestic violence is urgently needed. On the local level, little is done to raise people's awareness of the fact that domestic violence is the problem of the entire community. Too much is left to be resolved at the national level, and the involvement of local communities is limited.

The rights under the **Free Legal Aid Act** are not exercised to a sufficient degree, which often comes to the Ombudsperson's attention through complaints and personal contact with the complainants.

In 2009, 28.3% of the complaints to the Ombudsperson concerned domestic violence, and these were mostly filed by **women**. The perpetrators of domestic violence were married or *de facto* spouses, but also other family members (brother, father, father-in-law, son).

The centres of social welfare and the police co-operate much better in domestic violence cases than had been the case in previous years. The Centres use their statutory authorities more frequently in these cases, so the number of complaints on this ground has fallen.

During 2009, the Ombudsperson issued several cautions and recommendations to centres of social welfare when she established that they had not undertaken all actions and measures necessary to protect victims of violence, or that they had failed to act in line with the Protocol. In addition, in the beginning of 2009 **the Ombudsperson sent a special letter to all centres of social welfare reminding them that, under the new Gender Equality Act, they were obliged to submit reports and documents to her**, on pain of sanctions, precisely with the aim of reducing the number of violations of this legal provision in 2009. In spite of that, it sometimes happens that this is not done, neither within the statutory time limit, nor after a rush note has been sent or the competent Ministry notified, although the new Act extended the time limit for submission from 15 to 30 days. All this affects the statistics of resolved cases.

The number of reports of violence rose in comparison to 2008, which, regardless of possible reasons, is not good news and indicates that **any future efforts to suppress domestic violence should be much more focussed on prevention than has been the case so far**. Moreover, the number of reported women has also risen, but there is no information as to the forms of violence committed in these cases, whether they involve women or men. This information will remain unavailable because, **in the process of adoption of the Protection from Domestic Violence Act**, the Ombudsperson's proposal was not accepted that the provisions defining violence should be designed in such a way as to allow **more precision in reporting a specific form of violence (verbal, economic, physical, ...)**, which would enable more accurate statistical monitoring. In other words, had the Ombudsperson's proposal been accepted, it would have been possible to file a report under a specific paragraph within the relevant article of the Act, relating to a specific form of violence, and not only under the article. However, with things being this way, we will continue not to have gender-disaggregated information which would enable us to know what form of violence is reported most, and will therefore be unable to design special measures to fight specific forms of violence.

In relation to the implementation of the measures from the **National Strategy for the Protection from Domestic Violence**, in the Ombudsperson's opinion, a positive development is that **some of the measures due to be implemented in 2009 were completed, and many others are in the process of implementation**. However, since a vast majority of the measures from the National Strategy for the Protection from Domestic Violence should have

been implemented precisely in 2009, and there are very few of them that were due for completion in 2010, it is expected that all the measures from the Strategy will, after all, have been implemented before the Strategy ceases to be in force.

In response to the Ombudsperson's question regarding the implementation of the **Protocol for Handling Domestic Violence Cases**, gender equality commissions actually sent reports presenting all their activities during 2009 and not only those provided for by the Protocol. An analysis of all reports received from gender equality commissions has led to the conclusion that some commissions were very active and involved in covering various topics which were very important in terms of gender equality, while some other were exclusively focussed on the problem of domestic violence. Some commissions had a poor record in undertaking activities due to a lack of support from the local community in which they operated or perhaps due to a lack of interest on the part of their chairs, which was not openly declared. Be that as it may, the way in which they replied to the Ombudsperson's questions was a clear indication that they were totally inactive.

Some commissions voiced their difficulties in co-operating with the relevant actors in connection with individual cases of domestic violence. These difficulties were mostly related to a **lack of standardised reporting methodology**, which is a big problem in terms of data consolidation.

EDUCATION

Measure 3.2 of the *National Policy for Promoting Gender Equality 2006-2010* refers to **achieving gender balance in choosing a particular field of education** in secondary schools and higher education institutions. Therefore, the **Office of the Ombudsperson carried out a comparative analysis** of the data relating to education retrieved from the publications of the Central Bureau of Statistics of the Republic of Croatia (*Women and Men in Croatia 2006; 2007; 2008; 2009*).⁸

The results of the analysis, which is available in the full version of the 2009 Report on Activities and on our website, show that **secondary schools with the largest gender gap are schools for industrial occupations and for trades and crafts occupations**, which were mostly chosen by boys (60-65%), and **art schools and gymnasiums** where girls were in the majority (70-75% and 60-65%, respectively).

There are more women than men enrolled in faculties, and the share of women in the total number of graduates is also higher. After a year-long trend of narrowing gender gap in master's and specialist degrees, in 2007 a larger share of women attaining these degrees was recorded for the first time, following a long period in which men were constantly in the majority. In the same year the same thing happened with doctors of science. If this trend continues, the share of women in the area of higher education is expected to rise year by year.

A large gender gap among students of higher education institutions is present in the institutions offering training for the teaching profession. Thus, **female students are in a substantial majority in training programmes for kindergarten and primary school**

⁸ Some of the data presented in the publication *Women and Men in Croatia 2006* relate to the years preceding that year, for which final and integral data were available before the publication went to press, which means that they also include data relating to 2003/2004.

teachers, and in the area of the science of education. This indicates that the Croatian already "feminised" educational system might face an even greater gender gap.

We should also mention **training for occupations in the area of social welfare services, in which women make up a large majority of students (over 90%)**, while, on the other hand, there are **considerably more male students in the area of engineering studies and engineering crafts (about 90%)**.

On the basis of the data from this analysis, the Ombudsperson deems that it is **absolutely necessary to make systematic efforts to advance the interests of the underrepresented sex in particular areas of education**.

An analysis of the legal acts adopted by Croatian universities in relation to provisions on discrimination and sexual harassment

The Office of the Ombudsperson **analysed the Codes of Ethics and Statutes of the universities in the Republic of Croatia**, in an attempt to find out which universities have and which do not have legal acts containing provisions on discrimination and sexual harassment.

With several exceptions, **the majority of universities in the Republic of Croatia included provisions on discrimination and sexual harassment in their basic legal acts** stating that these forms of conduct are unacceptable, intolerable, unethical or prohibited, while the relevant laws explicitly ban discrimination and sexual harassment.

The University of Zadar included provisions on discrimination in its Statute, but not in its Code of Ethics, while neither of these legal acts contain provisions on sexual harassment. The University of Osijek included provisions on discrimination in its Code of Ethics, but failed to include provisions on sexual harassment in either its Code of Ethics or Statute.

An analysis of the data relating to education of the Roma national minority

The Office of the Ombudsperson obtained the most recent, gender-disaggregated statistical data relating to education of the Roma national minority from the Directorate for National Minorities, and **prepared a comparative analysis** for which it also used data from the 2007 and 2008 Reports on the Implementation of the Action Plan for the Decade of Roma Inclusion.

The comparison of the data has shown that the number of Roma children included in the **pre-school education system** has been **on the decrease** in the past three academic years. The data on gender differences in enrolment rates in the observed period reveals a slight male advantage.

The number of Roma children included in the **primary education system** has been increasing year by year. In primary schools male pupils are slightly larger in number. The grade completion rate for girls (84.83%) is somewhat higher than the grade completion rate for boys (81.50%). It is interesting to note that in the group of children who dropped out of school there is the same number of boys and girls (50%).

The total number of children belonging to the Roma national minority in **secondary schools** is very low, but shows **a slightly rising trend**. The share of male students is even greater than

is the case in the primary education system. The annual drop-out rates are extremely high (in both 2007/2008 and 2008/2009 the drop-out rate was a little over 20% of the total number of students enrolled). In the school year 2008/2009, male students were in a slight majority on the group of students who dropped out of school, while in the previous school year girls held a slim majority.

Boys belonging to the Roma national minority tend to enrol in three-year secondary schools, while girls more frequently attend four-year secondary schools (in the school year 2008/2009 there were as many as 50% more girls than boys). A relatively small number of Roma people decide to undertake **higher education studies**, but, as a rule, all those who manage to enrol in a higher education institution enjoy the benefit of scholarship. It was also noted that in both academic years for which data on higher education was available **there were twice as many females than males in the cohort of university students belonging to the Roma minority.**

The total number of Roma children included in the pre-school education system has been on the decrease in the past three academic years. The number of boys is somewhat higher than the number of girls, and this difference was slightly more pronounced in the beginning of the academic year 2009/2010.

A gender gap is present in the adult education system and in informal education programmes, revealing a significant male advantage.

SEXUAL ORIENTATION

The laws which are currently in force in the Republic of Croatia prohibit discrimination on the grounds of sexual orientation, but, in the Ombudsperson's opinion, **more intensive and systematic efforts should be made to raise public awareness about these issues.** Therefore, it is laudable that **a number of awareness raising campaigns were organised in 2009:** the campaign launched by the Office of the People's Ombudsman, in co-operation with the Croatian Government's Office for Human Rights, as project leader, and the Centre for Peace Studies, as project partner, the "Different Loves, Equal Rights" campaign run by non-governmental organisations promoting the rights of sexual and gender minorities, and the "Right to Work without Discrimination" campaign as part of which two seminars were held on the subject of discrimination in the workplace on the grounds of sexual orientation for female lawyers employed in trade unions, which was also attended by the Ombudsperson for Gender Equality.

Unfortunately, **we are still witnessing violent attacks against members of sexual minorities.** The Ombudsperson is of the opinion that all victims of violence are equal, regardless of the motives for violence, and that violence committed against any person deserves equally wide public condemnation. We cannot fight hate crimes by legislation and repression alone. **Harsh condemnation of violence against homosexuals** should not only be voiced by always the same institutions, mainly those active in the area of gender equality or organisations engaged in protecting human rights and/or interests of members of the LGBTQ community, and only some of the media. The feeling of insecurity cannot be overcome without a wide, public condemnation of any violence. Along with conducting awareness raising campaigns, it is also necessary **to provide systematic training in human rights, tolerance of diversity, and non-violent communication through the education system.**

THE MEDIA

The **Report on Raising the Awareness of the Equality of Women and Men in the Programmes Broadcast by the Croatian Radio and the Croatian Television on CRT for the Period 2008-2009**, which was also discussed by the Croatian Parliament, revealed that there is a need to **provide training** to CRT staff relating to promotion of gender equality and that, in order to achieve compliance with the provisions of the Gender Equality Act, it is necessary to increase the number of programmes and/or feature stories exploring gender equality issues, cover a wider variety of topics from different areas of public life, strike a balance between the numbers of female and male experts participating in shows on all programmes, and eradicate gender stereotypes in media content. On 9 November 2009 the Ombudsperson for Gender Equality held a **workshop on gender equality for journalists and programme managers from the Croatian Radio and Television**, which was attended by 27 participants.

Sexism is still present in the media, and the higher a woman's position of power or the greater a woman's influence, the more likely she will become a target of gender stereotypes and sexist remarks, as was the case before, about which the Ombudsperson has issued public communications in response to individual cases or sent cautions directly to programme managers. It is still insufficiently acknowledged that **stereotypes** about men and women, as well as **sexist remarks** appearing in the media on a daily basis **are mostly discriminatory against women**.

The media have the duty to obey national and international laws and regulations laying down their obligation to promote the values of gender equality and remove stereotypes, sexist remarks and derogatory or belittling portrayals of women and men in the media, regardless of their social status. Therefore, the Ombudsperson invited all those working in the media, from owners, editors-in-chief and other editors to journalists, to **work towards eliminating sexist remarks and stereotypes about women from media content**, which would help eliminate **one of the most potent sources of discrimination against women** which we are, unfortunately, witnessing every day.

In the course of 2009, the Office of the Ombudsperson gathered and sorted **a total of 3,727 articles** published in the daily and weekly, national and regional press, and on internet portals⁹, primarily relating to the areas defined by the Gender Equality Act and the international documents of which the Republic of Croatia is a signatory.

On the basis of these 3,727 articles, the Office of the Ombudsperson carried out **a number of media analyses from the gender perspective** (the results of all these analyses are presented in detail in the full version of the 2009 Report on Activities and on our website):

- a regular annual press clipping analysis including a total 2,239 articles sorted by the aforesaid areas;
- an analysis of 836 articles published in sports sections;
- an analysis of 381 interviews published in two national-level political weekly magazines;
- an analysis of 60 cover pages of two national-level daily newspapers;
- an analysis of 271 articles published in the entertainment section of a national-level daily newspaper.

⁹ indeks.hr, javno.com, net.hr, monitor.hr, tportal.hr, zamirzine.net, libela.org, h-alter.org, danas.hr

A comparison with the analyses carried out in 2006, 2007 and 2008

After violence against women, including domestic violence, was the most covered topic three years in a row (2006 – 28%; 2007 – 21%; 2008 – 31%), in **2009** this topic slipped down to the third place (11%), while **the first place was taken by the topic of political participation (22%)**.

In 2006 the area of health was represented by less than 1% of articles, and in 2007 and 2008 by 3% each, which put this topic only in the 10th place. **In 2009**, due to the debates surrounding the adoption of the Medically Assisted Procreation Act, **the topic of reproductive health came to the 2nd place (13%)**.

Women's sport does not even remotely receive equal attention in sports sections of our daily newspapers. **From the few articles devoted to women's sport (9%)**, it is evident that female athletes are pushed into the background compared to male athletes, which indicates that they are in less advantageous position, less visible and present in the media.

There is a much smaller percentage of women appearing on the cover pages of political magazines and in the total number of interviewed persons.

WOMEN AND HEALTH

Since the **Draft Proposal of the Medically Assisted Procreation Act (including the Draft Final Proposal of the Act)** contained the provisions contravening the principle of gender equality in the area of reproductive health, women's reproductive rights and prohibition of discrimination on the grounds of marital or family status, the **Ombudsperson sent her opinion** to the proposer, the Ministry of Health and Social Welfare, and the committees of the Croatian Parliament.

Specifically, the Ombudsperson pointed out that the Gender Equality Act, as an organic law, prohibits discrimination on the grounds of marital or **family status, so the provisions** of the proposed draft of the Medically Assisted Procreation Act (including the Draft Final Proposal of the Act) according to which only a man and a woman who are married to one another are entitled to receive medically assisted procreation services were **discriminatory against de facto spouses, and other persons not belonging to this category**.

In addition, since the Draft Proposal of the Medically Assisted Procreation Act also concerned reproductive rights and reproductive health of women and men, the Ombudsperson pointed out that its provisions regarding choice of medical procedures in the medically assisted procreation process must guarantee the highest standards of physical and mental health to women and men, as they are entitled to undergo procedures which are the least detrimental to their health. **Of all the issues raised by the Ombudsperson in her opinion** on the Draft Proposal of the Medically Assisted Procreation Act, **the only provision eventually included in the Medically Assisted Procreation Act was the provision stating that the Act shall also apply to de facto spouses**.

The measure from the National Policy for Promoting Gender Equality 2006-2010, relating to women's health, whose time frame for implementation was 2007 and which reads as follows: A standardised protocol will be adopted on the conduct of medical staff in cases of violence against women, especially sexual violence was not implemented in 2009

either, so the Ombudsperson hopes that the aforesaid Protocol will be adopted by the end of 2010, i.e. before the National Policy for Promoting Gender Equality 2006-2010 ceases to be in force.

POLITICAL PARTICIPATION

The Office of the Ombudsperson for Gender Equality conducted a **study on local elections** for members of representative bodies of units of local and regional self-government and for municipal prefects, mayors and county prefects and the mayor of the City of Zagreb and their deputies (held on 17 and 31 May, and 14 June 2009) **in order to gain an insight into how the principle of gender equality**, as one of the basic values of the constitutional order of the Republic of Croatia, **was promoted**. To this end, the Ombudsperson monitored the implementation of the Gender Equality Act, the Act on the Election of Members of Representative Bodies of Units of Local and Regional Self-Government, and the National Policy for Promoting Gender Equality 2006-2010.

Having compared the results obtained with the results from 2005, the Ombudsperson concluded that **representation of women in representative bodies at all levels had increased**. The share of women on candidate lists rose from 19.0% to 24.4%, the share of women in the first ten places on these lists increased from 16.4% to 22.0%, and the share of female holders of lists from 6.8% to 9.1%. The proportion of elected women increased from 10.7% to 15.5%, and the proportion of elected lists headed by women from 6.1% to 8.3%.

The Ombudsperson stresses that **the number of women elected at 2009 local elections is still low**. Although the **total share of elected women among all candidates** for all representative bodies of local and regional self-government **increased on average from 10.7% to 15.5%**, women **did not enjoy equal participation** in public life following these local elections either (according to the census, the percentage of women is 51.87%).

As at 2005 local elections, in 2009 the share of elected women decreased as we moved from county assemblies (21.4%) towards town councils (20.7%) and municipal councils (12.2%).

The integral version of this study is available in the full version of the Report and on our website.

An analysis of the gender makeup of state secretaries in bodies of state administration of the Republic of Croatia

After being notified by the Women's Section of the Trade Union of State and Local **Civil Servants** and Civil Service Employees on 23 September 2009 that **posts of officials in the state administration continue to be reserved for men**, the Office of the Ombudsperson collected information and **analysed the data on gender makeup of state secretaries in central bodies of state administration (ministries and central state administrative offices) in the Republic of Croatia** as of 31 December 2009, acting in compliance with the National Policy for Promoting Gender Equality which, in its **Measure 4.2, provides that balanced representation of men and women in appointments to state bodies should be achieved**.

The results of the analysis showed that there were 16 ministries and three central administrative offices within the **state administration** system in Croatia. On 31 December 2009 a total of **60 state secretaries** worked in these bodies, **of whom 13 (21.67%) were women and 47 (78.33%) men**. There was not a single ministry in which female state secretaries outnumbered male state secretaries, only in 4 ministries their numbers were equal (the Ministry of the Family, Veterans' Affairs and Intergenerational Solidarity, the Ministry of Foreign Affairs and European Integration, the Ministry of Justice, and the Ministry of Culture), while in the remaining 12 ministries male state secretaries were in the majority. The largest disproportion was found in the Ministry of Regional Development, Forestry and Water Management, where all five state secretaries were male. In all three central state administrative offices the posts of state secretary were held by men.

The results of the analysis of the gender makeup of state secretaries in ministries and central state administrative offices of the Republic of Croatia reveal that **balanced representation of men and women in highest-ranking positions in bodies of state administration has not been achieved**. Accordingly, the Ombudsperson would like to highlight that Measure 4.2 from the National Policy for Promoting Gender Equality 2006-2010 is not being implemented in a satisfactory manner and, therefore, recommends that in future appointments of new officials in state bodies account should be taken of implementation of the National Policy for Promoting Gender Equality 2006-2010, in order to achieve genuine equality between men and women.

An analysis of the proportion of women and men in managing bodies of enterprises in majority state ownership

In 2009, the Ombudsperson requested the enterprises in majority state ownership, as specified in the *Decision on the list of enterprises of special state interest* (OG 132/09) to provide her with information on the proportion of women and men, **members of their management boards and supervisory boards**, depending on their management structure¹⁰.

In the period until the end of 2009 to which this Report refers, the Office of the Ombudsperson collected information from **56 enterprises (of the total of 66)**, and, on the basis of the information collected, carried out an analysis on the proportion of women and men in managing bodies of enterprises in majority state ownership.

Of the total of 56 enterprises included in the analysis, four have a management board consisting of only one person – the director. In two of these enterprises the director is a woman, and in the other two a man.

In two of the remaining 52 enterprises women constitute the majority in managing bodies, in four there is a balance in gender representation (50%, in each of these four cases the management board consists of two members, one is a woman and the other is a man), **while in all other 46 enterprises in majority state ownership the majority of members of managing bodies are men**. To put this in percentages, **men are in the majority in 88.46% of managing bodies**, in 7.69% of such bodies there is a gender balance, while women constitute the majority in only 3.85% managing bodies.

¹⁰ The management structure differs from enterprise to enterprise, so, for the purposes of this Report, we shall use the term *managing body*.

If we take into account the total number of members of managing bodies, **in 56 enterprises in majority state ownership** covered by the analysis **there are 348 members of managing bodies, of which women account for 19.54% (68 members) and men for 80.46% (280 members).**

The analysis of the proportion of women serving as members of managing bodies of enterprises that are majority owned by the state showed that there is a **huge disproportion of gender representation in managing bodies** of these enterprises. Accordingly, the Ombudsperson *recommends* that gender underrepresentation should be defined as one of the criteria for electing members of managing bodies of these companies.

FINANCIAL OPERATIONS

Funds for the operation of the Office of the Ombudsperson for Gender Equality were fully provided from the 2009 State Budget of the Republic of Croatia.

In the period 1 January to 31 December 2009, the actual expenditures and costs of the Office were HRK 2,487,220.53, which was 87.15% of the budgeted amount – HRK 2,854,054.00.

These expenditures related to:

- staff remuneration – in the amount of HRK 1,606,402.50
- material expenditures – in the amount of HRK 785,469.69
- financial costs and expenditures – in the amount of HRK 555.07
- cash benefits to citizens and households – in the amount of HRK 15,000.00
- purchase of non-financial assets – in the amount of HRK 79,793.27.

The following amounts were spent under the heading of material expenditures:

- HRK 30,403.54 on visits to counties (upon invitations of representatives of units of local and regional self-government, their committees/commissions on gender equality and other institutions);
- HRK 84,384.80 on independent studies undertaken by the Ombudsperson on the subjects of discrimination in the field of employment and labour and political participation of women and men;
- HRK 12,428.20 on professional training for the staff.

Ten staff positions were filled in the Ombudsperson's Office in 2009. The status of two employees, who ceased to work on 29 July 2006 and filed a lawsuit, did not change in the course of 2009.

CONCLUDING CONSIDERATIONS

The 2009 Report by the Ombudsperson for Gender Equality, as all previous reports, takes as its starting point Article 5 of the GEA providing that women and men shall be equally present in all spheres of public and private life, that they have equal status, equal opportunities to exercise all their rights, and equal benefit from achieved results. The Report was the result of work on complaints, analyses and studies undertaken by the Office of the Ombudsperson, statistics, and the results of implementation of anti-discrimination legal provisions and policies.

In relation to domestic violence, it should be stressed that the legislative framework was strengthened by adopting the new Protection from Domestic Violence Act, but the measures provided for by the Strategy for the Protection from Domestic Violence, which were due to be implemented in 2009, were not completed, and the preventive activities obviously failed to produce desired results as the number of reports of violence was higher than in 2008, as was the number of killed victims of domestic violence. Therefore, it is extremely important to complete the implementation of the measure from the Strategy which relates to research into the prevalence rates, causes, forms and re-occurrence of domestic violence in order to gain a better understanding of the phenomenon of domestic violence and develop as effective as possible preventive policies and control measures. Namely, the content of complaints and worrying statistics indicate that efforts should also be undertaken to enhance actions aimed at preventing domestic violence.

However, when a criminal or misdemeanour offence is committed, the protection system, from the police and other competent state bodies to non-governmental organisations running safe houses, can be said to function properly.

The position of women on the labour market has not undergone any significant changes. A large share of women in the cohort of unemployed persons, a clear horizontal and vertical segregation between men and women on the labour market, work of women in low-paid sectors, gender-based wage differences, a larger proportion of women in the group of those working under fixed-term employment contracts – continue to confirm the existence of inequality between the sexes.

Judging by their number, fixed-term employment contracts are not only an indicator of employment insecurity, but, as the Ombudsperson sees it, they are also the key factor preventing those who feel discriminated against on the grounds of their sex from seeking protection of their rights – by filing a complaint with the Ombudsperson, the State Inspectorate or the court.

The legislative framework and institutions, including courts, can only offer protection to those who seek such protection, and when, at a time of crisis like this, a person is forced to choose between his or her subsistence and protection of his or her rights that might have been violated, subsistence will obviously be the first on the priority list. Therefore, in the Ombudsperson's opinion, one of the preconditions for achieving full implementation of the anti-discrimination legislation is to make changes to the legislation and practice in the area of labour, in particular, as fixed-term employment contracts are concerned. It is beyond doubt that development of a body of case law in the field of anti-discrimination would have a stimulating effect on seeking protection from discrimination, including discrimination in the workplace. Pregnant women working under fixed-term employment contracts are in an especially difficult position, and the discriminatory effect of these contracts is most visible in their case.

The analyses carried out by the Office of the Ombudsperson have shown that the provisions of Article 13, paragraph 2 of the GEA on job advertising, whose purpose is to eliminate discrimination in employment are better applied in practice than was the case in previous years, so the implementation of these provisions should be given a very positive assessment. However, the fact that these provisions are most commonly violated by educational institutions is particularly worrying, given their educational function.

In 2009 the Office of the Ombudsperson for Gender Equality devoted special attention to fulfilment by social partners of their new statutory obligation whereby they must comply with the GEA's provisions and undertake measures aimed at achieving gender equality throughout the process of collective bargaining and in collective agreements at all levels. This issue will be in the focus of our attention in the next reporting period as well. In this connection, the collective agreements is, in particular, seen as a mechanism that can help bring about genuine equality, especially in terms of reconciliation of private and professional life.

Although gender-sensitive budgets are obligatory pursuant to the international documents signed by the Republic of Croatia (such as, for example, the Beijing Platform for Action of 1995), gender budgeting has still not taken hold when deciding about ways to collect and distribute funds. Budgets are erroneously considered as being gender-neutral, because budgetary funds earmarked for particular purposes have different effects on men and women. Therefore, with a view to achieving genuine gender equality, the gender perspective should always be taken into account in the process of adopting the State Budget and local budgets. This means that every aspect of public spending should be analysed from the gender perspective, that funds should be planned and allocated and that the budget should be executed and its execution monitored taking into consideration the impact of budgetary items on men and women.

The share of women elected as members of representative bodies in the number of all candidates increased, on average, from 10.7% at 2005 elections to 15.5% at 2009 elections, which is to a certain extent a sign of progress in terms of political participation of women on the local level. However, the achieved result is still very far from the target percentage, i.e. 40%, as prescribed by the Gender Equality Act.

As far as education is concerned, an increasing trend of women in science should be mentioned, but at the same time attention should be drawn to gender imbalance which arises with regard to choice of field of education in secondary schools and higher education institutions. For this reason, it is necessary to make systematic efforts aimed at awakening the interest of those belonging to the underrepresented sex in pursuing certain fields of education, in line with the National Policy for Promoting Gender Equality.

The area of statistics is definitely an area in which continuous progress is evident, and this, after all, made it possible for the Ombudsperson to carry out comparative analyses in specific fields in which she is bound to monitor the implementation of the GEA and other laws and regulations.

Since the GEA imposed an obligation on the Ombudsperson to conduct independent studies on discrimination and to exchange available information with relevant European bodies, this Report includes several studies undertaken in a number of fields with the aim of monitoring the implementation of the GEA and the relevant European legal framework.

In the light of the above, the Ombudsperson considers that it is necessary to design effective measures as part of national policies addressing the position of women, especially in the field of labour market; to adopt more effective measures aimed at preventing domestic violence, including those that provide for psycho-social treatment of perpetrators of domestic violence; to introduce education for human rights and non-violent communication on a systematic basis; and to strengthen the position of co-ordinators in bodies of state administration and at

the level of local and regional self-government with the aim of ensuring a more effective and systematic implementation of legal provisions relating to promotion of gender equality.

OMBUDSPERSON FOR GENDER EQUALITY